
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....3018

NOTICES OF INTENDED REGULATORY ACTION

TITLE 2. AGRICULTURE

State Board of Agriculture and Consumer Services3028

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

Criminal Justice Services Board3028

State Board of Juvenile Justice3028

TITLE 9. ENVIRONMENT

State Air Pollution Control Board3029

State Water Control Board3029

TITLE 11. GAMING

Virginia Racing Commission.....3029

TITLE 12. HEALTH

State Board of Health3029

Department of Medical Assistance Services3030

TITLE 13. HOUSING

Virginia Manufactured Housing Board3031

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board for Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects..... 3031

Virginia Board for Asbestos, Lead, and Home Inspectors
.....3031

Board of Audiology and Speech-Language Pathology3032

Board for Contractors3032

Board of Dentistry.....3032

Board of Funeral Directors and Embalmers3033

Board of Medicine 3033

Board of Nursing 3034

Board of Nursing Home Administrators..... 3034

Board of Optometry..... 3034

Board of Pharmacy 3035

Board of Physical Therapy..... 3035

Board of Counseling 3035

Board of Psychology 3036

Board of Social Work 3036

Board of Veterinary Medicine..... 3036

TITLE 22. SOCIAL SERVICES

State Board of Social Services..... 3036

PROPOSED REGULATIONS

TITLE 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

Tied-House (amending 3 VAC 5-30-10, 3 VAC 5-30-30,
3 VAC 5-30-60, 3 VAC 5-30-70; repealing 3 VAC 5-30-40).
..... 3038

Requirements for Product Approval (amending 3 VAC 5-40-20
and 3 VAC 5-40-50). 3047

Other Provisions (adding 3 VAC 5-70-220). 3047

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Virginia Enterprise Zone Program Regulation (amending
13 VAC 5-111-10, 13 VAC 5-111-50, 13 VAC 5-111-70,
13 VAC 5-111-80, 13 VAC 5-111-90, 13 VAC 5-111-100,
13 VAC 5-111-140, 13 VAC 5-111-160, 13 VAC 5-111-180,
13 VAC 5-111-190, 13 VAC 5-111-210, 13 VAC 5-111-290
through 13 VAC 5-111-330, 13 VAC 5-111-350, 13 VAC 5-
111-360, 13 VAC 5-111-370, 13 VAC 5-111-390; adding
13 VAC 5-111-95, 13 VAC 5-111-162, 13 VAC 5-111-172,
13 VAC 5-111-175, 13 VAC 5-111-245, 13 VAC 5-111-315;
repealing 13 VAC 5-111-380). 3055

Table of Contents

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

FAIR HOUSING BOARD

Fair Housing Certification Regulations (adding 18 VAC 62-20-10 through 18 VAC 62-20-180).3073

FINAL REGULATIONS

TITLE 1. ADMINISTRATION

DEPARTMENT OF THE TREASURY

Unclaimed Property Administrative Review Process (adding 1 VAC 75-40-10 through 1 VAC 75-40-60).....3082

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

Game: Waterfowl and Waterfowl Blinds (amending 4 VAC 15-260-10).....3082

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed (repealing 9 VAC 25-400-10).3083

Sewage Treatment in the Dulles Area Watershed (adding 9 VAC 25-401-10 through 9 VAC 25-401-50).....3083

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering (amending 11 VAC 10-20-200).3083

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Virginia Uniform Statewide Building Code (amending 13 VAC 5-62-260).....3084

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Rules Governing Advertisement of Accident and Sickness Insurance (amending 14 VAC 5-90-10 through 14 VAC 5-90-180; adding 14 VAC 5-90-55).....3089

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

DEPARTMENT OF MOTOR VEHICLES

Regulations Governing Requirements for Proof of Residency to Obtain a Virginia Driver's License or Photo Identification Card (REPEALED).(24 VAC 20-70)..... 3092

FAST-TRACK REGULATIONS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR BRANCH PILOTS

Public Participation Guidelines (amending 18 VAC 45-10-10 through 18 VAC 45-10-40 and 18 VAC 45-10-60 through 18 VAC 45-10-90)..... 3093

EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Pertaining to the Hampton Road Shellfish Management Area (adding 4 VAC 20-564-10 through 4 VAC 20-564-50). 3096

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Regulations Relating to School Security Officers (adding 6 VAC 20-240-10 through 6 VAC 20-240-140). 3096

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering (amending 11 VAC 10-20-240)..... 3102

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

FAIR HOUSING BOARD

Fair Housing Certification Regulations (adding 18 VAC 62-20-40 and 18 VAC 62-20-90)..... 3103

BOARD OF MEDICINE

Regulations Governing the Licensure of Occupational Therapists (adding 18 VAC 85-80-61). 3104

BOARD OF NURSING HOME ADMINISTRATORS

Regulations of the Board of Nursing Home Administrators (adding 18 VAC 95-20-471). 3105

BOARD OF PSYCHOLOGY

Regulations Governing Delegation to an Agency Subordinate
(adding 18 VAC 125-15-10, 18 VAC 125-15-20 and 18 VAC
125-15-30).....3105

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Total Maximum Daily Load (TMDL) Implementation
Plans3107

Total Maximum Daily Loads (TMDLs) for Back Bay and North
Landing River3107

Total Maximum Daily Loads (TMDLs) for Blackwater River
.....3107

Total Maximum Daily Loads (TMDLs) for Mountain Run and
Mine Run3108

Total Maximum Daily Loads (TMDLs) for Nottoway River 3108

Total Maximum Daily Loads (TMDLs) for Roanoke (Staunton)
River Basin3109

Total Maximum Daily Loads (TMDLs) for Roanoke (Staunton)
River3109

Total Maximum Daily Loads (TMDLs) for Robinson River and
Little Dark Run.....3109

Total Maximum Daily Loads (TMDLs) for Sappony Creek and
Raccoon Creek.....3110

Total Maximum Daily Load (TMDL) for Willis River 3110

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intent to Increase Payments for Emergency Room
Evaluation and Management Fees to Physicians3111

STATE WATER CONTROL BOARD

Notice of Referral to Dispute Resolution of a Claim Against the
Petroleum Storage Tank Fund.....3111

VIRGINIA CODE COMMISSION

Notice to State Agencies3111

Forms for Filing Material for Publication in The Virginia
Register of Regulations3111

ERRATA

PESTICIDE CONTROL BOARD

Rules and Regulations Governing the Pesticide Fees Charged
by the Department of Agriculture and Consumer Services
Under the Virginia Pesticide Control Act (2 VAC 20-30)...3111

VIRGINIA RACING COMMISSION

Advance Deposit Account Wagering (11 VAC 10-45).3112

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings..... 3113

INDEPENDENT

Open Meetings and Public Hearings..... 3141

LEGISLATIVE

Open Meetings and Public Hearings..... 3141

CHRONOLOGICAL LIST

Open Meetings..... 3142

Public Hearings..... 3145

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

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2004 VAC Supplement includes final regulations published through *Virginia Register* Volume 20, Issue 11, dated February 9, 2004). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 55-20-10	Repealed	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-20	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-30	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-40	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-50	Repealed	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-60 through 1 VAC 55-20-90	Amended	20:20 VA.R. 2159-2161	7/16/04
1 VAC 55-20-110	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-120	Repealed	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-130	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-160	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-210	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-230 through 1 VAC 55-20-260	Amended	20:20 VA.R. 2161-2162	7/16/04
1 VAC 55-20-280	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-290	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-300	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-320 through 1 VAC 55-20-410	Amended	20:20 VA.R. 2162-2164	7/16/04
1 VAC 55-20-420	Repealed	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-430	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-450	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-460	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20 (Forms)	Amended	20:20 VA.R. 2164	--
Title 2. Agriculture			
2 VAC 5-440-10 through 2 VAC 5-440-60	Amended	20:12 VA.R. 1471-1474	3/25/04
2 VAC 5-440-80	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 5-440-90	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 5-440 (Forms)	Amended	20:12 VA.R. 1474	--
2 VAC 20-30-20	Amended	20:23 VA.R. 2541	8/26/04
2 VAC 20-30-30	Amended	20:23 VA.R. 2541	8/26/04
2 VAC 20-30-40	Amended	20:23 VA.R. 2541	8/26/04
Title 4. Conservation and Natural Resources			
4 VAC 5-36-20	Amended	20:13 VA.R. 1604	4/7/04
4 VAC 5-36-50 through 4 VAC 5-36-150	Amended	20:13 VA.R. 1604-1621	4/7/04
4 VAC 5-36-170 through 4 VAC 5-36-210	Amended	20:13 VA.R. 1621-1632	4/7/04
4 VAC 5-36-220	Added	20:13 VA.R. 1632	4/7/04
4 VAC 15-50-81	Amended	20:23 VA.R. 2542	8/25/04
4 VAC 15-50-91	Amended	20:23 VA.R. 2543	8/25/04
4 VAC 15-90-231	Amended	20:23 VA.R. 2543	8/25/04
4 VAC 15-90-241	Amended	20:23 VA.R. 2544	8/25/04
4 VAC 15-240-81	Amended	20:23 VA.R. 2544	8/25/04
4 VAC 15-240-91	Amended	20:23 VA.R. 2545	8/25/04
4 VAC 20-20-50	Amended	20:14 VA.R. 1709	3/1/04
4 VAC 20-270-20	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-270-30	Amended	20:19 VA.R. 2058	5/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-490-10 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-20 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-35 emer	Repealed	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-35	Repealed	20:21 VA.R. 2230	6/1/04
4 VAC 20-490-40 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-40	Amended	20:21 VA.R. 2230	6/1/04
4 VAC 20-490-45 emer	Repealed	20:18 VA.R. 2025	5/1/04-5/30/04
4 VAC 20-490-45	Repealed	20:21 VA.R. 2230	6/1/04
4 VAC 20-620-50	Amended	20:16 VA.R. 1863	3/26/04
4 VAC 20-620-60	Amended	20:16 VA.R. 1863	3/26/04
4 VAC 20-720-20	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-40	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-48 emer	Added	20:14 VA.R. 1714	3/1/04-3/31/04
4 VAC 20-720-50	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-60	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-80	Amended	20:14 VA.R. 1712	3/1/04
4 VAC 20-750-10	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-750-20	Repealed	20:19 VA.R. 2059	5/1/04
4 VAC 20-750-30	Amended	20:19 VA.R. 2059	5/1/04
4 VAC 20-750-40	Amended	20:19 VA.R. 2059	5/1/04
4 VAC 20-910-45	Amended	20:16 VA.R. 1864	4/1/04
4 VAC 20-920-20	Amended	20:15 VA.R. 1778	3/5/04
4 VAC 20-920-40	Amended	20:15 VA.R. 1778	3/5/04
4 VAC 20-950-45	Amended	20:16 VA.R. 1864	4/1/04
4 VAC 20-1040-20	Amended	20:19 VA.R. 2060	5/1/04
4 VAC 25-20-20	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-30	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-40	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-50	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-70	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-90	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-100	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-110	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-140	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-190	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-200	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-210	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-220	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-250	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-255	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-259	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-390	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-410	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-430	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-31 (Forms)	Amended	20:15 VA.R. 1784-1792	--
4 VAC 25-35-10 through 4 VAC 25-35-40	Amended	20:23 VA.R. 2549-2550	8/25/04
4 VAC 25-35-75	Added	20:23 VA.R. 2550	8/25/04
4 VAC 25-35-80	Amended	20:23 VA.R. 2550	8/25/04
4 VAC 25-35-100	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-35-110	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-35-120	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-125-10 through 4 VAC 25-125-40	Added	20:23 VA.R. 2552-2553	8/25/04
4 VAC 25-130-801.17	Amended	20:23 VA.R. 2625	10/12/04
4 VAC 25-130-801.18	Amended	20:23 VA.R. 2626	10/12/04
4 VAC 25-130 (Forms)	Amended	20:19 VA.R. 2081-2083	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 6. Criminal Justice and Corrections			
6 VAC 20-210-10 through 6 VAC 20-210-110	Added	20:23 VA.R. 2554-2555	8/26/04
6 VAC 35-160-10 through 6 VAC 35-160-390	Added	20:23 VA.R. 2555-2562	8/25/04
Title 8. Education			
8 VAC 20-340-10	Amended	20:23 VA.R. 2562	8/25/04
8 VAC 20-340-20	Added	20:23 VA.R. 2562	8/25/04
8 VAC 20-340-30	Added	20:23 VA.R. 2562	8/25/04
8 VAC 20-670-10 through 8 VAC 20-670-440	Added	20:24 VA.R. 2892-2898	9/10/04
8 VAC 40-130-10	Amended	20:23 VA.R. 2562	7/26/04
8 VAC 40-130-25	Amended	20:23 VA.R. 2563	7/26/04
Title 9. Environment			
9 VAC 5-20-21	Amended	20:12 VA.R. 1476	3/24/04
9 VAC 5-20-204	Amended	20:23 VA.R. 2564	8/25/04
9 VAC 5-20-205	Amended	20:23 VA.R. 2564	8/25/04
9 VAC 5-20-206 (Rev. G02)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-20-206 (Rev. C03)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-30-10	Amended	20:24 VA.R. 2898	9/8/04
9 VAC 5-30-30 through 9 VAC 5-30-50	Amended	20:24 VA.R. 2898-2900	9/8/04
9 VAC 5-30-55	Added	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-60	Amended	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-65	Added	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-70	Amended	20:24 VA.R. 2900	9/8/04
9 VAC 5-30-80	Amended	20:24 VA.R. 2900	9/8/04
9 VAC 5-40-240	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-310	Erratum	20:15 VA.R. 1809	--
9 VAC 5-40-310	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-3260	Amended	20:12 VA.R. 1479	3/24/04
9 VAC 5-40-5200	Amended	20:12 VA.R. 1500	3/24/04
9 VAC 5-40-5220	Amended	20:12 VA.R. 1501	3/24/04
9 VAC 5-40-5700 through 9 VAC 5-40-5770	Added	20:12 VA.R. 1480	3/24/04
9 VAC 5-40-6820 through 9 VAC 5-40-7230	Added	20:12 VA.R. 1480-1497	3/24/04
9 VAC 5-40-6840	Erratum	20:18 VA.R. 2027	--
9 VAC 5-50-400	Amended	20:16 VA.R. 1865	6/1/04
9 VAC 5-50-405	Added	20:16 VA.R. 1865	6/1/04
9 VAC 5-50-410	Amended	20:16 VA.R. 1865	6/1/04
9 VAC 5-60-60	Amended	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-65	Added	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-90	Amended	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-91	Added	20:24 VA.R. 2900	9/8/04
9 VAC 5-60-95	Added	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-100	Amended	20:16 VA.R. 1872	6/1/04
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	20:16 VA.R. 1877-1889	7/1/04
9 VAC 5-80-2250 through 9 VAC 5-80-2300	Added	20:23 VA.R. 2566-2567	7/1/04
9 VAC 5-91-20 emer	Amended	20:12 VA.R. 1507	1/28/04-1/27/05
9 VAC 5-91-160 emer	Amended	20:12 VA.R. 1513	1/28/04-1/27/05
9 VAC 5-91-180 emer	Amended	20:12 VA.R. 1513	1/28/04-1/27/05
9 VAC 5-91-750 emer	Amended	20:12 VA.R. 1515	1/28/04-1/27/05
9 VAC 5-91-760 emer	Amended	20:12 VA.R. 1515	1/28/04-1/27/05
9 VAC 5-140-550	Amended	20:12 VA.R. 1504	3/24/04
9 VAC 20-60-18	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-18	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 20-60-262	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-270	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-315	Amended	20:23 VA.R. 2570	7/1/04
9 VAC 20-60-1260	Amended	20:23 VA.R. 2571	7/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-60-1270	Amended	20:23 VA.R. 2571	7/1/04
9 VAC 20-60-1280	Amended	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1283	Added	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1284	Added	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1285	Amended	20:23 VA.R. 2574	7/1/04
9 VAC 20-60-1286	Added	20:23 VA.R. 2575	7/1/04
9 VAC 20-90-10	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-30	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-50	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-60	Amended	20:23 VA.R. 2577	7/1/04
9 VAC 20-90-65	Added	20:23 VA.R. 2577	7/1/04
9 VAC 20-90-70	Amended	20:23 VA.R. 2578	7/1/04
9 VAC 20-90-90	Amended	20:23 VA.R. 2579	7/1/04
9 VAC 20-90-100	Amended	20:23 VA.R. 2579	7/1/04
9 VAC 20-90-110	Amended	20:23 VA.R. 2580	7/1/04
9 VAC 20-90-115	Added	20:23 VA.R. 2580	7/1/04
9 VAC 20-90-117	Added	20:23 VA.R. 2581	7/1/04
9 VAC 20-90-120	Amended	20:23 VA.R. 2581	7/1/04
9 VAC 20-90-130	Added	20:23 VA.R. 2583	7/1/04
9 VAC 20-110-90	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 20-110-110	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 25-20-10 through 9 VAC 25-20-80	Amended	20:23 VA.R. 2584-2586	7/1/04
9 VAC 25-20-100 through 9 VAC 25-20-130	Amended	20:23 VA.R. 2586-2591	7/1/04
9 VAC 25-20-140	Repealed	20:23 VA.R. 2591	7/1/04
9 VAC 25-20-142	Added	20:23 VA.R. 2591	7/1/04
9 VAC 25-20-145	Added	20:23 VA.R. 2592	7/1/04
9 VAC 25-151-10	Amended	20:16 VA.R. 1889	7/1/04
9 VAC 25-151-40 through 9 VAC 25-151-370	Amended	20:16 VA.R. 1889-1890	7/1/04
9 VAC 25-151-65	Added	20:16 VA.R. 1889	7/1/04
9 VAC 25-180-10	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-20	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-40	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-50	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-55	Amended	20:16 VA.R. 1892	7/1/04
9 VAC 25-180-60	Amended	20:16 VA.R. 1892	7/1/04
9 VAC 25-180-65	Added	20:16 VA.R. 1893	7/1/04
9 VAC 25-180-70	Amended	20:16 VA.R. 1894	7/1/04
9 VAC 25-180 (Forms)	Amended	20:16 VA.R. 1906	--
9 VAC 25-190-10	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-20	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-50	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-60	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-70	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-580-10	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-50	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-130	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-270	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-290	Repealed	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-320	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-590-60	Erratum	20:17 VA.R. 1984	--
9 VAC 25-720-50	Amended	20:24 VA.R. 2903	9/8/04
9 VAC 25-720-60	Amended	20:24 VA.R. 2910	9/8/04
9 VAC 25-720-90	Amended	20:24 VA.R. 2918	9/8/04
9 VAC 25-720-130	Amended	20:24 VA.R. 2920	9/8/04
9 VAC 25-770	Erratum	20:24 VA.R. 2981	--
9 VAC 25-770-10 through 9 VAC 25-770-180	Added	20:23 VA.R. 2593-2596	8/25/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-790	Erratum	20:12 VA.R. 1526	--
Title 10. Finance and Financial Institutions			
10 VAC 5-40-40	Added	20:14 VA.R. 1713	3/1/04
10 VAC 5-200-100	Added	20:22 VA.R. 2403	6/15/04
Title 11. Gaming			
11 VAC 10-20-220	Amended	20:23 VA.R. 2596	8/25/04
11 VAC 10-20-190	Amended	20:23 VA.R. 2598	8/25/04
11 VAC 10-45-10 through 11 VAC 10-45-70	Added	20:22 VA.R. 2413-2417	9/27/04
Title 12. Health			
12 VAC 5-90-10	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-40	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-80	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-90	Amended	20:21 VA.R. 2234	7/28/04
12 VAC 5-90-100	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-110	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-160	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-180	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-225	Added	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-280 through 12 VAC 5-90-360	Added	20:21 VA.R. 2238	7/28/04
12 VAC 5-125-10 through 12 VAC 5-125-120 emer	Added	20:21 VA.R. 2252-2264	6/1/04-5/31/05
12 VAC 5-200-10 through 12 VAC 5-200-50	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-70	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-80 through 12 VAC 5-200-190	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-105	Added	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-210	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-220	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-230	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-270	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-280	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-290	Added	20:22 VA.R. 2403	8/11/04
12 VAC 5-210-10	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-210-20	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 30-40-235	Added	20:19 VA.R. 2060	8/1/04
12 VAC 30-40-280	Amended	20:22 VA.R. 2420	9/25/04
12 VAC 30-40-290	Amended	20:22 VA.R. 2420	9/25/04
12 VAC 30-40-345	Amended	20:22 VA.R. 2422	9/25/04
12 VAC 30-50-130 emer	Amended	20:23 VA.R. 2630	7/1/04-6/30/05
12 VAC 30-50-140	Amended	20:19 VA.R. 2062	7/1/04
12 VAC 30-50-150	Amended	20:19 VA.R. 2063	7/1/04
12 VAC 30-50-180	Amended	20:19 VA.R. 2064	7/1/04
12 VAC 30-50-210 emer	Amended	20:19 VA.R. 2075	5/11/04-1/3/05
12 VAC 30-60-40	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-60-61 emer	Amended	20:23 VA.R. 2632	7/1/04-6/30/05
12 VAC 30-60-320	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-70-271	Amended	20:19 VA.R. 2068	7/1/04
12 VAC 30-70-291	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-291 emer	Amended	20:24 VA.R. 2968	9/1/04-8/31/05
12 VAC 30-70-301	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-301 emer	Amended	20:24 VA.R. 2968	9/1/04-8/31/05
12 VAC 30-70-331	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-391 emer	Amended	20:24 VA.R. 2969	9/1/04-8/31/05
12 VAC 30-80-20	Amended	20:19 VA.R. 2068	7/1/04
12 VAC 30-80-30	Amended	20:19 VA.R. 2064	7/1/04
12 VAC 30-80-200	Added	20:19 VA.R. 2071	7/1/04
12 VAC 30-90-264	Amended	20:19 VA.R. 2067	7/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-90-271	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-130-620	Amended	20:19 VA.R. 2061	8/1/04
12 VAC 30-130-860 through 12 VAC 30-130-890 emer	Amended	20:23 VA.R. 2633-2638	7/1/04-6/30/05
12 VAC 30-130-1000 emer	Amended	20:19 VA.R. 2077	5/11/04-1/3/05
12 VAC 30-141-500 emer	Amended	20:17 VA.R. 1974	6/1/04-5/31/05
Title 13. Housing			
13 VAC 5-51-134 emer	Added	20:24 VA.R. 2970	7/8/04-7/7/05
Title 14. Insurance			
14 VAC 5-90-30	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-60	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-70	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-130	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-170	Erratum	20:17 VA.R. 1984	--
14 VAC 5-321-10 through 14 VAC 5-321-60	Added	20:16 VA.R. 1906-1909	7/1/04
14 VAC 5-335-10 through 14 VAC 5-335-60	Added	20:21 VA.R. 2240-2242	1/1/05
Title 16. Labor and Employment			
16 VAC 25-85-1910.139	Repealed	20:19 VA.R. 2071	7/1/04
16 VAC 25-90-1910.401	Amended	20:19 VA.R. 2073	7/1/04
16 VAC 25-90-1910.402	Amended	20:19 VA.R. 2073	7/1/04
16 VAC 25-145-10 through 16 VAC 25-145-50	Added	20:12 VA.R. 1505-1506	4/1/04
16 VAC 25-90-1910, Appendix C of Subpart T of Part 1910	Added	20:19 VA.R. 2073	7/1/04
Title 18. Professional and Occupational Licensing			
18 VAC 15-30-420	Amended	20:24 VA.R. 2924	9/8/04
18 VAC 15-30-820	Amended	20:24 VA.R. 2925	9/8/04
18 VAC 15-30 (Forms)	Amended	20:24 VA.R. 2925	9/8/04
18 VAC 30-20-80	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-150	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-160	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-290 emer	Added	20:23 VA.R. 2638	8/25/04-8/24/05
18 VAC 30-20-320	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 41-30-10 through 18 VAC 41-30-250 emer	Added	20:23 VA.R. 2639-2650	7/1/04-6/30/05
18 VAC 41-40-10 through 18 VAC 41-40-260	Added	20:19 VA.R. 2074	7/1/04
18 VAC 41-50-10 through 18 VAC 41-50-220 emer	Added	20:23 VA.R. 2651-2662	7/1/04-6/30/05
18 VAC 60-20-20 emer	Amended	20:24 VA.R. 2971	7/15/04-7/14/05
18 VAC 60-20-91 emer	Added	20:24 VA.R. 2971	7/15/04-7/14/05
18 VAC 60-20 (Forms) emer	Amended	20:24 VA.R. 2972	7/15/04-7/14/05
18 VAC 62-20-10 through 18 VAC 62-20-180	Added	20:12 VA.R. 1515-1518	2/2/04-2/1/05
18 VAC 60-20-17 emer	Added	20:23 VA.R. 2663	8/25/04-8/24/05
18 VAC 65-20-15 emer	Added	20:24 VA.R. 2973	7/15/04-7/14/05
18 VAC 65-30-50	Amended	20:21 VA.R. 2242	7/28/04
18 VAC 76-40-10	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40-20	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40-30	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40 (Forms)	Amended	20:21 VA.R. 2243	7/28/04
18 VAC 80-10-10 through 18 VAC 80-10-90	Amended	20:23 VA.R. 2628-2629	10/9/04
18 VAC 85-20-22	Amended	20:20 VA.R. 2165	7/14/04
18 VAC 85-20 (Forms)	Amended	20:20 VA.R. 2165	--
18 VAC 85-120-10 through 18 VAC 85-120-150	Amended	20:23 VA.R. 2599-2601	8/25/04
18 VAC 85-120-75	Added	20:24 VA.R. 2928	9/8/04
18 VAC 85-120 (Forms)	Amended	20:24 VA.R. 2928	9/8/04
18 VAC 90-20-10 emer	Amended	20:22 VA.R. 2424	6/24/04-6/23/05
18 VAC 90-20-10	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-30	Amended	20:20 VA.R. 2166	7/14/04
18 VAC 90-20-35	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-40	Amended	20:24 VA.R. 2929	9/8/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-50	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-60	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-65	Added	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-95	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-120	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-140	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-160	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-170	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-181 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-182 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-183 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-190	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-200	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-220	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-230	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-270	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-280	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-300 emer	Amended	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-300	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-310 through 18 VAC 90-20-360	Repealed	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-390	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-410	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-460	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20 (Forms)	Amended	20:24 VA.R. 2930	9/8/04
18 VAC 90-25-10 through 18 VAC 90-25-100	Added	20:24 VA.R. 2931-2934	9/8/04
18 VAC 90-25 (Forms)	Amended	20:24 VA.R. 2934	9/8/04
18 VAC 90-30-80 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-100 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-110 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-120 emer	Amended	20:24 VA.R. 2975	7/15/04-7/14/05
18 VAC 105-20-41 emer	Added	20:24 VA.R. 2975	8/25/04-8/24/05
18 VAC 110-20-10 through 18 VAC 110-20-40	Amended	20:23 VA.R. 2602-2604	8/25/04
18 VAC 110-20-15 emer	Added	20:24 VA.R. 2976	7/15/04-7/14/05
18 VAC 110-20-60	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-70	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-80	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-90	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-105	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-110	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-120	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-121	Added	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-130 through 18 VAC 110-20-220	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-240	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-250	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-280	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-285	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-330	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-350	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-355	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-360	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-370	Repealed	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-380	Repealed	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-410	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-412	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-415	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-420	Amended	20:23 VA.R. 2606	8/25/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-440	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-450	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-460	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-470	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-480	Repealed	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-490	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-500	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-510	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-530	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-540	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-550	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-555	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-590	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-680 through 18 VAC 110-20-710	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-720	Amended	20:18 VA.R. 2021	7/1/04
18 VAC 112-20-10	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-20	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-26 emer	Added	20:23 VA.R. 2664	8/25/04-8/24/05
18 VAC 112-20-40	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-50	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-60	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-65	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-70	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-80	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-90	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-100	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-110	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-120	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-130	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20 (Forms)	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-15-10 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-15-20 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-15-30 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-20-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-100	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-105	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-106	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-107	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-110	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-140	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 115-50-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-90	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-95	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-96	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-97	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-100	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-120	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 115-60-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-110	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-115	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-116	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-117	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-120	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-140	Amended	20:24 VA.R. 2936	9/8/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 115-60 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 120-10-100	Erratum	20:13 VA.R. 1644	--
18 VAC 135-20-80	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-120	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-140	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-370	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 140-20-171 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 145-30-10 through 18 VAC 145-30-160	Added	20:20 VA.R. 2167-2170	7/14/04
18 VAC 145-30 (Forms)	Amended	20:20 VA.R. 2170	--
18 VAC 150-20-10	Amended	20:24 VA.R. 2966	10/23/04
18 VAC 150-20-15 emer	Added	20:23 VA.R. 2666	8/25/04-8/24/05
18 VAC 150-20 (Forms)	Amended	20:24 VA.R. 2967	10/23/04
Title 20. Public Utilities and Telecommunications			
20 VAC 5-309-15	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-20	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-40	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-70	Amended	20:15 VA.R. 1782	3/12/04
20 VAC 5-309-110	Amended	20:15 VA.R. 1782	3/12/04
20 VAC 5-309-140	Amended	20:15 VA.R. 1783	3/12/04
20 VAC 5-419-10 through 20 VAC 5-419-40	Amended	20:24 VA.R. 2939-2942	7/21/04
20 VAC 5-425-10 through 20 VAC 5-425-50	Added	20:23 VA.R. 2611-2613	7/1/04
Title 22. Social Services			
22 VAC 15-20-10 through 22 VAC 15-20-380	Repealed	20:24 VA.R. 2942-2943	11/1/04
22 VAC 15-50-10 through 22 VAC 15-50-70	Repealed	20:24 VA.R. 2943	10/1/04
22 VAC 15-51-10 through 22 VAC 15-51-80	Added	20:24 VA.R. 2943-2948	10/1/04
22 VAC 30-50-30	Amended	20:18 VA.R. 2022	6/18/04
22 VAC 40-32	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-80-10	Amended	20:24 VA.R. 2948	11/1/04
22 VAC 40-80-30 through 22 VAC 40-80-60	Amended	20:24 VA.R. 2950-2951	11/1/04
22 VAC 40-80-80 through 22 VAC 40-80-210	Amended	20:24 VA.R. 2951-2955	11/1/04
22 VAC 40-80-220	Repealed	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-230	Amended	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-240	Amended	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-260	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-270	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-290	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-300	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-310	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-330	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-340	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-350	Repealed	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-360	Repealed	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-370	Amended	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-375	Added	20:24 VA.R. 2959	11/1/04
22 VAC 40-80-380	Repealed	20:24 VA.R. 2959	11/1/04
22 VAC 40-80-390 through 22 VAC 40-80-520	Added	20:24 VA.R. 2959-2964	11/1/04
22 VAC 40-180 (Forms)	Amended	20:21 VA.R. 2265-2268	--
22 VAC 40-190	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191-40	Amended	20:22 VA.R. 2404	9/1/04
22 VAC 40-191-50	Amended	20:22 VA.R. 2407	9/1/04
22 VAC 40-290-10	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-293-10	Added	20:21 VA.R. 2245	7/28/04
22 VAC 40-293-20	Added	20:21 VA.R. 2245	7/28/04
22 VAC 40-295-10 through 22 VAC 40-295-170	Added	20:23 VA.R. 2614-2620	9/1/04
22 VAC 40-300	Repealed	20:23 VA.R. 2613	9/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-310	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-320	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-330-10	Amended	20:23 VA.R. 2620	9/1/04
22 VAC 40-330-20	Amended	20:23 VA.R. 2620	9/1/04
22 VAC 40-340-10	Amended	20:23 VA.R. 2621	9/1/04
22 VAC 40-350	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-360	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-370	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-380	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-390	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-420	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-430	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-440	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-450	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-460	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-490	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-500	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-510	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-520	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-530	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-550	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-580	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-590	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-610	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-620	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-650	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-740-10 through 22 VAC 40-740-60	Amended	20:20 VA.R. 2175-2178	8/1/04
22 VAC 40-740 (Forms)	Amended	20:20 VA.R. 2178	--
22 VAC 40-750	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-760	Repealed	20:23 VA.R. 2614	9/1/04
Title 24. Transportation and Motor Vehicles			
24 VAC 20-100-10	Amended	20:21 VA.R. 2246	7/1/04
24 VAC 20-100-130	Amended	20:21 VA.R. 2247	7/1/04
24 VAC 20-100-160	Amended	20:21 VA.R. 2247	7/1/04
24 VAC 20-100-190 through 24 VAC 20-100-220	Amended	20:21 VA.R. 2247-2248	7/1/04
24 VAC 20-100-290 through 24 VAC 20-100-330	Amended	20:21 VA.R. 2248-2249	7/1/04
24 VAC 20-100-350	Amended	20:21 VA.R. 2249	7/1/04
24 VAC 20-100-370 through 24 VAC 20-100-460	Amended	20:21 VA.R. 2249-2250	7/1/04
24 VAC 20-100-490 through 24 VAC 20-100-540	Amended	20:21 VA.R. 2250-2251	7/1/04
24 VAC 20-100-550	Added	20:21 VA.R. 2251	7/1/04
24 VAC 20-100 (Forms)	Amended	20:21 VA.R. 2251	7/1/04
24 VAC 30-380-10	Amended	20:13 VA.R. 1633	2/12/04

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 2. AGRICULTURE

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled **2 VAC 5-70, Health Requirements Governing the Control of Equine Infectious Anemia in Virginia**. The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the testing requirements for equine infectious anemia. The agency invites comments on whether an advisor should be appointed.

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

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until October 15, 2004.

Contact: David E. Cardin, Deputy State Veterinarian, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 101, Richmond, VA 23219, telephone (804) 692-0601, FAX (804) 225-2666 or e-mail dcardin@vdacs.state.va.us.

VA.R. Doc. No. R04-258; Filed July 28, 2004, 3:12 p.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider amending regulations entitled **6 VAC 20-30, Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services**. The purpose of the proposed action is to conduct a periodic review with four additional goals to: (i) incorporate into the regulation greater opportunities to use electronic media to facilitate in-service training, (ii) provide cost savings to agencies and

localities, (iii) provide consistency between the courses used for firearms training at entry-level and the courses used for in-service recertification with firearms, and (iv) include training on cultural diversity and the potential for bias-based policing as required by the addition of subdivision 40 to § 9.1-102 of the Code of Virginia.

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

Contact: John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail john.byrd@dcjs.virginia.gov.

VA.R. Doc. No. R04-247; Filed July 13, 2004, 10:33 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider amending regulations entitled **6 VAC 20-80, Rules Relating to Certification of Criminal Justice Instructors**. The purpose of the proposed action is to amend the rules to provide for an approach allowing certified criminal justice academies to formulate their own program for recertification of criminal justice instructors. Additionally, a change from radar instructor to speed measurement instructor is recommended.

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

Contact: John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail john.byrd@dcjs.virginia.gov.

VA.R. Doc. No. R04-248; Filed July 13, 2004, 10:32 a.m.

STATE BOARD OF JUVENILE JUSTICE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to consider amending regulations entitled **6 VAC 35-10, Public Participation Guidelines**. The purpose of the proposed action is to add a number of provisions that recognize the acceptance of Internet-based applications, e-mail and faxes as routine modes of communication.

Notices of Intended Regulatory Action

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

Statutory Authority: §§ 2.2-4007 and 66-10 of the Code of Virginia.

Public comments may be submitted until September 10, 2004.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

VA.R. Doc. No. R04-229; Filed July 20, 2004, 10:08 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled **9 VAC 5-80, Permits for Stationary Sources**. The purpose of the proposed action is to amend the regulations that govern permitting for new major stationary sources and major modifications in order to meet the new source reform requirements of 40 CFR Part 51.

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

Statutory Authority: § 10.1-1308 of the Code of Virginia, federal Clean Air Act (§§ 110, 112, 165, 173, 182, and Title V) and 40 CFR Parts 51, 61, 63, 70 and 72.

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510 or e-mail kgsabastea@deq.virginia.gov.

VA.R. Doc. No. R04-189; Filed June 23, 2004, 7:59 a.m.

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider promulgating regulations entitled **9 VAC 25-800, Virginia Water Protection General Permit for Minor Water Withdrawals**. The purpose of the proposed action is to establish a general Virginia Water Protection permit for water withdrawals.

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

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

Public comments may be submitted until 5 p.m. on October 8, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4375 or e-mail egilinsky@deq.virginia.gov.

VA.R. Doc. No. R04-263; Filed August 2, 2004, 12:55 p.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Racing Commission intends to consider amending regulations entitled **11 VAC 10-20, Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**. The purpose of the proposed action is to specify certain procedures for the transfer or acquisition of an interest in an existing owner's, owner-operator's or operator's license.

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

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 22, 2004.

Contact: David S. Lermond, Jr. Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail David.Lermond@vrc.virginia.gov.

VA.R. Doc. No. R04-270; Filed July 30, 2004, 4:15 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Board of Health has WITHDRAWN the Notice of Intended Regulatory Action for **12 VAC 5-190, State Plan for the Provision of Children's Specialty Services**, which was published in 15:4 VA.R. 421 November 9, 1998.

Contact: Doug Harris, Adjudication Officer, Virginia Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 874-7007.

Notices of Intended Regulatory Action

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled:

12 VAC 30-50, Amount, Duration and Scope of Medical and Remedial Care Services.

12 VAC 30-60, Standards Established and Methods Used to Assure High Quality Care.

12 VAC 30-130, Amount, Duration and Scope of Selected Services.

The purpose of the proposed action is to separate community-based residential care services into three levels based upon the intensity of the service. This provides more objective criteria to define each service level because a single level of service complicates decisions about which licensing agency has authority over a given program. Separating the services into three defined levels facilitates the placement of children into the most appropriate setting and provides for more efficient and accurate provider reimbursement.

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

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

Public comments may be submitted until August 26, 2004, to Catherine Hancock, Policy and Research Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Brian McCormick, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680 or e-mail Brian.McCormick@dmas.virginia.gov.

VA.R. Doc. No. R04-194; Filed June 28, 2004, 4:11 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-70, Methods and Standards for Establishing Payment Rates-Inpatient Hospital Services.** The purpose of the proposed action is to eliminate a separate DSH payment calculation for hospitals with state-recognized Neonatal Intensive Care Unit (NICU) programs and to increase Indirect Medical Education (IME) payments to offset any net reduction in net payments.

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

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

Public comments may be submitted until September 9, 2004, to Steve Ford, Manager, Division of Provider Reimbursement,

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Brian McCormick, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov or Brian.McCormick@dmas.virginia.gov.

VA.R. Doc. No. R04-246; Filed July 14, 2004, 11:14 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-70, Methods and Standards for Establishing Payment Rates-Inpatient Hospital Services.** The purpose of the proposed action is to exclude freestanding psychiatric hospitals from the routine rate rebasing process in order to avoid reducing their rates.

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

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

Public comments may be submitted until September 9, 2004, to Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Brian McCormick, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov or Brian.McCormick@dmas.virginia.gov.

VA.R. Doc. No. R04-243; Filed July 14, 2004, 11:15 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-90, Methods and Standards for Establishing Payment Rates for Long-Term Care.** The purpose of the proposed action is to modify the method of payment for specialized care ancillary services.

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

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

Public comments may be submitted until August 25, 2004, to Paula Margolis, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Brian McCormick, Regulatory Coordinators, Department of Medical Assistance

Notices of Intended Regulatory Action

Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680 or e-mail Brian.McCormick@dmas.virginia.gov.

VA.R. Doc. No. R04-210; Filed June 30, 2004, 3:15 p.m.

TITLE 13. HOUSING

VIRGINIA MANUFACTURED HOUSING BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2-2-4007 of the Code of Virginia that the Virginia Manufactured Housing Board intends to consider amending regulations entitled **13 VAC 6-20, Manufactured Housing Licensing and Transaction Recovery Fund Regulations**. The purpose of the proposed action is to review issues related to licensing requirements for the manufactured housing industry members that will provide better protection to consumers without imposing unnecessary regulatory burdens on the licensees. The amended regulations will better define the parameters for warranties on the homes, provide when and what disclosures must be given to buyers, and define and implement a substantial identity of interest to restrict repeated violations and company name changes. The regulations currently restrict ownership of a retail location by a manufacturer. This carryover from the days the industry was regulated as a part of the motor vehicle industry will be proposed to be removed as an unnecessary restriction of business. The board will receive suggestions and review other requirements and restrictions in the regulations to address any perceived problems and improve the regulations for consumers and regulators.

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

Statutory Authority: § 36-85.18 of the Code of Virginia.

Public comments may be submitted until August 25, 2004.

Contact: Curtis McIver, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7161, FAX (804) 371-7092 or e-mail curtis.mciver@dhcd.virginia.gov.

VA.R. Doc. No. R04-227; Filed July 7, 2004, 2:06 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to consider amending regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations**. The purpose of the proposed action is to consider amending the entry requirements for those landscape architect applicants who possess an LAAB accredited degree in landscape architecture to require them to obtain three years of acceptable experience before being granted certification (they could still be approved to take, and sit for, the examination prior to obtaining the required three years of experience; however, certification would not be awarded until such time as the three years of acceptable experience is obtained, documented, submitted, reviewed and approved).

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

Statutory Authority: §§ 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

Contact: Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail APELSCIDLA@dpor.virginia.gov.

VA.R. Doc. No. R04-240; Filed July 15, 2004, 2:29 p.m.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Board for Asbestos, Lead, and Home Inspectors intends to consider amending regulations entitled **18 VAC 15-20, Virginia Asbestos Licensing Regulations**. The purpose of the proposed action is to review the board's regulation of asbestos project monitors to identify any amendments that assure the presence of a project monitor on asbestos projects and examine whether the existing duties, responsibilities and functions should be amended to assure public protection. Also, the intent of the planned regulatory action is to review the existing regulations

Notices of Intended Regulatory Action

and propose amendments to empower the board to deny license and approval as well as to take disciplinary action against those acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensed or approved entity. In addition, the board will carefully evaluate its existing regulations for effectiveness and continued need, and will propose any amendments necessary to protect the public health, safety, and welfare, or to further the efficient and economical performance of important government functions.

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

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public comments may be submitted until October 15, 2004.

Contact: Tom Perry, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128 or e-mail alhi@dpor.virginia.gov.

VA.R. Doc. No. R04-241; Filed July 15, 2004, 2:30 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Board for Asbestos, Lead, and Home Inspectors intends to consider amending regulations entitled **18 VAC 15-30, Lead-Based Paint Activities Regulations**. The purpose of the proposed action is to review the existing regulations and propose amendments to empower the board to deny license and approval as well as to take disciplinary action against those acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensed or approved entity. In addition, the board will carefully evaluate its existing regulations for effectiveness and continued need, and will propose any amendments necessary to protect the public health, safety, and welfare, or to further the efficient and economical performance of important government functions.

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

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public comments may be submitted until October 15, 2004.

Contact: Tom Perry, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128 or e-mail alhi@dpor.virginia.gov.

VA.R. Doc. No. R04-239; Filed July 15, 2004, 2:29 p.m.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to consider amending regulations entitled **18 VAC 30-20, Regulations of the Board of Audiology and Speech-Language Pathology**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on August 25, 2004.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9943 or e-mail elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R04-198; Filed June 30, 2004, 11:37 a.m.

BOARD FOR CONTRACTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to consider amending regulations entitled **18 VAC 50-30, Tradesman Rules and Regulations**. The purpose of the proposed action is to amend the regulations consistent with Chapter 188 of the 2004 Acts of Assembly regarding the certification of elevator mechanics by the Board for Contractors.

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

Statutory Authority: §§ 54.1-201 and 54.1-1142 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

Contact: Eric Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or e-mail contractor@dpor.virginia.gov.

VA.R. Doc. No. R04-257; Filed July 21, 2004, 9 a.m.

BOARD OF DENTISTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to

Notices of Intended Regulatory Action

consider amending regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on August 25, 2004.

Contact: Sandra Reen, Executive Director, Board of Dentistry, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943 or e-mail sandra.reen@dhp.virginia.gov.

VA.R. Doc. No. R04-200; Filed June 30, 2004, 11:36 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to implement Chapter 754 of the 2004 Acts of Assembly, which authorizes the board to adopt regulations for licensure of persons enrolled in advanced dental education programs.

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

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Sandra Reen, Executive Director, Board of Dentistry, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943 or e-mail sandra.reen@dhp.virginia.gov.

VA.R. Doc. No. R04-235; Filed July 15, 2004, 12:28 p.m.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled **18 VAC 65-20, Regulations of the Board of Funeral Directors and Embalmers**. The purpose of the proposed action is to establish criteria for delegation of some informal fact-finding proceedings to an agency subordinate.

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

Statutory Authority: § 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9941, FAX (804) 662-9943 or e-mail elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R04-254; Filed July 15, 2004, 12:32 p.m.

BOARD OF MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled **18 VAC 85-40, Regulations Governing the Practice of Respiratory Care Practitioners**. The purpose of the proposed action is to accept Category 1 CME approved by the American Medical Association to meet the required hours for renewal of licensure as a respiratory care practitioner in response to a petition for rulemaking from a respiratory care practitioner.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 22, 2004.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9512 or e-mail william.harp@dhp.virginia.gov.

VA.R. Doc. No. R04-144; Filed July 26, 2004, 3:19 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled **18 VAC 85-80, Regulations Governing the Licensure of Occupational Therapy**. The purpose of the proposed action is to comply with the statutory mandate in § 54.1-2956.1 of the Code of Virginia, which requires the board to establish the credentialing body and initial certification required for a person to hold himself out to be an occupational therapy assistant or to use the designation O.T.A. or any deviation thereof.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 22, 2004.

Notices of Intended Regulatory Action

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9512 or e-mail william.harp@dhp.virginia.gov.

VA.R. Doc. No. R04-267; Filed July 26, 2004, 3:19 p.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled **18 VAC 90-20, Regulations Governing the Practice of Nursing**. The purpose of the proposed action is to set out regulations for implementation of the Nurse Licensure Compact including rules for issuance of a multistate licensure privilege, moving from one party state to another, notification of licensure denial to a former party state, limitations by disciplinary order on practice under a multistate privilege, a licensee's access to information in the licensure information system, and inclusion of the multistate privilege in the disciplinary provisions.

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

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on August 25, 2004.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9943 or e-mail jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R04-193; Filed June 24, 2004, 3:25 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to require that the written protocol between the supervising physician and the nurse practitioner include the nurse practitioner's authority for signature on certain documents.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9943 or e-mail jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R04-233; Filed July 15, 2004, 12:29 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to amend regulations for consistency with the implementation of the Nurse Licensure Compact.

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

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

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9943 or e-mail jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R04-237; Filed July 15, 2004, 12:29 p.m.

BOARD OF NURSING HOME ADMINISTRATORS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing Home Administrators intends to consider amending regulations entitled **18 VAC 95-20, Regulations of the Board of Nursing Home Administrators**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on September 22, 2004.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943 or e-mail sandra.reen@dhp.virginia.gov.

VA.R. Doc. No. R04-259; Filed July 28, 2004, 9:58 a.m.

BOARD OF OPTOMETRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Optometry intends to consider amending regulations entitled **18 VAC 105-20, Regulations Governing the Practice of Optometry**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

Notices of Intended Regulatory Action

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

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

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Board of Veterinary Medicine, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098 or e-mail elizabeth.carter@dhp.virginia.gov.

VA.R. Doc. No. R04-230; Filed July 20, 2004, 9:28 a.m.

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to increase oversight of the wholesale distribution market in order to prevent opportunities for counterfeiting of drugs and ensure the integrity, safety and efficacy of drugs or devices distributed in the Commonwealth.

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

Statutory Authority: § 54.1-2400 and Chapters 33 and 34 (§§ 54.1-3300 et seq. and 54.1-3400 et seq.) of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943 or e-mail scottirussell@dhp.virginia.gov.

VA.R. Doc. No. R04-242; Filed July 15, 2004, 12:31 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to establish criteria for delegation of some informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., Richmond, VA 23230-1717,

telephone (804) 662-9911, FAX (804) 662-9943 or e-mail scottirussell@dhp.virginia.gov.

VA.R. Doc. No. R04-252; Filed July 15, 2004, 12:32 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to allow pharmacies in hospital or retail settings to possibly outsource data entry, the drug utilization review (DUR) and other aspects of dispensing prescription drugs.

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

Statutory Authority: § 54.1-2400 and Chapters 33 and 34 (§§ 54.1-3300 et seq. and 54.1-3400 et seq.) of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943 or e-mail scottirussell@dhp.virginia.gov.

VA.R. Doc. No. R04-251; Filed July 15, 2004, 12:31 p.m.

BOARD OF PHYSICAL THERAPY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Physical Therapy intends to consider amending regulations entitled **18 VAC 112-20, Regulations Governing the Practice of Physical Therapy**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on August 25, 2004.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9941, FAX (804) 662-9943 or e-mail elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R04-202; Filed June 30, 2004, 11:38 a.m.

BOARD OF COUNSELING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Counseling intends to

Notices of Intended Regulatory Action

consider promulgating regulations entitled **18 VAC 115-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on August 25, 2004.

Contact: Ben Foster, Deputy Executive Director, Board of Counseling, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9575, FAX (804) 662-7250 or e-mail ben.foster@dhp.virginia.gov.

VA.R. Doc. No. R04-204; Filed June 30, 2004, 11:39 a.m.

BOARD OF PSYCHOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Psychology intends to consider adopting regulations entitled **18 VAC 125-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to any agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on September 22, 2004.

Contact: Ben Foster, Deputy Executive Director, Board of Psychology, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9575, FAX (804) 662-7250 or e-mail ben.foster@dhp.virginia.gov.

VA.R. Doc. No. R04-261; Filed July 28, 2004, 9:58 a.m.

BOARD OF SOCIAL WORK

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled **18 VAC 140-20, Regulations Governing the Practice of Social Work**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on August 25, 2004.

Contact: Ben Foster, Deputy Executive Director, Board of Social Work, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-9943 or e-mail ben.foster@dhp.virginia.gov.

VA.R. Doc. No. R04-206; Filed June 30, 2004, 11:38 a.m.

BOARD OF VETERINARY MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Veterinary Medicine intends to consider amending regulations entitled **18 VAC 150-20, Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on August 25, 2004.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Board of Veterinary Medicine, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098 or e-mail elizabeth.carter@dhp.virginia.gov.

VA.R. Doc. No. R04-208; Filed June 30, 2004, 11:36 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22 VAC 40-740, Adult Protective Services**. The purpose of the proposed action is to conform the regulation to Chapter 1011 and Chapter 749 of the 2004 Acts of Assembly. The new legislation establishes enhanced protections for Virginia's vulnerable adult population and best practices in Adult Protective Services (APS) for the Commonwealth. Recommendations are based on those from an APS Advisory Committee that was established to assess Virginia's APS program and a legislative report issued in December 2002 entitled *Adult Protective Services: Identifying and Preventing Adult Abuse, Neglect, and Exploitation*, which included a comprehensive review of other states' APS programs and suggestions received from interested persons.

Notices of Intended Regulatory Action

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

Statutory Authority: §§ 63.2-217 and 63.2-1603 through 63.2-1610.

Public comments may be submitted until September 8, 2004.

Contact: Marjorie Marker, Adult Services Program Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7536, FAX (804) 726-7895 or e-mail marjorie@marker@dss.virginia.gov.

VA.R. Doc. No. R04-249; Filed July 20, 2004, 12:53 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22 VAC 40-901, Community Block Grant Program**. The purpose of the proposed action is to provide guidelines for the Department of Social Services to use in evaluating organizations for designation as a community action agency. The guidelines will be used by the department in making its recommendations to the Governor for designation and funding of new community action agencies.

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

Statutory Authority: §§ 63.2-217 and Chapter 54 (§ 2.2-5400 et seq.) of Title 2.2 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

Contact: J. Mark Grigsby, Director, Office of Community Services, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7922, FAX (804) 726-7946 or e-mail James.Grisby@dss.virginia.gov.

VA.R. Doc. No. R04-250; Filed July 20, 2004, 12:52 p.m.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: **3 VAC 5-30. Tied-House (amending 3 VAC 5-30-10, 3 VAC 5-30-30, 3 VAC 5-30-60, 3 VAC 5-30-70; repealing 3 VAC 5-30-40).**

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public Hearing Date: September 27, 2004 - 11 a.m.

Public comments may be submitted until October 23, 2004.
(See Calendar of Events section for additional information)

Agency Contact: W. Curtis Coleburn, III, Chief Operating Officer, Alcoholic Beverage Control Board, 2901 Hermitage Road, Post Office Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411, or e-mail wccolen@abc.state.va.us.

Basis: Section 4.1-111 of the Code of Virginia mandates that the Alcoholic Beverage Control Board promulgate regulations that "Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions." This chapter seeks to carry out this mandate by limiting the things of value that may be provided by manufacturers and wholesalers of alcoholic beverages to retailers. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Purpose: The goal of this regulation is to promote the public health, safety, and welfare by maintaining the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers. The board has determined that the regulation is essential to comply with the mandate of § 4.1-111 and to protect the health, safety and welfare of the citizens by reducing the pressure on retailers to promote excessive consumption of alcoholic beverages which can be caused by the undue influence of manufacturers and wholesalers. The proposal is intended to liberalize the restrictions slightly to recognize the increases in costs of service items and business entertainment since the regulation was last modified, and to remove the restriction on Sunday merchandising, recognizing that most retail businesses now operate seven days a week.

Substance: In 3 VAC 5-30-10 the restriction on Sunday merchandising activities will be eliminated, except in jurisdictions where local ordinances restrict Sunday sales of alcoholic beverages, and in 3 VAC 5-30-10 B 3 g exchanges of wine or beer for quality control purposes will not require replacement with identical packages;

In 3 VAC 5-30-30 C 2 sales of nonalcoholic merchandise and alcoholic beverages will be allowed to appear on a single invoice, as long as the alcoholic beverage items are separately identified and totalled;

3 VAC 5-30-40 will be repealed, eliminating required deposits collected by wholesalers on containers sold to retailers;

In 3 VAC 5-30-60 D the maximum wholesale value of can or bottle openers given by a manufacturer, bottler, or wholesaler to a retailer, upon which advertising matter regarding alcoholic beverages appears, will be increased from \$5 to \$10, and in 3 VAC 5-30-60 H, the limits on the number of wine or beer brands which may appear on a table tent will be removed; and

3 VAC 5-30-70 C 4 will be repealed, removing the restriction on wholesalers or manufacturers providing business entertainment involving an overnight stay; and in 3 VAC 5-30-70 C 5, the \$200 per day per person limit on the value of business entertainment provided by wholesalers or manufacturers to employees of retail licensees will be raised to \$400.

Issues: The primary advantages of the proposed action are to alcoholic beverage manufacturers, wholesalers, and retailers. Manufacturers and wholesalers will be given limited additional opportunities for efforts to promote their products to retail establishments. Retailers will be able to receive merchandising assistance from manufacturers' and wholesalers' representatives on Sunday, and will be allowed to accept more valuable service items and business entertainment from manufacturers and wholesalers. There are no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Section 4.1-111 of the Code of Virginia authorizes the Alcoholic Beverage Control

Board to promulgate regulations deemed necessary to carry out the provisions of Title 4.1 of the Code of Virginia (Alcoholic Beverages and Industrial Alcohol). Specifically, the Code of Virginia requires that the Alcoholic Beverage Control Board promulgate regulations that maintain a reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers, prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution and sale of alcoholic beverages in the Commonwealth, and promote reasonable accommodation of arm's length business transactions.

The proposed regulation (i) eliminates the restriction on merchandising activities by alcoholic beverage wholesalers on Sundays, except in localities that have ordinances restricting the sale of alcoholic beverages on Sundays, (ii) allows wine and beer removed from the shelf for quality control purposes to be replaced with an identical quantity and brand but not necessarily with identical packaging, (iii) permits the use of a single invoice for sales of alcoholic and nonalcoholic beverage merchandise to retailers as long as the items are separately identified and totaled, (iv) removes the provision requiring that retailers pay wholesalers a minimum deposit per container sold by the wholesaler to the retailer, (v) raises the maximum wholesale value of bottle or can openers on which advertising matter regarding alcoholic beverages appears that manufacturers, bottlers, or wholesalers can give retailers, (vi) eliminates the restriction on the number of wines and beers that can be listed on clip-ons and table tents provided by manufacturers, wholesalers, or bottlers to retailers, and (vii) eliminates the provision prohibiting manufacturers and wholesalers from providing retailers with business entertainment requiring overnight stays and instead increases the maximum amount spent on business entertainment in a 24-hour period from \$200 to \$400.

Estimated economic impact. Background: Tied-house rules were adopted at the federal and state level following Prohibition in an attempt to prevent the intemperate consumption of alcohol. The name derives from a practice in England, where a bar or pub may be tied through ownership links or contractual obligations to a specific manufacturer of alcoholic beverages. Tied houses were allowed in the United States prior to Prohibition. However, it was thought to result in marketing practices that encouraged the consumption of alcohol.

Following Prohibition, tied-house rules were put in place to prevent the vertical integration of ownership of bars and alcohol manufacturers, which was seen to be encouraging alcohol consumption. Tied-house rules establish a three-tier marketing structure consisting of suppliers/manufacturers, wholesalers, and retailers and are designed to maintain the independence of each tier. The rules accomplish this by restricting ownership interests between tiers, by prohibiting the giving of "things of value" to retailers by suppliers and wholesalers, and by requiring that suppliers do not sell alcohol directly to retailers, but instead sell to wholesalers who then sell to retailers. In Virginia, the exceptions to the rule include farm wineries (which are allowed to sell their product to consumers and retailers directly) and direct shipment of alcohol to consumers by licensed in-state and out-of-state

wineries, farm wineries, breweries, and alcoholic beverage retailers.

Tied-house regulations exist at the federal and state level in the United States. According to the Department of Alcoholic Beverage Control (ABC), Virginia's tied-house regulations are more restrictive than federal regulations. Rather than prohibiting certain things from being given to retailers by manufacturers and wholesalers as in Virginia, federal regulations generally set a dollar limit on the amount of the gift. For example, Virginia's tied-house regulations prohibit manufacturers and wholesalers from selling or giving product displays (such as wine racks, bins, shelving, etc.) to retailers. Federal regulations prohibit giving such display only if they exceed \$300 in value.

According to ABC, all states have some type of tied-house regulations. How restrictive these regulations are vary from state to state, with some states having more restrictive regulations than Virginia and others having less restrictive regulations. Some states, such as West Virginia, have adopted federal tied-house regulations rather than establish their own tied-house rules.

Relevance: While tied-house regulations may have had some relevance in the post-Prohibition era, their relevance in current times is unclear. Tied-house regulations were established to prevent the establishment of monopolies and deal with specific issues relating to alcohol consumption arising out of the vertical integration of retailers and manufacturers in the 1930s. These issues are no longer as relevant today.

In the pre-Prohibition days, manufacturers of wine and beer tended to serve a small geographic area and frequently owned or had influence over retail outlets in the area. This was because they tended to be larger and have more capital than the retail establishments. However, that situation no longer exists. Beer and wine is now sold not only at bars and taverns, but also at grocery stores, drug stores, and convenience stores¹. According to ABC, there were approximately 12,930 retail licensees operating in Virginia in 2003. Due to the large number of retail outlets selling wine and beer, vertical integration and manufacturer control over retail outlets is no longer as simple or easy. Moreover, many retail outlets now include grocery stores, convenience stores, and drug stores, many of which are run by large corporations that are not likely to be easily influenced or controlled by wine and beer manufacturers. These establishments sell many products other than alcohol and compete with each other for market share in the sale of all these products, not just alcohol. Incentives and promotions offered by beer and wine manufacturers to stock only their brand are not likely to outweigh the potential costs to these retailers (in terms of a loss of business) of limiting the choice and range of alcoholic beverages provided by them to their customers.

Apart from a change in the number and type of retail outlets selling wine and beer, there has also been a change in the way wine and beer manufacturers operate. Unlike the pre-Prohibition era, manufacturers can no longer count on having

¹ Of the 12,930 retail licensees in 2003, a little over 50% were grocery stores, convenience stores, gourmet shops, drug stores, and delicatessens.

Proposed Regulations

monopoly power in any geographic area or market. There are now many more manufacturers competing for market share, including local, national, and international manufacturers. Thus, the choice and range of available beer and wine is not limited by the monopoly power of any single manufacturer as it was in the early 1900s. The presence of a number of manufacturers in any given market reduces the likelihood of any one manufacturer exerting undue influence and power.

Changes in the industry aside, there have also been changes in drinking habits. U.S. per capita consumption of pure alcohol between 1991 and 2000 was only slightly lower than per capita consumption in the decade preceding Prohibition. However, public drunkenness is nowhere as extensive as during the early 1900s, when most consumption was on-premise and concentrated heavily toward payday binges. Thus, any increase in alcohol consumption is not likely to produce the magnitude of social and economic costs it did in the pre-Prohibition era. Moreover, U.S. adult per capita pure alcohol consumption has been declining since the early 1980s, a fact that appears to be independent of tied-house restrictions (which were introduced in the mid-1930s). Factors such as price, income, region, education, and household demographics have been found to be significant determinants of household alcohol expenditures. In addition, research has shown that an aging population, regulatory changes (such as a tightening of the drunk-driving laws), and a trend toward more healthy lifestyle (reflected in a shift toward drinks with reduced alcohol content such as wine coolers and light beers) could also be responsible for some of the decline in per capita pure alcohol consumption since the 1980s.

Thus, changes in the way the industry operates, both in terms of retailers and manufacturers, and changes in U.S. alcohol consumption habits make it unlikely that a situation reminiscent of the pre-Prohibition era will come to pass in Virginia if the tied-house restrictions were removed.

Implications of removing the tied-house restrictions. Removing the tied-house restrictions is likely to increase economic efficiency and produce significant economic benefits. Rather than making choices regarding the supply and sale of alcohol based on what is allowed under the tied-house rules, manufacturers and retailers will be able to make choices and pursue strategies that maximize profits under various market conditions. Decisions made in this manner are likely to reduce waste of resources and produce a more efficient allocation of resources. For example, dismantling the three-tier system will allow manufacturers to sell their product directly to retailers without having to go through wholesalers. By removing the middleman, wine and beer will be provided at lower cost to retailers and hence to consumers. Moreover, restriction placed by the tied-house rules on the how manufacturers promote and sell their alcohol serve to limit competition between manufacturers and are yet another factor in keeping alcohol prices higher than they would be otherwise. Finally, by allowing all manufacturers, not just local farm wineries, to sell directly to retailers, removal of the tied-house regulations will encourage competition from in-state and out-of-state wine manufacturers, increasing the choice of wines available to consumers and lowering the price of alcoholic beverages in Virginia even further. Manufacturers who might otherwise have been priced out of the market by local farm

wineries due to the requirement of having to go through a wholesaler may now be more inclined to sell their product in Virginia.

Providing alcohol at lower cost is likely to impose some economic costs on the state in terms of increasing alcohol consumption. It should be noted that a wide variety of factors, not just own-price, affect the consumption of alcohol. However, to the extent that price does have an impact on consumption, a reduction in the price of alcohol could result in an increase in consumption. Increased alcohol consumption imposes social and economic costs through rising health costs, falling productivity, and an increase in social problems such as domestic abuse. A 1998 study by the National Institutes of Health estimated that alcohol abuse and alcoholism generated costs of about \$148 million (or approximately \$580 per capita) in 1992.

Existing studies indicate that the sensitivity or elasticity of demand to the price of wine or beer is not very large. Elasticity of demand for beer tends to be inelastic, with estimates ranging from -0.25 to +0.24 (i.e., a 10% reduction in the price of beer is likely to result in an increase in consumption of less than 10%). Elasticity estimates for wine range from -0.64 to -1.00 (i.e., a 10% reduction in the price of wine is likely to result in a 10% or less increase in demand), indicating that wine demand also tends to be inelastic, albeit less so than beer demand. In order to accurately evaluate the costs of increased alcohol consumption, it is essential to study the impact of a decrease in price on alcohol consumption by heavy drinkers and individuals susceptible to alcoholism. A study by Manning et al. (1995)² finds that the elasticity or sensitivity of heavy drinkers to change in the price of alcohol tends to be low. The study finds that at the 95th percentile for drinkers, the elasticity estimate is not significantly different from zero. The impact of a decrease in price of alcohol on consumption by individuals susceptible to alcoholism is not known.

Thus, while a decrease in price of wine and beer is not likely to result in a very large increase in consumption, it is likely to result in some increase. This increase in consumption is likely to result in increased revenues collected by the state through excise and other taxes on alcoholic beverages. The additional revenues collected could be used to defray some of the additional costs associated with increased alcohol consumption.

If the cost to the state of a modest increase in consumption of wine and beer were determined to be too high, then a combination of simultaneously removing the tied-house restrictions and raising excise tax such that the retail price of alcohol remains unchanged would result in a more efficient allocation of resources than currently exists. The waste of resources occurring under the tied-house regulations will be captured by the state in terms of increased excise revenues. These resources are currently being wasted through sub-optimal choices by manufacturers and retailers and on economically unproductive activity. Raising the excise tax will

² Manning, W. G., L. Blumberg, and L. H. Moulton, 1995. The Demand for Alcohol: The Differential Response to Price. *Journal of Health Economics* 14: 123-48.

allow these resources to be captured by the state and be spent on investment and on providing additional goods and services. Thus, removing the tied-house restrictions while raising excise taxes such that the price of alcohol remains unchanged will allow the state to reap all the economic benefits of efficient resource allocation without the costs associated with increased alcohol consumption.

A comparison to alcohol consumption trends in the United Kingdom, which has no tied-house restrictions but higher taxes on alcohol³, indicates that alcohol consumption trends between the United States and the United Kingdom do not diverge significantly. Per capita consumption of pure alcohol between 1961 and 1999 has been, on average, less than 1.0% higher in the United Kingdom than in the United States. In fact, prior to 1981 when alcohol consumption began declining in the United States (a decline that has little to do with tied-house restrictions, which were in place for almost half a century prior to 1981), per capita pure alcohol consumption in the United States was higher than per capita consumption in the United Kingdom by a little under 1.0%.

Apart from a modest increase in alcohol consumption, there are also concerns that lifting the tied-house restrictions will lead to a few large manufacturers controlling the market and limiting the choice of alcoholic beverages available to consumers. The extent of reorganization among manufacturers following the repeal of the tied-house regulations is not likely to be very large. Wine and beer manufacturers currently compete along a number of dimensions including production technology, input costs, and marketing. It is unlikely that removing these restrictions is going to result in monopoly behavior that would justify these concerns. However, if it is determined that these concerns are valid, then a combination of simultaneously removing the tied-house restrictions and raising excise tax such that the retail price of the alcohol remains unchanged and using the additional resources to provide subsidies to small wine and beer producers would result in a more efficient allocation of resources. The state would be able to capture resources currently being wasted under the tied-house restrictions and spend it on encouraging small beer and wine manufacturers.

It should be noted that even while producing a positive net economic impact, removing tied-house restrictions is likely to have an adverse effect on sections of the alcoholic beverage industry.

Wholesalers, whose function is to purchase products from a supplier to sell and deliver to retail establishments, may face a drop in business. The traditional functions performed by the wholesaler (supply of alcohol to retailers, collection of data and receipts on sales, etc.) could be taken over by manufacturers and retailers. The extent to which these functions are taken over will depend on the cost to retailers and manufacturers of doing so. It is likely that many manufacturers and retailers will continue to use the service of wholesalers in supplying and distributing alcohol. Wholesalers tend to be locally owned and licensed

businesses with a strong local network. However, in some cases, it is possible that these functions will be taken over by manufacturers and retailers, putting some wholesalers out of business.

Small producers could also face a decline in sales. By allowing all manufacturers to supply directly to retailers, removing the tied-house regulations will remove the advantage Virginia farm wineries have over other types of wine manufacturers. The increased competition, both from in- and out-of-state wine manufacturers could lead to a decline in sales. In addition, removing the tied-house regulations is also likely to put these producers at a disadvantage compared to larger manufacturers in terms of the promotions, incentives, and marketing strategies to promote their brand of wine or beer. For example, large manufacturers may find it easier to operate retail establishments such as restaurants and bars that sell and promote only their brand of beer or wine. However, this impact is likely to be limited somewhat by the fact that a large chunk of wine and beer sales occur at grocery stores, convenience stores, and drug stores. In fact, it is estimated that over 70% of beer sales occur at such establishments. As discussed in the previous section, these establishments are less likely to be influenced by large manufacturers and more inclined to provide their customers with a range of choices in the type and brand of alcohol they stock. However, it remains a possibility that small producers will face a decline in sales with the repeal of the tied-house rules.

As mentioned above, if it is determined that small producers are being negatively affected by the repeal of the tied-house rules, a combination of simultaneously removing the tied-house restrictions and raising excise tax such that the retail price of the alcohol remains unchanged and using the additional resources to provide subsidies to small wine and beer producers will result in a more efficient allocation of resources than under the tied-house regulations.

Estimated economic impact of the proposed changes. Tied-house regulations are required under federal and state law. Thus, while these regulations cannot be completely done away with, the proposed changes ease some of the tied-house rules currently in place. Further loosening of these restrictions, to the federal standard and beyond, is likely to produce even larger economic benefits.

(1) The proposed regulation eliminates the restriction on merchandising activities (such as restocking and rearranging stocks of wine and beer) by alcoholic beverage wholesalers on Sundays, except in localities that have ordinances restricting the sale of alcoholic beverages on Sundays. Under the existing regulations, merchandising activities by wholesalers are prohibited on Sundays in all localities.

The proposed change is likely to have a net positive economic impact. Alcohol is currently sold on Sundays in all localities in the Commonwealth, except for a few localities with local ordinances specifically restricting alcohol sales. According to ABC, only a small fraction of localities, mainly in Southwest Virginia, currently prohibit Sunday sales of alcohol. The proposed change will not affect these localities. For all other localities, the proposed change will make it easier for

³ Based on a 1999 analysis conducted by the Institute for Fiscal Studies, approximately 30% of the final price of beer and 51% of the final price of wine consisted of the excise duty and the value-added tax.

Proposed Regulations

wholesalers to conduct merchandising activities. By allowing wholesalers to conduct merchandising activities on seven rather than six days a week, the proposed change is likely to allow wholesalers to manage their inventories in a more efficient and timely manner and produce some economic benefits.

(2) The proposed regulation allows wine and beer removed from the shelf for quality control purposes to be replaced with wine and beer of identical quantity and brand but not necessarily with identical packaging. The existing regulation requires that the replacement alcohol has identical packaging as the alcohol being removed. The requirement was intended to ensure that switching occurred only for quality control purposes and not for the purpose of promoting one brand over another. DHCD believes that this provision is no longer necessary and that the intended aim of the regulation will continue to be satisfied even without the identical packaging requirement.

The proposed change is likely to have a net positive economic impact. By allowing wholesalers to replace wine and beer removed from the shelf for quality control purposes with an identical quantity and brand but not identical packaging, the proposed change increases the flexibility of wholesalers in restocking and merchandising activities. Moreover, manufacturers will be able to change their packaging without having to account for the fact that some of their merchandise will have to be replaced due to quality control issues. This, in turn, is likely to lead to better inventory management. The additional economic benefits are likely to accrue without any significant additional costs. Removing the identical packaging provision is not likely to compromise the ability of the regulation to maintain a separation between manufacturers/wholesalers and retailers. Wholesalers will continue to be required to replace the wine or beer with more of the same brand and quantity, limiting the chances of them promoting one brand over another.

(3) The proposed regulation permits the use of a single invoice for sales of alcoholic and nonalcoholic beverage merchandise to retailers as long as the items are separately identified and totaled. Under the existing regulation, wholesalers are required to use separate invoices for sales of alcoholic and nonalcoholic beverage merchandise to retailers.

The proposed change is likely to have a small net positive economic impact. By allowing both types of sales to be reported on the same invoice, the proposed change is likely to ease the reporting requirements for wholesalers. At the same time, the proposed change will not inhibit ABC's ability to enforce the regulation, i.e., ABC's ability to ensure that wholesalers do not provide nonalcoholic beverage merchandise at below-cost prices in order to induce retailers to promote their alcoholic beverages. To the extent that the proposed change eases the reporting requirements without impairing ABC's ability to enforce the regulation, it is likely to produce some economic benefits.

(4) The proposed regulation removes the provision requiring that retailers pay wholesalers a minimum deposit per container of beer sold by the wholesaler to the retailer. The existing regulation establishes minimum deposit charges on

containers sold to the retailer. The regulation also requires that the retailer pay the minimum deposit charge to the wholesaler in cash and prior to any beer being delivered. According to ABC, the Alcoholic Beverage Control Board decided to eliminate the provision as it is not currently being enforced or administered by the department.

The proposed change is not likely to have a significant economic impact. Wholesalers can still charge a deposit for every container sold. Following the implementation of this regulation, wholesalers that choose not to charge any deposit are likely to incorporate the risk, and hence the cost, of containers being broken or unreturned into the price of the beer. To the extent that the proposed regulation increases the flexibility of wholesalers and retailers in dealing with the risk of containers being broken and/or unreturned, the proposed change could produce some small economic benefits.

(5) The proposed regulation raises the maximum wholesale value of bottle or can openers on which advertising matter regarding alcoholic beverages appears that manufacturers, bottlers, or wholesalers can give retailers from \$5 to \$10. The current \$5 limit was established in 1992. The intent behind limiting the value of can and bottle openers provided complimentary to retailers is to prevent manufacturers, bottlers, and wholesalers from offering retailers expensive openers as inducement to promote their alcoholic beverages (according to ABC, some can and bottle openers can cost hundreds of dollars). ABC believes that a \$10 limit is sufficient to cover the cost of most simple bottle and can openers.

The proposed change is not likely to have a significant impact. Manufacturers and wholesalers will still be allowed to provide complimentary can and bottle openers to retailers. The increase in the maximum wholesale value of these openers is not likely to affect the number and type of can and bottle openers provided complimentary to retailers (adjusting for inflation since 1992, \$6.56 in 2003 would be equivalent to \$5 in 1992). More expensive and elaborate openers that could be considered a form of inducement will still be prohibited under the proposed regulation.

(6) The proposed regulation eliminates the restriction on the number of wines and beers that can be listed on clip-ons and table tents provided by manufacturers, wholesalers, or bottlers to retailers. Currently clip-ons and table tents are restricted to listing just four wines or four beers. According to ABC, the proposed change is intended to make the treatment of wines and beers in this regard consistent with the treatment of distilled spirits. Clip-ons and table tents have no restrictions regarding the number of spirit brands listed on them.

The proposed change is likely to have a small net positive economic impact. By removing provisions in the existing regulation that provide a competitive advantage to distilled spirits compared to wines and beers, the proposed change is likely to result in a more efficient allocation of resources. However, the extent of the efficiency gain is likely to be small. Differences in rules regarding the listing of alcoholic beverages is not likely to have significantly impaired the competitive advantage or disadvantage of wines and beers relative to distilled spirits. To the extent that the proposed

change does improve efficiency, it is likely to produce some economic benefits.

(7) The proposed regulation eliminates the provision prohibiting manufacturers and wholesalers from providing retailers with business entertainment requiring overnight stays and instead increases the maximum amount spent on business entertainment in a 24-hour period from \$200 to \$400. Under the existing regulation, routine business entertainment requiring an overnight stay is prohibited and manufacturers and wholesalers are limited to spending a maximum of \$200 on any employee of a retail licensee during a 24-hour period. According to ABC, the limit was raised to \$400 based on federal tied-house rules.

The proposed change is likely to have a net positive economic impact. The intent of provisions limiting business entertainment offered to retailers is to prevent manufacturers and wholesalers from offering retailers business entertainment activities as inducement to promote their alcoholic beverages. In that context, the provision prohibiting overnight stays seems excessive. A limit on the amount that manufacturers and wholesalers can spend on these activities will achieve the intent of the regulation while increasing the flexibility that manufacturers, wholesalers, and retailers have in engaging in various types of business entertainment activities. Thus, to the extent the proposed change provides additional flexibility without violating the intent of the regulation, it is likely to produce some economic benefits.

Businesses and entities affected. The proposed regulation will affect manufacturers, bottlers, wholesalers, and retailers operating in Virginia. Wholesalers will be able to conduct merchandising activities on Sundays in most localities, replace wine and beer removed from the shelf for quality control purposes to with alcohol of an identical quantity and brand but not with identical packaging, and report alcoholic and nonalcoholic beverage merchandise sales on a single invoice. Retailers will not be required by regulation to pay minimum deposit charges per container sold to them by wholesalers. Manufacturers, wholesalers, and bottlers will be allowed to provide retailers with complimentary can and bottle openers valued at up to \$10, clip-ons and table tents listing more than four wines or beers, and business entertainment in a 24-hour period valued at up to \$400 (including overnight stays).

According to ABC, there are approximately 14,000 such entities. Of these, retail licensees account for a little under 13,000.

Localities particularly affected. The proposed regulation affects all localities in the Commonwealth.

Projected impact on employment. The proposed regulation is not likely to have a significant impact in employment in Virginia.

Effects on the use and value of private property. The proposed regulation is likely to have a positive impact on the use and value of private property. By easing some of the restrictions on when merchandising activities can occur and increasing the flexibility in how manufacturers, wholesalers, and retailers can interact, the proposed changes are likely to lower operating costs and raise the asset value of these

businesses. Some smaller manufacturers and wholesalers may see a decline in their asset values as they find themselves unable to compete with larger businesses. For example, smaller businesses may find it harder to spend \$400 per retail licensee employee on business entertainment than larger businesses might.

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

Summary:

The proposed amendments (i) eliminate the restriction on merchandising activities by alcoholic beverage wholesalers on Sundays, except in localities that have ordinances restricting the sale of alcoholic beverages on Sundays; (ii) allow wine and beer removed from the shelf for quality control purposes to be replaced with an identical quantity and brand but not necessarily with identical packaging; (iii) permit the use of a single invoice for sales of alcoholic and nonalcoholic beverage merchandise to retailers as long as the items are separately identified and totaled; (iv) remove the provision requiring that retailers pay wholesalers a minimum deposit per container sold by the wholesaler to the retailer; (v) raise the maximum wholesale value of bottle or can openers on which advertising matter regarding alcoholic beverages appears that manufacturers, bottlers, or wholesalers can give retailers; (vi) eliminate the restriction on the number of wines and beers that can be listed on clip-ons and table tents provided by manufacturers, wholesalers, or bottlers to retailers; and (vii) eliminate the provision prohibiting manufacturers and wholesalers from providing retailers with business entertainment requiring overnight stays and instead increases the maximum amount spent on business entertainment in a 24-hour period from \$200 to \$400.

3 VAC 5-30-10. 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 *in jurisdictions where local ordinances restrict Sunday sales of alcoholic beverages*, 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 wine and beer;
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 wine and beer between storerooms, between displays, and between storerooms and displays; and
5. Create or build original displays using wine or beer products only.

B. Prohibited acts. A wholesaler may not:

Proposed Regulations

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; or

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; or

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. Products that a manufacturer discontinues nationally may be returned and money refunded;

d. Resalable draft beer may be returned and money refunded;

e. 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;

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

g. Wine or beer may be exchanged on an identical quantity, ~~and brand and package~~ basis for quality control purposes. Any such exchange shall be documented by the word "exchange" on the proper invoice.

3 VAC 5-30-30. Certain transactions to be for cash; "cash" defined; checks and money orders; electronic fund transfers; records and reports by sellers; payments to the board.

A. Sales of wine or beer between wholesale and retail licensees of the board shall be for cash paid and collected at the time of or prior to delivery, except where payment is to be made by electronic fund transfer as hereinafter provided. Each invoice covering such a sale or any other sale shall be signed by the purchaser at the time of delivery and shall specify the manner of payment.

B. "Cash," as used in this section, shall include (i) legal tender of the United States, (ii) a money order issued by a duly licensed firm authorized to engage in such business in the Commonwealth (iii) a valid check drawn upon a bank account in the name of the licensee or permittee or in the trade name of the licensee or permittee making the purchase, or (iv) an electronic fund transfer, initiated by a wholesaler pursuant to subsection D of this section, from a bank account in the name,

or trade name, of the retail licensee making a purchase from a wholesaler or the board.

C. If a check, money order or electronic fund transfer is used, the following provisions apply:

1. If only alcoholic beverage merchandise is being sold, the amount of the checks, money orders or electronic fund transfers shall be no larger than the purchase price of the alcoholic beverages; and

2. If nonalcoholic merchandise is also sold to the retailer, the check, money order or electronic fund transfer may be in an amount no larger than the total purchase price of the alcoholic beverages and nonalcoholic beverage merchandise. ~~If 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. *If a single invoice is used for both the alcoholic beverages and nonalcoholic beverage merchandise, the alcoholic beverage items shall be separately identified and totaled.*

D. If an electronic fund transfer is used for payment by a licensed retailer or a permittee for any purchase from a wholesaler or the board, the following provisions shall apply:

1. Prior to an electronic fund transfer, the retail licensee shall enter into a written agreement with the wholesaler specifying the terms and conditions for an electronic fund transfer in payment for the delivery of wine or beer to that retail licensee. The electronic fund transfer shall be initiated by the wholesaler no later than one business day after delivery and the wholesaler's account shall be credited by the retailer's bank no later than the following business day. The electronic fund transfer agreement shall incorporate the requirements of this subdivision, but this subdivision shall not preclude an agreement with more restrictive provisions. For purposes of this subdivision, the term "business day" shall mean a business day of the respective bank;

2. The wholesaler must generate an invoice covering the sale of wine or beer, and shall specify that payment is to be made by electronic fund transfer. Each invoice must be signed by the purchaser at the time of delivery; and

3. Nothing in this subsection shall be construed to require that any licensee must accept payment by electronic fund transfer.

E. Wholesalers shall maintain on their licensed premises records of all invalid checks received from retail licensees for the payment of wine or beer, as well as any stop payment order, insufficient fund report or any other incomplete electronic fund transfer reported by the retailer's bank in response to a wholesaler initiated electronic fund transfer from the retailer's bank account. Further, wholesalers shall report to the board any invalid checks or incomplete electronic fund transfer reports received in payment of wine or beer when either (i) any such invalid check or incomplete electronic fund transfer is not satisfied by the retailer within seven days after notice of the invalid check or a report of the incomplete electronic fund transfer is received by the wholesaler, or (ii) the wholesaler has received, whether satisfied or not, either

more than one such invalid check from any single retail licensee or received more than one incomplete electronic fund transfer report from the bank of any single retail licensee, or any combination of the two, within a period of 180 days. Such reports shall be upon a form provided by the board and in accordance with the instructions set forth in such form.

F. Payments to the board for the following items shall be for cash, as defined in subsection B:

1. State license taxes and application fees;
2. Purchases of alcoholic beverages from the board by mixed beverage licensees;
3. Wine taxes and excise taxes on beer and wine coolers;
4. Solicitors' permit fees and temporary permit fees;
5. Registration and certification fees, and the markup or profit on cider, collected pursuant to these regulations;
6. Civil penalties or charges and costs imposed on licensees and permittees by the board; and
7. Forms provided to licensees and permittees at cost by the board.

3 VAC 5-30-40. ~~Deposits on containers required; records; redemption of deposits; exceptions. (Repealed.)~~

~~A. Wholesalers shall collect in cash, at or prior to the time of delivery of any beer sold to a retail licensee, the following minimum deposit charges on containers:~~

Bottles having a capacity of not more than 12 oz.....	\$.02
Bottles having a capacity of more than 12 oz. but not more than 32 oz.....	\$.04
Cardboard, fibre or composition cases other than for 1 1/8 or 2 1/4 gallon kegs	\$.02
Cardboard, fibre or composition cases for 1 1/8 or 2 1/4 gallon kegs	\$.50
Kegs, 1 1/8 gallon	\$1.75
Kegs, 2 1/4 gallon	\$3.50
Kegs, 1/4 barrel	\$4.00
Kegs, 1/2 barrel	\$6.00
Keg covers, 1/4 barrel	\$4.00
Keg covers, 1/2 barrel	\$6.00
Tapping equipment for use by consumers	\$10.00
Cooling tubs for use by consumers	\$5.00
Gold plates for use by consumers	\$15.00

~~B. The sales ticket or invoice shall reflect the deposit charge and shall be preserved as a part of the licensee's records.~~

~~C. Deposits shall be refunded upon the return of containers in good condition.~~

~~D. Deposits shall not be required on containers sold as nonreturnable items.~~

3 VAC 5-30-60. Inducements to retailers; beer and wine tapping equipment; bottle or can openers; spirits back-bar pedestals; banquet licensees; paper, cardboard or plastic advertising materials; clip-ons and table tents; sanctions and penalties.

A. 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 shall 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; and
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; and
 - 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. 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:

1. Draft wine knobs, which may be given to a retailer;
2. 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; or
3. 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 shall be sold, or have previously been sold, to the

Proposed Regulations

retail licensee at a price not less than the initial purchase price paid by such wholesaler.

D. Any manufacturer, bottler or wholesaler of wine or beer may sell or give to any retailer, 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 any individual manufacturer, bottler or wholesaler does not exceed ~~\$5.00~~ \$10. Openers in excess of ~~\$5.00~~ \$10 in wholesale value may be sold, provided the reasonable open market price is charged therefor.

E. Any manufacturer of spirits may sell, lend, buy for or give to any retail licensee, without regard to the value thereof, back-bar pedestals to be used on the retail premises and upon which advertising matter regarding spirits may appear.

F. 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.

G. Manufacturers, bottlers or wholesalers of alcoholic beverages may not provide point-of-sale advertising for any alcoholic beverage or any nonalcoholic beer or nonalcoholic wine to retail licensees except in accordance with 3 VAC 5-20-20. Manufacturers, bottlers and wholesalers may provide advertising materials to any retail licensee that have been customized for that retail licensee provided that such advertising materials must:

1. Comply with all other applicable regulations of the board;
2. Be for interior use only;
3. Contain references to the alcoholic beverage products or brands offered for sale by the manufacturer, bottler, or wholesaler providing such materials and to no other products; and
4. Be made available to all retail licensees.

H. Any manufacturer, bottler or wholesaler of wine, beer or spirits may sell, lend, buy for or give to any retail licensee clip-ons and table tents ~~containing the listing of not more than four wines or four beers. There is no limitation on the number of spirits brands which may be listed on clip-ons and table tents.~~

I. Any manufacturer, bottler or wholesaler of alcoholic beverages may clean and service, either free or for compensation, coils and other like equipment used in dispensing wine and beer, and may sell solutions or compounds for cleaning wine and beer glasses, provided the reasonable open market price is charged.

J. Any manufacturer, bottler or wholesaler of alcoholic beverages licensed in this Commonwealth may sell ice to retail licensees provided the reasonable open market price is charged.

K. Any licensee of the board, including any manufacturer, bottler, importer, broker as defined in § 4.1-216 A of the Code of Virginia, wholesaler or retailer who violates, attempts to violate, solicits any person to violate or consents to any violation of this section shall be subject to the sanctions and penalties as provided in § 4.1-328 of the Code of Virginia.

3 VAC 5-30-70. Routine business entertainment; definition; permitted activities; conditions.

A. Nothing in this regulation shall prohibit a wholesaler or manufacturer of alcoholic beverages licensed in the Commonwealth from providing a retail licensee "routine business entertainment" which is defined as those activities enumerated in subsection B.

B. Permitted activities are:

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. 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.~~ 4. No more than ~~\$200~~ \$400 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, or 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, partnership or stockholder, and the like, shall not be included within the foregoing restrictions;

~~6.~~ 5. No person enumerated in subdivision ~~C-5~~ 4 of this subsection may be entertained more than six times by a wholesaler and six times by a manufacturer per calendar year;

~~7.~~ 6. 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; and

~~8.~~ 7. This regulation shall not apply to personal friends of wholesalers as provided for in 3 VAC 5-70-100.

VA.R. Doc. No. R03-114; Filed August 4, 2004, 11:39 a.m.

Titles of Regulations: **3 VAC 5-40. Requirements for Product Approval (amending 3 VAC 5-40-20 and 3 VAC 5-40-50).**

3 VAC 5-70. Other Provisions (adding 3 VAC 5-70-220).

Statutory Authority: §§ 4.1-103, 4.1-111, 4.1-112.1, and 4.1-204 of the Code of Virginia.

Public Hearing Date: September 27, 2004 - 11 a.m.
Public comments may be submitted until October 23, 2004.
(See Calendar of Events section for additional information)

Agency Contact: W. Curtis Coleburn, III, Chief Operating Officer, Alcoholic Beverage Control Board, 2901 Hermitage Road, Post Office Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411, or e-mail wccolen@abc.state.va.us.

Basis: Section 4.1-103 of the Code of Virginia grants the Alcoholic Beverage Control Board general authority to promulgate regulations, to grant, suspend, and revoke licenses, and to do all acts necessary or advisable to carry out the purposes of Title 4.1 of the Code of Virginia. Section 4.1-111 authorizes the board to promulgate reasonable regulations, not inconsistent with law, which it deems necessary to carry out the provisions of Title 4.1. Sections 4.1-112.1 and 4.1-204 authorize the board to promulgate such regulations as it may deem reasonably necessary governing the regulation of holders of wine shippers' licenses and beer shippers' licenses and the common carriers approved to deliver shipments of wine and beer from such licensees. The purpose of this regulation is to specify the process for applying for such licenses or carrier approval and establish recordkeeping and reporting requirements for licensees and approved carriers. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law. The regulation is not otherwise exempt under the provisions of subdivision A 4 of § 2.2-4006 of the Administrative Process Act.

Purpose: The board has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of Virginians because an effective regulatory scheme is necessary to ensure that alcoholic beverages shipped to Virginia consumers are only delivered to those legally entitled to receive and consume them, and that all appropriate Virginia taxes are collected on such shipments.

Substance: The regulation will provide the process for those qualified for wine or beer shippers' licenses to apply for such licenses, and regulate the process of adding and deleting brands approved for shipment. There are recordkeeping and reporting requirements, as well as an approval process and delivery rules for common carriers who would carry wine or beer shipments to Virginia consumers.

The amendments to 3 VAC 5-40-20 and 3 VAC 5-40-50 exempt wines and beers to be sold solely by direct shipment to consumers from portions of the label approval process.

The new section in Chapter 70, 3 VAC 5-70-220, provides in subsection A that qualified applicants may apply for a wine or beer shippers' license using ABC's standard application form, with the following attachments required to comply with § 4.1-112.1 of the Code of Virginia:

1. A list of brands sought to be shipped by the applicant;
2. Consent of the brand owner, if the applicant is not also the brand owner;
3. A photocopy of its current alcoholic beverage license; and
4. Evidence of its registration with the Virginia Department of Taxation for the collection of Virginia retail sales tax.

Subsection B requires that any manufacturer that applies for a shippers' license or consents to another's application to ship its brands must notify all wholesalers that have been authorized to distribute its products in Virginia of such application. Subsection C provides the process for the addition or deletion of brands authorized to be shipped under a wine or beer shippers' license. Subsection D sets forth the process for a brand owner to withdraw consent to the shipping of its brands by a license holder. Subsection E requires license holders to maintain records of each shipment made pursuant to the license for a period of two years. Subsection F requires license holders to file a monthly report of all shipments made under the license during the previous month. Subsection G provides the process for common carriers to seek approval to carry shipments of wine or beer made by holders of wine or beer shippers' licenses. Subsection H sets forth the requirements for delivery of such shipments, including determination of legal age of the recipient and signature. Subsection I requires all approved common carriers to maintain records of all shipments made by wine or beer shippers' licensees for a period of two years. Subsection J provides for quarterly reporting by each approved common carrier of the dates and names and addresses of shippers and recipients for each shipment carried for a wine or beer shippers' licensee.

There have been no changes since the publication of the emergency regulation.

Issues: The regulatory action poses no disadvantages to the public or the Commonwealth. The primary advantages to the public and the Commonwealth are ensuring that records necessary for the enforcement of the laws of the Commonwealth relating to the lawful possession and sale of alcoholic beverages are maintained, and that appropriate Virginia taxes on such beverages shipped into the Commonwealth are collected.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and

Proposed Regulations

employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Section 4.1-103 of the Code of Virginia provides the Alcoholic Beverage Control Board with the authority to grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages and to do all acts necessary or advisable to carry out the purposes of Title 4.1 (Alcoholic Beverages and Industrial Alcohol). Specifically, Chapter 1029 of the 2003 Acts of Assembly amended § 4.1-112.1 of the Code of Virginia to allow for the direct shipment of up to two cases of wine and two cases of beer per consumer per month and authorized the Alcoholic Beverage Control Board to promulgate regulations necessary to implement the provisions of the Code of Virginia.

The proposed regulation establishes procedures and requirements for licensure as a wine or beer shipper, including the application procedure, minimum recordkeeping requirements, and a monthly reporting process for the payment of wine and beer taxes. All shipments of wine and beer to consumers are to be by common carriers approved by the Alcoholic Beverage Control Board. The regulation establishes approval procedures and requirements. Finally, the proposed regulation also requires manufacturers who apply for or consent to a shipper's license to notify all wholesalers authorized to distribute their brand of the application and to ensure that all wine and beer intended for direct shipment meet the label approval requirements specified in the regulation.

Estimated economic impact. Chapter 1029 of the 2003 Acts of Assembly amended the Code of Virginia to allow for the direct shipment of up to two cases of wine and two cases of beer per month per consumer. Prior to this amendment, only in-state retailers were allowed to ship wine and beer directly to consumers. There was no limit on the number of cases of wine and beer in-state retailers could ship to consumers. The amendment to the Code followed a 2001 ruling by a U.S. Magistrate Judge and a 2002 ruling by a federal judge in Virginia that the state's direct shipment ban on out-of-state manufacturers and retailers was unconstitutional as it discriminated against out-of-state sellers. There has been similar litigation in other states, with mixed results. While the direct shipment ban has been ruled unconstitutional in states such as Virginia and North Carolina, it has been upheld in states such as Indiana and Florida. The battle is currently ongoing.

Description of the regulation: The proposed regulation establishes procedures and requirements for licensure as a wine or beer shipper. The application process requires the submission of an application form, a list of wines and beers sought to be shipped directly to consumers (the regulation allows shippers to add or delete brands from the list submitted at the time of application), a consent letter from the owners of brands sought to be shipped when the applicant for the shipper's license is not the owner (the regulation allows manufacturers to withdraw consent by submitting, to the

shipper and to ABC, a letter to the effect), a copy of a current winery, farm winery, brewery, or alcoholic beverage retailer license, and evidence of the applicant's registration with the Virginia Department of Taxation for the purposes of state wine and beer tax collection. All licensees are required to submit a monthly report detailing activity for the previous month and making a payment for the appropriate amount of wine or beer tax on or before the 15th of each month. Licensees are also required to maintain records of all shipments for a minimum of two years, including the number of containers shipped, the volume and brand of each container shipped, the price charged, and the name and address of the recipient. The records are to be made available for inspection upon request of the Alcoholic Beverage Control Board. Finally, licensees are required to affix on all packages of wine and beer intended for direct shipment to consumers a notice indicating that the package contains alcoholic beverages. The regulation specifies the size, content, and location of the notice.

All shipments of wine and beer to consumers are to be by common carriers approved by the Alcoholic Beverage Control Board. The regulation establishes approval procedures and requirements. In order to apply for approval, common carriers are required to have the necessary licenses and permits for operating in Virginia. Approved common carriers are required to submit quarterly reports detailing activity for the previous quarter on or before the 15th of January, April, July, and October. Approved common carriers are also required to maintain records for all shipments for a minimum of two years, including the date of shipment and delivery, the number and weight of items shipped and delivered, the name and address of the shipper and the recipient, and an acknowledgement of receipt by the recipient. Finally, approved common carriers are required to ensure that all recipients are at least 21 years old by requiring proof of age at the time of delivery and a signed acknowledgement of the receipt of delivery. All packages of wine and beer intended for direct shipment are to have the required notice indicating that the package contains alcoholic beverages prior to being accepted for shipment by the common carrier.

The proposed regulation also requires manufacturers who apply for or consent to a shipper's license to notify all wholesalers authorized to distribute their brand of the application. Manufacturers are also required to ensure that all wine and beer intended for direct shipment meet the label approval requirements specified in the regulation. Labels are required to conform to federal label approval requirements. Unlike wine and beer sold at retail establishments around the state, labels on wine and beer intended for direct shipment are not required to meet any Virginia-specific label requirements. According to ABC, Virginia label requirements include a number of factors, such as the appearance of lewd or obscene matter on the label, that are not included in the federal requirements. However, in the case of alcohol that does not appear on store shelves and is shipped directly to consumers, factors such as label appearance are not essential to the public interest.

An emergency regulation to this effect has been in place since July 2003.

Estimated economic impact. Fee analysis. Apart from meeting the requirements of the regulation mentioned in the previous section, applicants for a wine or beer shipper's license will be required to pay an annual \$50 license fee. The fee is intended to cover costs incurred by the Department of Alcoholic Beverage Control (ABC) in administering the program, including the processing of applications, the review of reports submitted by licensees and approved common carriers, and the monitoring required to ensure compliance with the regulation. The agency has issued 226 licenses to date and the application processing, report review, and tax collection has been handled without any additional resources. ABC intends to use existing label approval and tax collection staff at the agency to administer the program.

Businesses and individuals involved in the direct shipment of alcohol to consumers have the potential to create public health and safety hazards as a result of conducting their activities in an improper or inappropriate manner. For example, improper and inappropriate business practices could result in alcohol being sold to minors. The aim of the proposed regulation is to enforce certain compulsory minimum standards for shipping licensees and approved common carriers such that the risk to public health and safety from their activities is reduced to a level deemed appropriate. The cost of obtaining a license can be viewed as part of the compliance cost incurred by a business or an individual to ensure that they do not jeopardize public health and safety.

Thus, while licensed shippers and approved common carriers will incur costs in meeting the requirements of the regulation, they will also reap the benefits of alcohol being shipped directly to consumers in Virginia. The costs incurred can be viewed as part of the compliance cost associated with operating in manner that is protective of public health and safety. Setting fees such that they cover the cost incurred by ABC in ensuring that wine and beer shippers operate in an appropriate manner will result in a more efficient allocation of resources, with licensees paying compliance costs commensurate with the risk posed to public health and safety from their activities. Only those businesses and individuals for whom the benefits outweigh the costs will choose to apply for a shipper's license or approval as a common carrier. Thus, setting the fees at a level that is reflective of the actual cost of administering the program will ensure that the number and type of businesses entering the industry are such that the risk to the public from their activities is kept low. Setting fees at a level lower than the actual cost of administering the program could result in more numerous and more unsuitable firms entering the industry, significantly increasing the risk to public health and safety, and setting the fees at a level higher than the actual cost of administering the program could deter some firms that would not have an adverse impact on public health and safety from entering the industry, resulting in a waste of resources.

Economic impact. The proposed regulation is likely to produce economic benefits for the Commonwealth. By allowing out-of-state manufacturers and retailers to directly ship wine and beer to consumers in Virginia, the proposed regulation is likely to expand the range of choices available to consumers. Consumers will now be able to buy wines and beers that are not available through in-state retailers and

manufacturers. Increased consumer choice is also likely to increase competition among wine and beer suppliers in Virginia, lowering the price of these products in Virginia. Specifically, the direct shipment of wine and beer will allow consumers to circumvent the three-tier wine and beer distribution system in place in Virginia and purchase a wider variety of wines and beers at lower prices than available under the three-tier system.

A significant part of the benefits of direct shipment of alcohol to consumers arise from the circumvention of the three-tier alcohol distribution system that prohibits the sale of alcohol directly from manufacturers to retailers. The three-tier system was put in place following Prohibition. It was done in order to prevent the vertical integration of ownership of bars and alcohol manufacturers, which was seen to be encouraging alcohol consumption. However, the need for the three-tier system in current times is unclear. Requiring manufacturers and retailers to buy and sell alcohol through wholesalers only serves to introduce economic inefficiencies while not providing any significant additional benefits. Requiring manufacturers and retailers to go through wholesalers results in higher prices being charged. Existing studies estimate that a typical wholesaler marks up a bottle of wine by between 18% and 25%. In addition, the three-tier system also serves to restrict consumer choice. For many small manufacturers, the cost of acquiring a wholesaler and selling their product through the three-tier system is prohibitive. Two recent federal court opinions found that the costs associated with the three-tier system do not make it cost-effective for smaller wineries to sell their product in states with the three-tier system. By allowing consumers to circumvent the three-tier system, the proposed regulation is likely to increase consumer choice and reduce prices, leading to a more efficient allocation and use of these resources.

However, the extent of the economic benefits to the state from allowing the direct shipment of alcohol is limited by the statutory requirement allowing only two cases of wine and two cases of beer to be shipped per month per consumer. According to ABC, the two-case limit is intended to prevent the purchase of wine for the purpose of resale. The statutory requirement effectively precludes retailers from purchasing wine and beer directly from manufacturers. Removing the two-case limit would allow both retailers and consumers to circumvent the three-tier system, increasing the efficiency gain and producing even larger economic benefits for the state.

Estimates of the share of online sales between 1994 and 1999 found that online wine sales accounted for approximately 3.0% of the market¹. Other studies estimate that this percentage is likely to increase to between 5.0% and 10% in the next few years². Between July 2003 and February 2004, direct shipment of wine accounted for less than 0.5% of the total volume of wine sold in Virginia. Over the same period, direct shipment of beer accounted for less than 0.002% of the

¹ Freedman, A. M. and J. R. Emshwiller, October 4, 1999. Vintage System: Big Liquor Wholesaler Finds Change Stalking Its Very Private World. *Wall Street Journal*.

² Swartzberg, M. and J.F. Solomon, March 17, 2000. Clicking on Wine: Will E-Commerce and Other Forces Increase U.S. Consumer Access to Wine? *Salomon and Smith Barney Equity Research Report*.

Proposed Regulations

total volume of beer sold in the state. While the percentages for both wine and beer are likely to increase as direct shipping becomes more common, wine shipments are likely to account for a lion's share of alcohol shipped directly to consumers. ABC estimates that the average cost of shipping a case of wine or beer is approximately \$36.

A 2003 Federal Trade Commission (FTC) report³ on the wine industry concludes that consumer welfare could be significantly enhanced through the direct shipment of wine to consumers. Specifically, FTC staff studied the wine market in McLean, Virginia and compared the prices and choices consumers could find in area stores to the prices and choices they could find online. The study analyzes the prices and labels available to McLean consumers for the 50 most popular wines identified in the 13th annual restaurant poll of the Wine and Spirits magazine⁴. It compares the prices and labels available through bricks-and-mortar wine retail outlets within a 10-mile radius of McLean and compares them to the prices and labels available through online retailers. The study finds that 12 out of 79 wines (or 18%) were not available at retail outlets in McLean but were available online⁵. The study also finds that depending on the price of the wine, the quantity purchased, and the method of delivery, online purchases of wine can be cheaper than purchases at bricks-and-mortar outlets. For bottles of wine priced at \$20 or more, a McLean consumer could save between 5.0% and 13% per bottle by purchasing wine online (the savings were between 8.0% and 13% when the least expensive shipping method was used). For bottles priced at \$40 or more, the savings are even greater, between 13% and 20% (the savings were between 20% and 21% when the least expensive shipping method was used). For all wines, purchase of more than six bottles of wine shipped via standard ground service is, on average, likely to result in savings for consumer compared to purchases made at bricks-and-mortar retailers. However, including shipment costs, the study found that lower-end wines are more expensive to purchase online than through a bricks-and-mortar retailer.

The findings of the study are likely to underestimate the impact of direct shipment on prices and consumer choice. The study only analyzes the label availability for 83 bottles of wine whereas there are countless other smaller and lesser-known labels that are only likely to be available to consumers online. The three-tier system, which requires manufacturers and retailers to sell or purchase wine and beer through wholesalers, is likely to restrict consumer choice even further. In order to sell their product in Virginia, wine and beer manufacturers are required to go through 150-odd wholesalers licensed in the state rather than sell directly to retailers. Finally, limited shelf space at bricks-and-mortar retailers is another factor limiting consumer choice. Including all these factors, the negative impact of direct shipment bans on consumer choices is likely to be even larger than that estimated by the FTC study. The impact of the direct

shipment ban on prices is also likely to be larger than estimated by the FTC study. The FTC analysis of the difference in price between bricks-and-mortar retailers and online retailers does not include the long-term effect of increased competition from out-of-state retailers and manufacturers.

Apart from expanding consumer choice and lowering prices, direct shipment of wine and beer is also likely to produce additional economic benefits. It will provide Virginia manufacturers with the opportunity to sell their wine in reciprocity states. States such as California only allow for direct shipment of wine and beer from manufacturers in states affording the same reciprocal privilege. Following the lifting of the direct shipment ban in Virginia, in-state manufacturers will be able to ship to consumers in reciprocal states whereas previously they could not. The increased sale of Virginia wine and beer in such states⁶ is likely to produce economic benefits for Virginia's economy.

The proposed regulation is also likely to impose additional costs. Direct shipment of wine and beer to consumers could increase the risk of alcohol being sold to minors. Based on 2002 data from an in-school survey of eighth, tenth, and twelfth grade students⁷, it was estimated that approximately 20% of eighth graders, 35% of tenth graders, and 49% of twelfth graders reported that they had consumed alcohol one or more times in the past 30 days. Moreover, approximately 68% of eighth graders, 85% of tenth graders, and 95% of twelfth graders reported that it was "fairly easy" or "very easy" to get alcohol. While it is difficult to quantify the costs of underage drinking, a study prepared for the U.S. Department of Justice⁸ estimated the total cost of underage drinking in 1996 at \$52.8 billion or \$530 per U.S. household. The direct shipment of wine and beer to consumers could contribute to the problem of underage drinking by providing minors with another avenue by which to purchase alcohol. Moreover, state laws aimed at preventing the sale of alcohol to minors may be harder to enforce against shippers located outside the state.

There is little empirical evidence assessing the impact of direct shipment of wine and beer on alcohol consumption by minors. One of the few studies on the topic examines the impact of home delivery of alcohol on underage drinking, but does not indicate whether home delivery is a significant source of alcohol for minors⁹. It establishes that minors can obtain alcohol through home delivery, just as they can through bricks-and-mortar retailers. Several states have conducted sting operations in which minors have been able to purchase alcohol online. However, based on these operations, it is not possible to reach any conclusion about whether minors can buy alcohol easier online or at bricks-and-mortar retailers.

⁶ Currently, there are 13 reciprocity states.

⁷ Johnston, L. D., O'Malley, P. M., and J. G. Bachman, December 16, 2002. Ecstasy Use Among American Teens Drops For The First Time in Recent Years, and Overall Drug and Alcohol Use Also Decline in the Year After 9/11. *University of Michigan News and Information Service*.

⁸ D.T. Levy et al., 1999. Costs of Underage Drinking. *A Report Prepared for the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention*.

⁹ L. A. Fletcher et al., 2000. Alcohol Home Delivery Services: A Source of Alcohol for Underage Drinkers. *Journal of Studies on Alcohol* 61: pp 81-84.

³ Possible Anti-Competitive Barriers to E-Commerce: Wine. *A Report from the Staff of the Federal Trade Commission*, July 2003.

⁴ The survey actually identifies 83 individual bottles of wine. It recognizes all relevant bottles that fall under a given winery's varietal when identifying the most popular Chardonnays, Merlots, and other wines.

⁵ Four bottles were unavailable both at retail outlets and online.

Moreover, in most cases the sting involved providing the minor with a credit card, eliminating an important determining factor of underage drinking, price.

The 2003 FTC report conducted an informal survey of states allowing direct shipment on the issue of shipment of alcohol to minors. Based on the response, the FTC report concludes that most state officials "do not believe that interstate direct shipment of wine to minors is currently a serious problem, although several of them believe that it is possible for minors to buy wine online". Several of the states surveyed had procedural safeguards and enforcement mechanisms similar to those being proposed for Virginia to prevent the sale of alcohol to minors and none of the states surveyed reported more than isolated instances of minors buying or attempting to buy wine online.

There is empirical evidence indicating that underage drinking is highly sensitive to price. For example, a study by Saffer and Dave (2003)¹⁰ indicates that price of alcohol has a significant effect on alcohol participation and binge alcohol participation by adolescents. Direct shipment of wine and beer provides the greatest price savings for high-end and niche varieties of wine and beer. In fact, the 2003 FTC study of the wine market in McLean, Virginia finds that lower-end wines are more expensive to purchase online than through a bricks-and-mortar retailer. The FTC report goes on to state that, "an interstate shipping ban primarily deprives consumers of access to lower-cost sources of high-end, expensive wines".

The price of alcohol for minors includes two components, the direct cost of the alcohol and the indirect cost associated with purchasing the alcohol illegally. Bricks-and-mortar retailers are likely to continue to be the source of the lowest cost wines and beers. Direct shipment is only likely to impact the price and availability of more expensive varieties of wine and beer. Moreover, there is no evidence to indicate that, given the procedural safeguards and enforcement mechanism in place in Virginia, minors will find it easier to buy alcohol online compared to buying it at bricks-and-mortar retailers. Thus, it is likely that minors will continue to use bricks-and-mortar retailers as their primary source of alcohol and unlikely that the direct shipment of alcohol to consumers will lead to a significant increase in alcohol consumption by minors.

The direct shipment of alcohol could also lead to an overall increase in alcohol consumption in Virginia. Increased consumer choice and lower prices for wine and beer could lead to more individuals consuming alcohol and larger amounts of alcohol being consumed by each individual. Increased alcohol consumption imposes social and economic costs through rising health costs, falling productivity, and an increase in social problems such as domestic abuse. A 1998 study by the National Institutes of Health estimated that alcohol abuse and alcoholism generated costs of about \$148 million (or approximately \$580 per capita) in 1992.

However, the increase in alcohol consumption due to the lifting of the direct shipment ban is not likely to be significant.

¹⁰ Saffer, H. and D. Dave, 2003. Alcohol Advertising and Alcohol Consumption by Adolescents. *National Bureau of Economic Research Working Paper: 9676*.

Alcohol purchased through direct shipment is likely to form only a small proportion of total alcohol purchased and consumed. Most of the benefits of direct shipment are related to the availability and consumption of more expensive bottles of wine and bottles produced by small manufacturers that cannot afford to sell their product through the three-tier system. Thus, direct shipment is likely to have the greatest effect on individuals with a taste for niche and high-end varieties of wine and beer. It is unlikely that any increase in consumption of niche and high-end varieties of alcohol by these individuals will significantly increase the overall level of alcohol consumption in the state. The 2003 FTC report concludes that, "FTC staff has seen no evidence indicating whether higher prices for these types of fine wines would curtail consumption significantly either among the general populace, minors, or problem drinkers".

The net economic impact will depend on whether the benefits of allowing the direct shipment of wine and beer to consumers are greater than or less than the costs of doing so. Based on available information, it appears that the benefits of allowing direct shipment of alcohol to consumers are significant. These benefits include greater consumer choice, lower prices, and the ability of Virginia manufacturers and retailers to sell their wine in reciprocity states. The costs, on the other hand, are not likely to be very significant. A combination of the safeguards built into the regulation and the types of wines and beers that benefit from the lifting of the direct shipment ban indicate that shipment of alcohol directly to consumers is unlikely to lead to a significant increase in underage drinking or to a significant overall increase in alcohol consumption in the state. Thus, the proposed change is likely to produce a net positive economic impact on the state's economy.

While the overall net economic impact of the proposed regulation is likely to be positive, the magnitude of the positive impact could be enhanced further. Section 4.1-112.1 of the Code of Virginia requires manufacturers that apply for or consent to a shipper's license to notify all wholesalers distributing their brand in Virginia of the application. The requirement does not appear to serve any purpose relating to public health or safety. To the extent that it has no connection to public health and safety, the proposed requirement is likely to impose unnecessary additional costs on manufacturers. The notification requirement could also impose indirect costs on manufacturers. The requirement may be used by wholesalers to discourage manufacturers from applying for or consenting to a shipper's license. For example, wholesalers may threaten to stop supplying brands from manufacturers that are shipping directly to consumers. By imposing unnecessary costs, both direct and indirect, the statutory notification requirement will result in efficiency losses and waste of resources. Removal of this requirement is likely to improve the efficiency of the direct shipment program and increase the magnitude of the net positive economic impact on the state from allowing the direct shipment of alcohol to consumers.

Businesses and entities affected. The proposed regulation is likely to affect wine and beer manufacturers, retailers, and wholesalers. Virginia manufacturers and retailers may see a decline in demand as lifting of the direct shipment ban leads some consumers to shift their purchases away from in-state

Proposed Regulations

manufacturers and retailers to out-of-state suppliers. Moreover, the increased competition from out-of-state manufacturers is also likely to put downward pressure on the price of wine and beer sold in Virginia. However, the in-state manufacturers and retailers are likely to receive additional benefits of being able to ship their product to reciprocity states. The net economic impact will depend on the magnitude of the decline in revenues from in-state sales compared to the magnitude of the increase in out-of-state sales. Direct shipment of wine and beer to consumers is likely to have a negative impact on Virginia wholesalers. Consumers will now be able to circumvent the three-tier system and purchase wine and beer directly from the manufacturers, reducing the amount of alcohol flowing through the three-tier system. The magnitude of the negative impact will depend on the number of consumers who now choose to purchase directly from manufacturers. Given that direct shipment largely affects the price and availability of high-end wines and beers and accounts for only a small proportion of total alcohol sales, the adverse impact on wholesalers is not likely to be very large.

As of June 2004, ABC has issued 226 shipper's licenses, 41 to in-state shippers and 185 to out-of-state shippers.

Localities particularly affected. The proposed regulation is applies to all localities in the Commonwealth.

Projected impact on employment. The proposed regulation is not likely to have a significant impact on employment in the Commonwealth.

Effects on the use and value of private property. The proposed regulation is likely to have a negative impact on wholesale businesses in Virginia. Consumers will now be able to circumvent the three-tier system and purchase wine and beer directly from the manufacturers, reducing the amount of alcohol flowing through the three-tier system. However, the magnitude of the negative impact is not likely to be very large as direct shipment is likely to account for only a small proportion of wine and beer sales in Virginia.

Direct shipment of alcohol to consumers is also likely to affect businesses manufacturing and retailing wine and beer in Virginia. These businesses could see increased competition and a decline in demand for their products in Virginia. However, these businesses will now have the opportunity to sell their product in reciprocity states, which they could not have done prior to the lifting of the direct shipment ban. The net economic impact of direct shipment on these businesses will depend of the magnitude of the decline in in-state sales compared to the increase in out-of-state sales.

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

Summary:

The 2003 General Assembly enacted House Bill 1652 and Senate Bill 1117, two identical pieces of legislation allowing direct shipments of beer and wine to consumers by holders of wine or beer shippers' licenses. Emergency regulations were promulgated effective July 10, 2003. The proposed

amendments provide for the application process, recordkeeping and reporting process for wine or beer shippers' licensees and common carriers approved to deliver shipments from such licensees. An associated secondary action revises current label approval rules to exempt products sold only by direct shipment from most of the requirements.

3 VAC 5-40-20. Wines; qualifying procedures; disqualifying factors; samples; exceptions.

A. All wines sold in the 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 merchandise may accompany each new brand and type of wine offered for sale in the 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 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 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. 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. If the alcoholic content exceeds 21% by volume;

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

C. While not limited thereto, the board may withhold approval of any label:

1. Which implies or indicates that the product contains 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 contains 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 drink, 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. A person holding a license as a winery, farm winery or a wine wholesaler 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 analysis of such a sample. A fee in such amount as may be established by the board shall be included with each recertification.

E. 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 Commonwealth as of December 1, 1960, and remains the same in content, label and container. *Any wine sold only by direct shipment to consumers by holders of wine shippers' licenses shall be approved upon compliance with subdivision A 3 of this section.*

3 VAC 5-40-50. Beer; qualifying procedures; samples; exceptions; disqualifying label factors.

A. Beer sold in the 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 merchandise may accompany each new brand and type of beer offered for sale in the 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; however, beer offered for sale in another state with which the Commonwealth has an analysis and certification exchange agreement shall be subject only to a registration fee in such amounts as may be established by the board.

3. All beer sold in the 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 or analysis of the beer originally approved by the board.

B. A brewery licensee or a wholesale beer licensee shall upon request furnish the board without compensation a reasonable quantity of each brand of beer sold by him for chemical analysis; provided, however, that the board may require recertification of the merchandise involved in lieu of analysis of such a sample. A fee in such amount as may be established by the board shall be included with each recertification.

C. Any beer whose contents, label or container does not comply with all requirements of this section shall be exempt therefrom provided that such beer was sold at retail in this Commonwealth as of December 1, 1960, and remains the same in content, label and container. *Any beer sold only by direct shipment to consumers by holders of beer shippers' licenses shall be approved upon compliance with subdivision A 3 of this section.*

D. While not limited thereto, the board may withhold approval of any label which contains any statement, depiction or reference that:

1. Implies or indicates that the product contains wine or spirits;
2. Implies the product contains above average alcohol for beer;
3. Is suggestive of intoxicating effects;
4. Would tend to induce minors to drink;
5. Would tend to induce persons to consume to excess;
6. Is obscene, lewd or indecent;
7. Implies or indicates that the product is government (federal, state or local) endorsed;
8. Implies the product enhances athletic prowess or implies such by any reference to any athlete, former athlete or athletic team;
9. Implies endorsement of the product by any prominent living person;
10. Makes any humorous or frivolous reference to any intoxicating drink.

3 VAC 5-70-220. Wine or beer shipper's licenses; application process; common carriers; records and reports.

A. Any person or entity qualified for a wine shipper's license or beer shipper's license pursuant to § 4.1-112.1 of the Code of Virginia must apply for such license by submitting form 805-52, Application for License. In addition to the application, each applicant shall submit as attachments a list of all brands of wine or beer sought to be shipped by the applicant, along with the board-assigned code numbers for each brand or a copy of the label approval by the appropriate federal agency for any brand not previously approved for sale in Virginia pursuant to 3 VAC 5-40-20 or 3 VAC 5-40-50 that will be sold only through direct shipment to consumers.

Except as provided in subsection B of § 4.1-112.1 of the Code of Virginia, if the applicant is not also the brand owner of the brands listed in the application, the applicant shall obtain and

Proposed Regulations

submit with the application a dated letter from the brand owner for each brand, addressed to the Supervisor, Tax Management Section, Virginia Department of Alcoholic Beverage Control, indicating the brand owner's consent to the applicant's shipping the brand to Virginia consumers.

The applicant shall attach (i) a photocopy of its current license as a winery, farm winery, brewery, or alcoholic beverage retailer issued by the appropriate authority for the location from which shipments will be made and (ii) evidence of the applicant's registration with the Virginia Department of Taxation for the collection of Virginia retail sales tax.

B. Any brewery, winery or farm winery that applies for a shipper's license or consents to the application by any other person, other than a retail off-premises licensee, for a license to ship such brewery's, winery's or farm winery's brands of wine or beer shall notify all wholesale licensees that have been authorized to distribute such brands in Virginia that an application for a shipper's license has been filed. Such notification shall be by a dated letter to each such wholesale licensee, setting forth the brands that wholesaler has been authorized to distribute in Virginia for which a shipper's license has been applied. A copy of each such letter shall be forwarded to the Supervisor, Tax Management Section, by the brewery, winery, or farm winery.

C. Any holder of a wine or beer shipper's license may add or delete brands to be shipped by letter to the Supervisor, Tax Management Section, designating the brands to be added or deleted. Any letter adding brands shall be accompanied by any appropriate brand-owner consents or notices to wholesalers as required with an original application.

D. Any brand owner that consents to a holder of a wine shipper's license or beer shipper's license shipping its brands to Virginia consumers may withdraw such consent by a dated letter to the affected wine or beer shipper's licensee. Copies of all such withdrawals shall be forwarded by the brand owner, by certified mail, return receipt requested, to the Supervisor, Tax Management Section. Withdrawals shall become effective upon receipt of the copy by the Tax Management Section, as evidenced by the postmark on the return receipt.

E. Wine shipper's licensees and beer shipper's licensees shall maintain for two years complete and accurate records of all shipments made under the privileges of such licenses, including for each shipment:

1. Number of containers shipped;
2. Volume of each container shipped;
3. Brand of each container shipped;
4. Names and addresses of recipients; and
5. Price charged.

The records required by this subsection shall be made available for inspection and copying by any member of the board or its special agents upon request.

F. On or before the 15th day of each month, each wine shipper's licensee or beer shipper's licensee shall file with the

Supervisor, Tax Management Section, a report of activity for the previous calendar month. Such report shall include:

1. Whether any shipments were made during the month; and
2. If shipments were made, the following information for each shipment:
 - a. Number of containers shipped;
 - b. Volume of each container shipped;
 - c. Brand of each container shipped;
 - d. Names and addresses of recipients; and
 - e. Price charged.

Unless otherwise paid, payment of the appropriate beer or wine tax shall accompany each report.

G. All shipments by holders of wine shipper's licenses or beer shipper's licenses shall be by approved common carrier only. Common carriers possessing all necessary licenses or permits to operate as common carriers in Virginia may apply for approval to provide common carriage of wine or beer, or both, shipped by holders of wine shipper's licenses or beer shipper's licenses by dated letter to the Supervisor, Tax Management Section, requesting such approval and agreeing to perform deliveries of beer or wine shipped, maintain records, and submit reports in accordance with the requirements of this section. The board may refuse, suspend or revoke approval if it shall have reasonable cause to believe that a carrier does not possess all necessary licenses or permits, that a carrier has failed to comply with the regulations of the board, or that a cause exists with respect to the carrier that would authorize the board to refuse, suspend or revoke a license pursuant to Title 4.1 of the Code of Virginia. Before refusing, suspending, or revoking such approval, the board shall follow the same administrative procedures accorded an applicant or licensee under Title 4.1 of the Code of Virginia and regulations of the board.

H. When attempting to deliver wine or beer shipped by a wine shipper's or beer shipper's licensee, an approved common carrier shall require:

1. The recipient to demonstrate, upon delivery, that he is at least 21 years of age; and
2. The recipient to sign an electronic or paper form or other acknowledgement of receipt that allows the maintenance of the records required by this section.

The approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification. All licensees shipping wine or beer pursuant to this section shall affix a conspicuous notice in 16-point type or larger to the outside of each package of wine or beer shipped within or into the Commonwealth, in a conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Such notice shall also contain the wine shipper's or beer shipper's license number of the shipping licensee. No approved common carrier shall accept for shipment any wine

or beer to be shipped to anyone other than a licensee of the board unless the package bears the information required by this subsection.

I. Approved common carriers shall maintain for two years complete and accurate records of all shipments of wine or beer received from and delivered for wine or beer shipper's licensees, including for each shipment:

- 1. Date of shipment and delivery;
2. Number of items shipped and delivered;
3. Weight of items shipped and delivered;
4. Acknowledgement signed by recipient; and
5. Names and addresses of shippers and recipients.

The records required by this subsection shall be made available for inspection and copying by any member of the board or its special agents upon request.

J. On or before the 15th day of each January, April, July, and October, each approved common carrier shall file with the Supervisor, Tax Management Section, a report of activity for the previous calendar quarter. Such report shall include:

- 1. Whether any shipments were delivered during the quarter; and
2. If shipments were made, the following information for each shipment:
a. Dates of each delivery; and
b. Names and address of shippers and recipients for each delivery.

NOTICE: The forms used in administering 3 VAC 5-40, Requirements for Product Approval, are not being published, however, the name of each form is listed below. The forms are available for public inspection at the Alcoholic Beverage Control Board, 2901 Hermitage Road, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- Permit for Release of Alcoholic Beverages Not Under Customs or Internal Revenue Bond, #701-102 (eff. 1/92).
Order and Permit for Transportation of Alcohol, #703-69 (eff. 11/87).
Order and Permit for Transportation of Alcoholic Beverages, #703-73.
Mixed Beverage Annual Review, #805-43 (eff. 5/92).
Mixed Beverage Annual Review--Instructions for Completion, #805-44.
Application for Off Premises Keg Permit, #805-45 (eff. 1/93).
Application for License, #805-52.
Application for Grain Alcohol Permit, #805-75.
Mixed Beverage Annual Review, #805-77.

Special Event License Application Addendum--Notice to Special Event Licenses Applicants, Form SE-1 (rev. 11/01).

Statement of Income & Expenses for Special Event Licenses (with instructions), Form SE-2 (rev. 11/01).

VA.R. Doc. No. R03-271; Filed August 4, 2004, 11:39 a.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: 13 VAC 5-111. Virginia Enterprise Zone Program Regulation (amending 13 VAC 5-111-10, 13 VAC 5-111-50, 13 VAC 5-111-70, 13 VAC 5-111-80, 13 VAC 5-111-90, 13 VAC 5-111-100, 13 VAC 5-111-140, 13 VAC 5-111-160, 13 VAC 5-111-180, 13 VAC 5-111-190, 13 VAC 5-111-210, 13 VAC 5-111-290 through 13 VAC 5-111-330, 13 VAC 5-111-350, 13 VAC 5-111-360, 13 VAC 5-111-370, 13 VAC 5-111-390; adding 13 VAC 5-111-95, 13 VAC 5-111-162, 13 VAC 5-111-172, 13 VAC 5-111-175, 13 VAC 5-111-245, 13 VAC 5-111-315; repealing 13 VAC 5-111-380).

Statutory Authority: § 59.1-278 of the Code of Virginia.

Public Hearing Date: September 13, 2004 - 2 p.m.

Public comments may be submitted until October 23, 2004. (See Calendar of Events section for additional information)

Agency Contact: Shea Hollifield, Deputy Director, Department of Housing and Community Development, 501 North Second Street, Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7093, or e-mail shea.hollifield@dhcd.virginia.gov.

Basis: Section 59.1-278 of the Code of Virginia empowers the board to promulgate regulations to administer the Enterprise Zone Act (§ 59.1-270 et seq. of the Code of Virginia).

Purpose: The purpose of the proposed amendments is to address legislative changes adopted by the 2003 Session of the General Assembly as well as to clarify certain aspects of the regulations for more effective implementation and ease of use. The proposed changes will ensure consistent and uniform program implementation through the formal mechanism provided by the regulations.

The purpose of the proposed revisions to the Enterprise Zone Program Regulation are primarily technical in nature and will not directly impact public health, safety and welfare. However, the Enterprise Zone Program has a positive impact on the public's welfare as its primary purpose is to create new jobs and to promote private investment and economic development in distressed areas of the Commonwealth.

Substance: The proposed regulations:

- 1. Define commonly used terms and add language to reflect program practice, clarify requirements, and enhance ease of use by clients;

Proposed Regulations

2. Reduce the administrative burden of and allow more flexibility in administration by participating local governments through clarification of:

- a. Zone size limits and noncontiguous areas;
- b. Public hearing process;
- c. Rights and responsibilities of participants in joint designation applications;
- d. Zone amendment process;
- e. Responsibilities of localities with enterprise zones and those of the local zone administrators; and
- f. Expiration date of state enterprise zones in relation to the federal empowerment zones (based on the amendment of Chapter 763 of the 2003 Acts of Assembly, effective date July 1, 2003);

3. Add provisions related to the termination of zones or zones whose 20-year designation period is ending to:

- a. Specify the process for zone designation in such cases; and
- b. Clarify the business qualification periods in such cases.

4. Clarify the responsibilities of firms with negotiated tax credits, including the addition of a section and definitions to specify how high investment/low employment firms may qualify for general income tax credits (based on the amendment of Chapter 763 of the 2003 Acts of the Assembly, effective date July 1, 2003); and

5. Make date corrections throughout and remove outdated references.

Issues: There are no disadvantages to the Commonwealth. The primary advantage to the Commonwealth will be increased efficiency in program implementation by clarifying the rights and responsibilities of the program clients, businesses and participating localities.

The changes support the intent of the program to encourage job creation and private investment that spurs additional development and revitalization in distressed areas of the Commonwealth through an increased demand for goods and services.

In general, there are no disadvantages to businesses. Businesses that are located within a zone, but the majority of whose employees work outside the zone, may qualify for fewer job grants. The definition of "wholly owned pass-through entity" and "conduct of business" may reduce the number of businesses that create a wholly owned pass-through entity in order to qualify for the real property tax credit.

There are no disadvantages to participating localities. The proposed regulations will ease administrative requirements and provide localities more flexibility in how they administer the program.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process

Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The General Assembly mandates in § 36-137 of the Code of Virginia that the Board of Housing and Community Development make rules and regulations necessary to carry out its responsibility and repeal or amend these rules when necessary.

The proposed regulation (i) caps the amount of general tax credits that businesses with high investment but limited job creation capabilities can claim under the provisions of this regulation, (ii) allows the state enterprise zone designation period to be extended to coincide with the federal empowerment zone designation, and (iii) deletes references to metropolitan central cities and classifies localities only as cities, towns, or counties.

The regulation also proposes a number of administrative changes. It removes the requirement for localities to file a separate survey of zone business sentiment in the first year after establishment and instead requires the relevant information to be included in the first annual report submitted by the locality. It specifies the qualification process for firms located in enterprise zones whose designation is ending. The proposed change is in response to the scheduled expiration of the state's first enterprise zone designations. It removes language in the regulation dealing with the identification and sale of surplus land by the state and localities. According to the Department of Housing and Community Development (DHCD), it is common practice for the state and localities to identify and sell surplus land in an expedient manner, making these requirements unnecessary. It deletes the provision in the existing regulation requiring enterprise zone jurisdictions to examine their applications every five years and, if required, submit amendments to the original application. DHCD believes this requirement to be unnecessary as the agency already provides such guidance during the course of the annual assessment visit.

Finally, the proposed regulation includes a number of changes that clarify various aspects of the regulation (including its intent) and make the regulation consistent with current practice. It also updates the existing regulation (such as replacing the term family with the term household to reflect societal trends and replacing the phrase "conduit entity" with the phrase "wholly owned pass-through entity" to reflect business and tax terminology) and removes unnecessary and outdated language.

Estimated economic impact.

(1) The proposed regulation caps the amount of general tax credits that firms and businesses with high investment but limited job creation capabilities can claim under the enterprise

zone program. Firms that make at least \$50 million in zone investments and create 50 or fewer full-time permanent positions are defined as high investment/low job creation firms. Under the existing regulation, such firms are eligible for the general tax credit, the zone incentive grants, and the real property improvement tax credits. The proposed change is intended to limit the amount of general tax credits claimed by high investment/low job creation firms such as power companies under the enterprise zone program. According to DHCD, these firms base their location decision on specific infrastructure needs and other factors rather than on incentives provided by enterprise zones. Moreover, these firms tend not to create many jobs, but have large tax liabilities against which they can claim tax credits and incentives provided under the enterprise zone program. The proposed change limits the amount of general income tax credit these firms can claim by the amount of additional revenue the state expects to generate through the creation of new full-time permanent positions in the following five-year period. The proposed change is mandated by Chapter 676 of the Acts of Assembly for 2003.

The proposed change is likely to have a net positive economic impact. Providing firms with incentives to locate in a specific area when they would have located in the area even without the incentive is a waste of state resources. The same level of investment and job creation would have occurred regardless of the enterprise zone incentives provided for under this regulation. Thus, by rewarding firms for actions they would have taken anyway, the existing regulation imposes additional costs on the state without providing any significant additional benefits. Moreover, high investment/limited job creation firms tend not to have a very large impact on employment, but by virtue of their large tax liability are eligible for large tax credits.

By capping the amount of general income tax credit that these firms can claim by the amount the state can expect to collect through increased tax revenues over the following five years, the proposed change will reduce the waste of state resources and ensure that tax credits and incentives provided under this program are commensurate with the investment, job creation, and tax revenue generating capabilities of the firm. The state can expect to recoup the cost of providing general tax credits to high investment/limited job creation firms through increased tax revenues in the five-year period following tax credits. Thus, the state will no longer have to bear the cost of providing these firms with unnecessary incentives in order to encourage them to locate to specific areas. Moreover, by capping the amount of general tax credit by the expected additional income tax revenue generated by the activities of high investment/limited job creation firms, the proposed change ensures that the tax credits are commensurate with the investment, job creation, and tax revenue generating ability of these firms.

In order to precisely estimate the magnitude of the net positive economic impact, it would be necessary to know how many firms fall under high investment/low job creation definition. According to DHCD, there are no reliable estimates of these figures available at this time.

(2) The proposed regulation allows the state enterprise zone designation period to be extended to coincide with the federal

empowerment zone designation period (state enterprise zones have a designation period of 20 years). If an area is designated as a federal empowerment zone at the time of the scheduled expiration of the state enterprise zone designation, the state designation will continue until the federal designation expires. Under the existing regulation, the state designation would expire regardless of the existence of a federal designation. According to DHCD, the proposed change is intended to maximize the resources available for encouraging investment and job creation in these areas. The proposed change is mandated by Chapter 763 of the Acts of Assembly for 2003.

The proposed change is likely to have a small net positive economic impact. According to DHCD, the proposed change will allow some state enterprise zone designations to continue for a few years longer. By increasing the number of years for which enterprise zone incentives are to be provided, the proposed change will impose additional costs on the state. These costs will be balanced by the additional benefit to firms located in these areas. However, to the extent that extending the state designation to coincide with the federal designation encourages continued operation, investment, and job creation by existing firms in these areas and provides an incentive for new businesses to be established in or locate to Virginia, it is likely to produce some additional economic benefits.

(3) The proposed regulation deletes references to metropolitan central cities and classifies localities only as cities, towns, or counties. Under the existing regulation, localities are classified as metropolitan central cities, towns and cities other than as metropolitan central cities, unincorporated areas of counties, and consolidated cities. Based on these classifications, the minimum and maximum size of enterprise zones is determined. The proposed change combines the two classifications, metropolitan central cities and towns and cities other than as metropolitan central cities, and establishes the minimum and maximum size of the enterprise zone as one-half square mile and one square mile, respectively.¹ According to DHCD, the existing classification was a source of confusion among localities applying for an enterprise zone designation.

The proposed change is likely to have a small net positive economic impact. Some areas classified as metropolitan central cities will be allowed to have smaller enterprise zones than currently required. Other areas classified as towns and cities other than metropolitan central cities will be allowed to designate enterprise zones larger than currently allowed. By increasing the flexibility available to localities in determining the size of the enterprise zone, the proposed change is likely to produce some economic benefits. Moreover, to the extent that the proposed change reduces confusion and uncertainty in implementation of the regulation, it is likely to produce some further economic benefits.

¹ The size of enterprise zones in metropolitan central cities is currently required to be at least one-half square mile and at most one square mile or 7% of the jurisdiction's land area or population. The size of enterprise zones in towns and cities other than metropolitan central cities is currently required to be at least one-fourth square mile and at most one-half square mile or 7% of the jurisdiction's land area or population.

Proposed Regulations

The proposed regulation also makes a number of administrative and other changes. These changes are not likely to produce a significant economic impact. The administrative changes are intended to provide additional guidance and reduce the administrative burden, on the state and on firms operating in enterprise zones, without compromising the intent and enforcement of the regulation. The remaining changes are intended to update the regulation, remove unnecessary and outdated language, clarify aspects of the existing regulation, and make the regulation consistent with current practice. To the extent that all these changes improve the understanding, implementation, and effectiveness of the regulation, they are likely to produce some small economic benefits.

Businesses and entities affected. The proposed regulation will affect businesses and entities operating in designated enterprise zones. The amount of general tax credit high investment/low job creation firms are eligible for will be limited by the additional revenues their activities are expected to generate in the five-year period following the claim. Firms operating in enterprise zones whose designation is extended to coincide with the federal empowerment zone designation will be able to receive enterprise zone incentives for a few more years. Increase in the maximum size of enterprise zones in areas previously classified as towns and cities other than metropolitan central cities could result in an increase the number of firms operating within these areas.

According to DHCD, the General Assembly has authorized the establishment of up to 60 enterprise zones. There currently are 52 enterprise zones in Virginia, with five enterprise zones having expired and three being held in reserve for areas with special needs.

Localities particularly affected. The proposed regulation will affect all localities in the Commonwealth, but especially those having or seeking enterprise zone designations. Some of these localities will now have additional flexibility in determining the area of an enterprise zone.

Projected impact on employment. As enterprise zones tend to be located in economically disadvantaged areas with high unemployment, the proposed changes could very well have a positive impact on overall employment in the state. Extending the state designation for a few years could have a positive impact on employment. Raising the maximum size of enterprise zones in areas previously classified as towns and cities other than metropolitan central cities could have a positive effect on employment by increasing the number of firms operating within these areas.

Effects on the use and value of private property. By capping the amount of general tax credit claimed by businesses classified as high investment/low job creation firms, the proposed regulation is likely to reduce after-tax profits and lower the asset value of these firms. By extending state enterprise zone designations to coincide with federal empowerment zone designations, the proposed regulation will allow firms operating in the affected enterprise zones to continue receiving benefits even after the 20-year designation period is over. This, in turn, is likely to have a positive impact on the asset value of these firms.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Housing and Community Development in general concurs with the Department of Planning and Budget's Economic Impact Analysis statement for the Enterprise Zone Program Regulation, 13 VAC 5-111.

Summary:

Language is added to reflect amendments made to the Code of Virginia through Chapter 763 of the 2003 Acts of Assembly (effective July 1, 2003) to adjust state enterprise zones to conform to the federal empowerment zones' expiration date and to specify how high investment/low employment firms may qualify for general income tax credits.

In addition, other changes are proposed for the purpose of (i) further clarifying the intent of the program and ensuring that it is being met, (ii) providing additional guidance to program constituents, (iii) formalizing what has been common practice, and (iv) updating references to specific statutes and dates.

13 VAC 5-111-10. Definitions.

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

"Assumption or acquisition of trade or business" means that the inventory, accounts receivable, liabilities, customer list and good will of an existing Virginia company have been assumed or acquired by another taxpayer, regardless of a change in federal identification number or employees.

"Average number of permanent full-time employees" means the number of permanent full-time employees during each payroll period of a business firm's taxable year divided by the number of payroll periods:

1. In calculating the average number of permanent full-time employees, a business firm may count only those permanent full-time employees who worked at least half of their normal workdays during the payroll period. Paid leave time may be counted as work time.
2. For a business firm ~~which~~ that uses different payroll periods for different classes of employees, the average number of permanent full-time employees of the firm shall be defined as the sum of the average number of permanent full-time employees for each class of employee.

"Base taxable year" (for purposes of qualifying for the general tax credit) means the taxable year preceding the first taxable year for which a firm qualifies for state tax incentives under this program. This definition only applies to business firms qualified prior to July 1, 1995, and only for the purpose of qualifying for enterprise zone incentives offered prior to July 1, 1995. The following definition applies to businesses applying for enterprise zone incentives on or after July 1, 1995: "Base taxable year" (for purposes of qualifying for the general tax credit) means the lower of two taxable years immediately preceding the first year of qualification, at the choice of the business firm.

"Base year" (for purposes of qualifying for enterprise zone incentive grants) as provided in Part VI (13 VAC 5-111-210 et seq.) means either of the two calendar years immediately preceding a business firm's first year of grant eligibility, at the choice of the business firm.

"Business firm" means any corporation, partnership, electing small business (subchapter S) corporation, limited liability company, or sole proprietorship authorized to do business in the Commonwealth of Virginia.

The term "business firm" does not include organizations ~~which~~ *that* are exempt from state income tax on all income except unrelated business taxable income as defined in the federal Internal Revenue Code, § 512, nor does it include homeowners associations as defined in the federal Internal Revenue Code, § 528.

"Business tax credit" means a credit against any tax due under Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3, Chapter 12 (§ 58.1-1200 et seq.), Article 1 (§ 58.1-2500 et seq.) of Chapter 25, or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 of Title 58.1 of the Code of Virginia due from a business firm.

"Common control" means those firms as defined by Internal Revenue Code § 52(b).

"Conduct of business" means the active pursuit of economic profit by an ongoing concern by providing goods or services to others as evidenced by a preponderance of the following: payment of wages and salaries; social security taxes; unemployment taxes; workers compensation taxes; self-employment taxes; local business taxes; maintenance of business records such as those related to sales, shipments, personnel or payroll.

"Department" means the Department of Housing and Community Development.

"Develop" means to make improvements to land through the construction, conservation, repair, restoration, rehabilitation, conversion, alteration, enlargement or remodeling of a structure or structures to accommodate the principal use to which the land is or will be put. This definition only applies to business firms qualified prior to July 1, 1995, and only for the purpose of qualifying for enterprise zone incentives offered prior to July 1, 1995. Businesses applying for enterprise zone tax credits on or after July 1, 1995, shall use the term qualified zone improvements for purposes of qualification for credits under § 59.1-280 of the Code of Virginia.

"Employee of a zone establishment" means a person employed by a business firm who is on the payroll of the firm's establishment or establishments within the zone. In the case of an employee who is on the payroll of two or more establishments of the firm, both inside and outside the zone, the term "employee of a zone establishment" refers only to such an employee assigned to the firm's zone establishment or establishments for at least one-half of his normally scheduled work days.

"Enterprise zone incentive grant" or "grant" means a grant provided for creating permanent full-time positions pursuant to § 59.1-282.1 of the Code of Virginia.

"Establishment" means a single physical location where business is conducted or where services or industrial operations are performed.

1. A central administrative office is an establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same firm.
2. An auxiliary unit is an establishment primarily engaged in performing supporting services to other establishments of the same firm.

"Existing business firm" means one that was actively engaged in the conduct of trade or business in an area prior to such an area being designated as an enterprise zone or that was engaged in the conduct of trade or business in the Commonwealth and relocates to begin operation of a trade or business within an enterprise zone. An existing business firm is also one that was not previously conducted in the Commonwealth by such taxpayer who acquires or assumes a trade or business and continues its operations.

~~"Family" means (i) one or more persons living in a single residence who are related by blood, marriage or adoption. A stepchild or stepparent shall be considered to be related by marriage; (ii) one or more persons not living in the same residence but who were claimed as a dependent on another person's federal income tax return for the previous year shall be presumed, unless otherwise demonstrated, part of the other person's family; or (iii) an individual 18 or older who receives less than 50% of his support from the family, and who is not the principal earner nor the spouse of the principal earner, shall not be considered a member of the family. Such an individual shall be considered a family of one.~~

~~"Family income" means all income actually received by all family members over 16 from the following sources:~~

- ~~1. Gross wages and salary (before deductions);~~
- ~~2. Net self-employment income (gross receipts minus operating expenses);~~
- ~~3. Interest and dividend earnings; and~~
- ~~4. Other money income received from net rents, Old Age and Survivors Insurance (OASI), social security benefits, pensions, alimony, child support, and periodic income from insurance policy annuities and other sources.~~

~~The following types of income are excluded from family income:~~

- ~~1. Noncash benefits such as food stamps and housing assistance;~~
- ~~2. Public assistance payments;~~
- ~~3. Disability payments;~~
- ~~4. Unemployment and employment training benefits;~~
- ~~5. Capital gains and losses; and~~
- ~~6. One-time unearned income.~~

Proposed Regulations

~~When computing family income, income of a spouse or other family members or both shall be counted for the portion of the income determination period that the person was actually a part of the family.~~

~~"Family size" means the largest number of family members during the income determination period.~~

~~"First year of grant eligibility" means the first calendar year for which a business firm was both eligible and applied for an enterprise zone incentive grant.~~

"Expansion" means an increase in square footage or the footprint of an existing building via a shared wall, or enlargement of an existing room or floor plan.

"Full month" means the number of days that a permanent full-time position must be filled in order to count in the calculation of the job grant amount. A full month is calculated by taking the total number of days in a calendar year (365) and dividing that number by 12. Therefore, a full month for the purpose of calculating job grants is equivalent to 30.416666.

"Full-time employee" means a person employed by a business firm who is normally scheduled to work at least 35 hours per week during the firm's payroll period or two or more individuals who together share the same job position and together work the normal number of hours a week as required by the business firm for that one position. The term "full-time employee" does not include unpaid volunteer workers, leased employees or contract labor. This definition only applies to business firms qualified prior to July 1, 1995, and only for the purpose of qualifying for enterprise zone incentives offered prior to July 1, 1995. Businesses applying for enterprise zone tax credits on or after July 1, 1995, shall use the term permanent full-time employee for purposes of qualification pursuant to 13 VAC 5-111-90.

"Grant year" means the calendar year for which a business firm applies for an enterprise zone incentive grant pursuant to § 59.1-282.1 of the Code of Virginia.

"Gross receipts attributable to the active conduct of trade or business within an enterprise zone" means all receipts of the business firm arising from the firm's activities or from the investment and use of the firm's capital in its establishment or establishments within the zone. The proportion of gross receipts arising from the firm's activities or from its investment and use of capital within the zone shall be calculated by dividing the total expenses of the firm's establishment or establishments within the zone by the firm's total expenses both inside and outside the zone.

1. This calculation must be used to allocate and apportion taxable gross receipts against which state franchise or license tax credits may be claimed (see 13 VAC 5-111-50 C).

2. This calculation may not be used to allocate and apportion Virginia Taxable Income against which state corporate and individual income tax credits may be claimed or taxable net capital against which state franchise tax credits may be claimed.

"High investment/limited job creation qualified business firm" means a qualified business firm making qualified zone

investments of \$50 million or more when such qualified zone investments result in the creation of fewer than 50 permanent full-time positions.

"Household" means all the persons who occupy a single housing unit. Occupants may be a single family, one person living alone, two or more families living together, or any group of related or unrelated persons who share living arrangements.

"Household income" means all income actually received by all household members over the age of 16 from the following sources:

1. Gross wages, salaries, tips, commissions, etc. (before deductions);
2. Net self-employment income (gross receipts minus operating expenses);
3. Interest and dividend earnings; and
4. Other money income received from net rents, Old Age and Survivors Insurance (OASI), social security benefits, pensions, alimony, child support, and periodic income from insurance policy annuities and other sources.

The following types of income are excluded from household income:

1. Noncash benefits such as food stamps and housing assistance;
2. Public assistance payments;
3. Disability payments;
4. Unemployment and employment training benefits;
5. Capital gains and losses; and
6. One-time unearned income.

When computing household income, income of a household member shall be counted for the portion of the income determination period that the person was actually a part of the household.

"Household size" means the largest number of household members during the income determination period.

"Housing unit" means a house, apartment, group of rooms, or single room that is occupied or intended for occupancy as separate living quarters.

"Income determination period" means the 12 months immediately preceding the month in which the person was hired.

"Independent certified public accountant" means a public accountant certified and licensed by the Commonwealth of Virginia who is not an employee of the business firm seeking to qualify for state tax incentives and grants under this program.

"Jurisdiction" means the county, city or town which made the application to have an enterprise zone. In the case of a joint application, it means all parties making the application.

"Large qualified business firm" means a qualified business firm making qualified zone investments in excess of \$15 million when such qualified zone investments result in the creation of at least 50 permanent full-time positions.

"Large qualified zone resident" means a qualified zone resident making qualified zone investments in excess of \$100 million when such qualified zone investments result in the creation of at least 200 permanent full-time positions.

"Local zone administrator" means the chief executive of the county, city, or town in which an enterprise zone is located, or his designee.

"Low-income person" means a person who is employed in a permanent full-time position with a business firm in an enterprise zone that is seeking qualification for enterprise zone incentives and whose ~~family household~~ income was less than or equal to 80% of area median ~~family household~~ income during the income determination period. Persons who meet the definition of both low-income and zone resident may not be counted as both for purposes of meeting employment requirements for the general tax credit. Instead, qualifying business firms must claim these persons as either low-income or zone resident.

"Median ~~family household~~ income" means the dollar amount, adjusted for ~~family household~~ size, as determined annually by the department for the city or county in which the zone is located.

~~"Metropolitan central city" means a city so designated by the U.S. Office of Management and Budget.~~

"Net loss" applies to firms that relocate or expand operations and means (i) after relocating into a zone, a business firm's gross permanent employment is less than it was before locating into the zone or (ii) after a business firm locates or expands within a zone, its gross employment at its nonzone location or locations is less than it was before the zone location occurred.

"New construction" means a single, nonresidential facility built on previously undeveloped land or a structure built on the site/parcel of a previously razed structure with no remnants of the prior structure or physical connection to existing structures or outbuildings on the property.

"New business" means a business not previously conducted in the Commonwealth by such taxpayer and that begins operation in an enterprise zone after the zone was designated. A new business is also one created by the establishment of a new facility and new permanent full-time employment by an existing business firm in an enterprise zone and does not result in a net loss of permanent full-time employment outside the zone.

"Number of eligible permanent full-time positions" means the amount by which the number of permanent full-time positions at a business firm in a grant year exceeds the threshold number.

"Payroll period" means the period of time for which a business firm normally pays its employees.

"Permanent full-time employee" means a person employed by a business firm who is normally scheduled to work either (i) a minimum of 35 hours per week for the entire normal year of the business firm's operations, which normal year must consist of at least 48 weeks; (ii) a minimum of 35 hours per week for a portion of the taxable year in which the employee was initially hired for, or transferred to the business firm; or (iii) a minimum of 1,680 hours per year if the standard fringe benefits are paid by the business firm for the employee. Permanent full-time employee also means two or more individuals who together share the same job position and together work the normal number of hours a week as required by the business firm for that one position. Seasonal, temporary, leased or contract labor employees or employees shifted from an existing location in the Commonwealth to a business firm location within an enterprise zone shall not qualify as permanent full-time employees. This definition only applies to business firms qualified after July 1, 1995, and only for the purpose of qualifying for enterprise zone incentives pursuant to 13 VAC 5-111-70.

"Permanent full-time position" means a job of indefinite duration at a business firm located in an enterprise zone, requiring the employee to report for work within the enterprise zone, and requiring either (i) a minimum of 35 hours of an employee's time a week for the entire normal year of the business firm's operations, which normal year must consist of at least 48 weeks; (ii) a minimum of 35 hours of an employee's time a week for a portion of the taxable year in which the employee was initially hired for, or transferred to the business firm; or (iii) a minimum of 1,680 hours per year if the standard fringe benefits are paid by the business firm for the employee. Seasonal, temporary, leased or contract labor positions, or a position created when a job function is shifted from an existing location in this Commonwealth to a business firm located within an enterprise zone shall not qualify as permanent full-time positions. This definition only applies to business firms qualified after July 1, 1995, and only for the purpose of qualifying for enterprise zone incentives pursuant to 13 VAC 5-111-210.

"Placed in service" means: (i) the final certificate of occupancy has been issued by the local jurisdiction for real property improvements; or (ii) the first moment that machinery becomes operational and is used in the manufacturing of a product for consumption; or (iii) in the case of tools and equipment it means the first moment they are used in the performance of duty or service.

"Qualified business firm" means a business firm meeting the business firm requirements in 13 VAC 5-111-30 or 13 VAC 5-111-90 and designated a qualified business firm by the department.

"Qualified zone improvements" means the amount properly chargeable to a capital account for improvements to rehabilitate or expand depreciable nonresidential real property placed in service during the taxable year within an enterprise zone, provided that the total amount of such improvements equals or exceeds (i) \$50,000 and (ii) the assessed value of the original facility immediately prior to the rehabilitation or expansion. Qualified zone improvements include expenditures associated with any exterior, structural,

Proposed Regulations

mechanical, or electrical improvements necessary to construct, expand or rehabilitate a building for commercial or industrial use.

1. Qualified zone improvements include, but are not limited to, the costs associated with excavation, grading, paving, driveways, roads, sidewalks, landscaping or other land improvements, demolition, carpentry, sheetrock, plaster, painting, ceilings, fixtures, doors, windows, fire suppression systems, roofing and flashing, exterior repair, cleaning and clean-up.

2. Qualified zone improvements do not include (i) the cost of furnishings; (ii) any expenditure associated with appraisal, architectural, engineering and interior design fees; (iii) loan fees; points or capitalized interest; (iv) legal, accounting, realtor, sales and marketing or other professional fees; (v) closing costs, permits, user fees, zoning fees, impact fees, inspection fees; (vi) bids insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities incurred during construction; (vii) utility hook-up or access fees; (viii) outbuildings; (ix) the cost of any well, septic, or sewer system; or (x) cost of acquiring land or an existing building.

3. In the case of new nonresidential construction, qualified zone improvements also do not include land, land improvements, paving, grading, driveway, and interest.

"Qualified zone investment" means the sum of qualified zone improvements and the cost of machinery, tools, and equipment used in manufacturing tangible personal property and placed in service on or after July 1, 1995. Machinery, equipment, tools, and real property that are leased through a capital lease and that are being depreciated by the lessee or that are transferred from out-of-state to a zone location by a business firm may be included as qualified zone investment. Such leased or transferred machinery, equipment, tools, and real property shall be valued using the depreciable basis for federal income tax purposes. Machinery, tools and equipment shall not include the basis of any property: (i) for which a credit was previously granted under § 59.1-280.1 of the Code of Virginia; (ii) which was previously placed in service in Virginia by the taxpayer, a related party, as defined by Internal Revenue Code § 267(b), or a trade or business under common control; as defined by Internal Revenue Code § 52(b); or (iii) which was previously in service in Virginia and has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person whom acquired, or Internal Revenue Code § 1014(a).

"Qualified zone resident" means an owner or tenant of nonresidential real property located in an enterprise zone who expands or rehabilitates such real property to facilitate the conduct of a trade or business by such owner or tenant within the enterprise zone. In the case of a partnership, limited liability company or S corporation, the term "qualified zone resident" means the partnership, limited liability company or S corporation.

"Real property improvements tax credit" means a credit provided to a small qualified zone resident pursuant to § 59.1-280.1 C of the Code of Virginia.

"Rehabilitation" means the alteration or renovation of all or part of an existing nonresidential building without an increase in square footage.

"Redetermined base year" means the base year for calculation of the number of eligible permanent full-time positions in a second or subsequent three-year grant period. If a second or subsequent three-year grant period is requested within two years after the previous three-year period, the redetermined base year will be the last grant year. The calculation of this redetermined base year will be determined by the number of positions in the preceding base year, plus the number of threshold positions, plus the number of permanent full-time positions receiving grants in the final year of the previous grant period. If a business firm applies for subsequent three-year periods beyond the two years immediately following the completion of a three-year grant period, the firm shall use one of the two preceding calendar years as the base year, at the choice of the business firm.

"Related party" means those as defined by Internal Revenue Code § 267(b).

"Report for work" means that for the majority of a permanent full-time position's scheduled work week, the employee filling that position works at a ~~single physical location within an enterprise zone~~ *qualified business' enterprise zone establishment*.

"Seasonal employment" means any employee who normally works on a full-time basis and whose customary annual employment is less than nine months. For example, individuals hired by a CPA firm during the tax return season in order to process returns and who work full-time over a three-month period are seasonal employees.

"Single facility" means one or more buildings constructed simultaneously at a single physical location within an enterprise zone and is necessary to facilitate the conduct of a trade or business. This definition only applies to new construction.

"Small qualified business firm" means any qualified business firm other than a large qualified business firm or a *high investment/limited job creation qualified business firm*.

"Small qualified zone resident" means any qualified zone resident other than a large qualified zone resident.

"Surplus public land" means land within a zone which is owned ~~by the Commonwealth or by a unit of local government~~ and which meets the following standards.

- ~~In the case of land owned by a unit of local government~~
(i) The land is not being used for a public purpose nor designated or targeted for a specific public use in an adopted land use plan, facilities plan, capital improvements plan or other official public document; (ii)
- No tangible harm would be incurred by the unit of local government if the land were eliminated from its holdings; and (iii)
- Sale of the land would not violate any restriction stated in the deed.

~~2. In the case of land owned by agencies of the Commonwealth, except land acquired by the Virginia Department of Transportation for the construction of highways, the land has been determined to be surplus to the Commonwealth in accordance with criteria and procedures established pursuant to §§ 2.1-504 through 2.1-512 of the Code of Virginia.~~

~~3. In the case of land acquired by the Virginia Department of Transportation for the construction of highways, the land has been determined to be surplus to the needs of the State Highway Commission and the Commonwealth in accordance with criteria and procedures established pursuant to §§ 33.1-93, 33.1-149 and 33.1-154 of the Code of Virginia. The Commonwealth Transportation Commissioner, prior to determining that land surplus to its needs is also surplus to the Commonwealth, may make such land available to other state agencies in accordance with procedures established pursuant to §§ 2.1-504 through 2.1-512 of the Code of Virginia.~~

"Tax due" means the amount of tax liability as determined by the Department of Taxation or the State Corporation Commission.

"Tax year" means the year in which the assessment is made.

"Taxable event" means any act or failure to act that results in a tax liability for the business firm. The following shall not constitute a taxable event: any exchange, merger, consolidation, disposition of assets or other corporate reorganization that occurs under the federal nonrecognition rules.

"Taxable year" means the year in which the tax due on state taxable income, state taxable gross receipts or state taxable net capital is accrued.

"Threshold number" means 110% of the number of permanent full-time positions in the base year for the first three-year period in which a business firm is eligible for an enterprise zone incentive grant. For a second and any subsequent three-year period of eligibility, the threshold means 120% of the number of permanent full-time positions in the applicable base year as redetermined for the subsequent three-year period. If such number would include a fraction, the threshold number shall be the next highest integer. Where there are no permanent full-time positions in the base year, the threshold will be zero.

"Transferred employee" means an employee of a firm in the Commonwealth that is relocated to an enterprise zone facility owned or operated by that firm.

"Unit of local government" means any county, city or town. Special purpose political subdivisions, such as redevelopment and housing authorities and industrial development authorities, are not units of local government.

"Wholly owned pass-through entity" means an entity that is owned entirely by an operating company and is not itself subject to income tax, and passes items of income, deductions, and other tax attributes through to the operating company.

"Zone" means an enterprise zone declared by the Governor to be eligible for the benefits of this program.

"Zone investment tax credit" means a credit provided to a large qualified zone resident pursuant to § 59.1-280.1 D of the Code of Virginia.

"Zone resident" means a person whose principal place of residency is within the boundaries of any enterprise zone. Persons who meet the definition of both low-income and zone resident may not be counted as both for purposes of meeting employment requirements for the general tax credit. Instead, qualifying business firms must claim these persons as either low-income or zone resident. Zone residency must be verified annually.

13 VAC 5-111-50. Procedures for requesting state tax incentives.

A. A business firm shall submit annually to the department, along with Form EZ-4N or Form EZ-4E, a statement requesting one or more of the state tax incentives provided for in this section. In the case of a partnership or a small business corporation electing to be taxed under Subchapter S of the federal Internal Revenue Code, the statement requesting state tax incentives shall include the name, address and social security number of each partner or shareholder requesting a credit or credits against state individual income tax as provided for in subsection C of this section.

B. State corporate income tax credits. A qualified business firm subject to the corporate income tax under Article 10 (§ 58.1-400 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia may request credits against any such tax due. Corporate income tax credits shall not extend for more than five consecutive tax years for firms that began operations before July 1, 1992, or 10 consecutive tax years for firms that began operations after July 1, 1992.

The sum of the corporate income tax credits claimed under this section shall not exceed the business firm's state corporate income tax liability. Corporate income tax credits shall apply only to taxable income attributable to the conduct of business within a zone. A business firm having taxable income from business activity both inside and outside a zone shall allocate and apportion its taxable income attributable to the conduct of business in accordance with the procedures contained in §§ 58.1-406 through 58.1-420 of the Code of Virginia.

1. General credit. A credit may be claimed against corporate income tax liability for each of five or 10 consecutive years in an amount equaling: firms beginning operations before July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second tax year; 40% of the tax due for the third tax year; 20% of the tax due for the fourth and fifth tax years. Firms beginning operations after July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second through tenth tax years. An unused tax credit may not be applied to future years.

2. Unemployment tax credit. A credit may be claimed against corporate income tax liability for each of five or 10 consecutive tax years in an amount equaling: firms beginning operations before July 1, 1992; 80% of the state

Proposed Regulations

unemployment tax due on employees of zone establishments for the first tax year; 60% of such tax due for the second tax year; 40% of such tax due for the third tax year; 20% of such tax due for the fourth and fifth tax years. Firms beginning operations after July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second through tenth tax years.

An unemployment tax credit may only be claimed against the amount of taxable corporate income remaining after the subtraction of any general credit claimed under subdivision 1 of this subsection. An unused unemployment tax credit may be applied to future tax years within the five- to 10-year period established by subdivision C 2 of this section.

C. State individual income tax credits. A qualified business firm which is subject to state individual income tax under Article 2 (§ 58.1-320 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia may request credits against any such tax due. Individual income tax credits shall not extend more than five consecutive tax years for firms beginning operations before July 1, 1992, or 10 consecutive tax years for firms beginning operations after July 1, 1992. The sum of the individual income tax credits claimed under § 59.1-280 of the Code of Virginia shall not exceed the business firm's state individual income tax liability. When a partnership or a small business corporation electing to be taxed under Subchapter S of the federal Internal Revenue Code is eligible for this tax credit, each partner or shareholder may request the credit on his individual income tax in proportion to the amount of income received by that partner from the partnership, or shareholder from his corporation, respectively.

Individual income tax credits shall apply only to taxable income attributable to the conduct of business within a zone. A business firm having taxable income from business activity both inside and outside the zone shall allocate and apportion its taxable income attributable to conduct of business in accordance with the same procedures set forth for corporations subject to corporate income tax, as contained in §§ 58.1-406 through 58.1-420 of Title 58.1 of the Code of Virginia.

1. General credit. A credit may be claimed against individual income tax liability for each of the five or 10 consecutive tax years in an amount equaling: Firms beginning operations before July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second tax year; 40% of the tax due for the third tax year; 20% of the tax due for the fourth and fifth tax years. Firms beginning operations after July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second through tenth tax years. An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against individual income tax liability for each of the five or 10 consecutive tax years in an amount equaling: firms beginning operations before July 1, 1992; 80% of the state unemployment tax due on employees of zone establishments for the first tax year; 60% of the tax due for the second tax year; 40% of the tax due for the third tax year; 20% of the tax due for the fourth and fifth tax years. Firms beginning operations after July 1, 1992; 80% of the

tax due for the first tax year; 60% of the tax due for the second through tenth tax years.

An unemployment tax credit may only be claimed against the amount of taxable individual income remaining after the subtraction of any general credit claimed under subdivision 1 of this subsection. An unused employment tax credit may be applied to future tax years within the five- or 10-year period established by subdivision 2 of this subsection.

D. Credits against state franchise or license tax on gross receipts. A qualified business firm which is subject to state franchise tax on gross receipts or state license tax on gross premium receipts may request a credit against any such tax due. Credits against state franchise or license tax on gross receipts shall not extend for more than five consecutive tax years for firms beginning operations before July 1, 1992, or 10 consecutive tax years for firms beginning operations after July 1, 1992. The sum of the credits against state franchise or license tax on gross receipts claimed under this section shall not exceed the business firm's state franchise or license tax liability. Credits against state franchise or license tax on gross receipts shall apply only to taxable gross receipts attributable to the active conduct of trade or business within a zone. A business firm having taxable gross receipts from business activity both inside and outside the zone shall allocate and apportion its taxable gross receipts attributable to conduct of business in accordance with the procedures outlined in the definition for "gross receipts attributable to the active conduct of a trade or business within an enterprise zone."

1. General credit. A credit may be claimed against tax liability on gross receipts for each of the five or 10 consecutive tax years in an amount equaling: firms beginning operations before July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second tax year; 40% of the tax due for the third tax year; 20% of the tax due for the fourth and fifth tax years. Firms beginning operations after July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second through tenth tax years. An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against tax liability on gross receipts for each of the five or 10 consecutive tax years in an amount equaling: firms beginning operations before July 1, 1992; 80% of the state unemployment tax due on employees of zone establishments for the first tax year; 60% of such tax due for the second tax year; 40% of such tax due for the third tax year; 20% of such tax due for the fourth and fifth tax years. Firms beginning operations after July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second through tenth tax years. An unemployment tax credit may only be claimed against the amount of taxable individual income remaining after the subtraction of any general credit claimed under subdivision E 1 of this section. An unused unemployment tax credit may be applied to future tax years within the five- or 10-year period established by this part.

E. Credits against state franchise tax on net capital. A qualified business which is subject to state franchise tax on

net capital may request credits against any such tax due. Credits against state franchise tax on net capital shall not extend for more than five consecutive tax years for firms beginning operations before July 1, 1992, or 10 consecutive tax years for firms beginning operations after July 1, 1992.

1. General credit. A credit may be claimed against tax liability on net capital for each of the five or 10 consecutive tax years in an amount equaling: firms beginning operations before July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second tax year; 40% of the tax due for the third tax year; 20% of the tax due for the fourth and fifth tax years. Firms beginning operations after July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second through tenth tax years. An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against tax liability on net capital for each of the five or 10 consecutive tax years in an amount equaling: firms beginning operations before July 1, 1992; 80% of the state unemployment tax due on employees of zone establishments for the first tax year; 60% of such tax due for the second tax year; 40% of such tax due for the third tax year; 20% of such tax due for the fourth and fifth tax years.

Firms beginning operations after July 1, 1992; 80% of the tax due for the first tax year; 60% of the tax due for the second through tenth tax years. An unemployment tax credit may only be claimed against the amount of taxable net capital remaining after the subtraction of any general credit claimed under subdivision 1 of this subsection. Any unused unemployment tax credit may be applied to future tax years within the qualification period established by subdivision 2 of this subsection.

3. State sales and use tax exemption. A qualified business firm may request an exemption from state taxes on all items purchased or leased for the conduct of trade or business within a zone as required under § 58.1-600 et seq. of the Code of Virginia. This exemption applies only to the state portion of the sales and use tax and not to any portion of the tax levied under local option. A business firm in its statement to the department requesting an exemption shall specify the amount of state sales and use tax actually paid during the year for which the exemption is claimed. The Virginia Department of Taxation shall review the amount requested and make an appropriate refund to the firm. State sales and use tax exemptions shall not extend for more than five consecutive tax years.

F. Notification to localities of requests for state tax incentives. The department shall forward to the local governing body of the jurisdiction in which the zone is located: (i) a copy of the business firm's statement requesting state tax incentives; and (ii) the department's determination that the firm is qualified or not qualified to receive such incentives in accordance with the requirements of 13 VAC 5-111-30.

13 VAC 5-111-70. Effective dates.

Beginning on and after July 1, 1995, but before January 1, 2005, a small qualified business firm shall be allowed a credit against taxes imposed by Articles 2 (Individuals; §

58.1-320 et seq.) and 10 (Corporations; § 58.1-400 et seq.) of Chapter 3; Chapter 12 (Bank Franchise; § 58.1-1200 et seq.) Article 1 (Insurance Companies; § 58.1-2500 et seq.) of Chapter 25, or Article 2 (Telegraph, Telephone, Water, Heat, Light, Power and Pipeline Companies; § 58.1-2620 et seq.) of Chapter 26 of Title 58.1 of the Code of Virginia as provided in this regulation for 10 consecutive years in an amount equaling up to 80% of the tax due the first tax year, and up to 60% of the tax due for the second through tenth tax years.

13 VAC 5-111-80. Calculation of credit.

A. The amount of credit allowed shall not exceed the tax imposed for such taxable year. An unused tax credit may not be applied to future years. Any credit not useable for the taxable year the credit was allowed shall not be carried back to a preceding taxable year. The credit is not refundable.

B. If, due to adjustments, the amount of actual tax liability as reported on the application changes, the amount of credit that the qualified business firm will be eligible to receive will not exceed the amount of credit authorized by the department. However, if, as a result of adjustments, the tax liability decreases from the amount stated on the application, the qualified business firm will receive a lower credit amount based on the new tax liability.

C. For large qualified business firms the percentage amounts of the income tax credits available to such qualified business firms under 13 VAC 5-111-70 shall be determined by agreement between the department and the qualified business firm. The negotiated percentage amount shall not exceed the percentages specified in 13 VAC 5-111-70.

D. For high investment/limited job creation qualified business firms, the percentage amounts of business tax credit available to such firms under 13 VAC 5-111-70 shall be determined by agreement between the department and the high investment/limited job creation qualified business firm, provided that (i) the amounts shall not exceed the percentages provided for small qualified business firms as set forth in subsection C of this section and (ii) it can be demonstrated that the amount of the business tax credits shall not exceed the amount that will be recovered by the Commonwealth through the revenues generated from new state income taxes resulting from the new permanent full-time positions within a five-year period. The demonstration required by clause (ii) shall be based on an analysis conducted by the department or its designee using information provided by the high investment/limited job creation qualified business firm. The negotiated percentage amount shall not exceed the percentages specified in 13 VAC 5-111-70.

~~D.~~ E. Tax credits provided for in this section shall only apply to taxable income of a qualified business firm attributable to the conduct of business within the enterprise zone. Any qualified business firm having taxable income from business activity both within and without the enterprise zone, shall allocate and apportion its Virginia taxable income attributable to the conduct of business as follows:

1. The portion of a qualified business firm's Virginia taxable income allocated and apportioned to business activities within an enterprise zone shall be determined by multiplying

Proposed Regulations

its Virginia taxable income by a fraction, the numerator of which is the sum of the property factor and the payroll factor, and the denominator of which is two.

a. The property factor is a fraction. The numerator is the average value of real and tangible personal property of the business firm which is used in the enterprise zone. The denominator is the average value of real and tangible personal property of the business firm used everywhere in the Commonwealth.

b. The payroll factor is a fraction. The numerator is the total amount paid or accrued within the enterprise zone during the taxable period by the business firm for compensation. The denominator is the total compensation paid or accrued everywhere in the Commonwealth during the taxable period by the business firm for compensation.

2. The property factor and the payroll factor shall be determined in accordance with the procedures established in §§ 58.1-409 through 58.1-413 of the Code of Virginia for determining the Virginia taxable income of a corporation having income from business activities which is taxable both within and without the Commonwealth, *mutatis mutandis*.

3. If a qualified business firm believes that the method of allocation and apportionment hereinbefore prescribed as administered has operated or will operate to allocate or apportion to an enterprise zone a lesser portion of its Virginia taxable income that is reasonably attributable to a business conducted within the enterprise zone, it shall be entitled to file with the Department of Taxation a statement of its objections and of such alternative method of allocation or apportionment as it believes to be appropriate under the circumstances with such detail and proof and within such time as the Department of Taxation may reasonable prescribe. If the Department of Taxation concludes that the method of allocation or apportionment employed is in fact inequitable or inapplicable, it shall redetermine the taxable income by such other method of allocation or apportionment as best seems calculated to assign to an enterprise zone the portion of the qualified business firm's Virginia taxable income reasonably attributable to business conducted within the enterprise zone.

~~E.~~ *F.* In the event that taxpayer requests exceed the Commonwealth's annual fiscal limitation each taxpayer shall be granted a pro rata amount as determined by the department. The amount of such prorated credit shall be determined by applying a fraction, the numerator of which shall be the gross credits requested by the taxpayer for such year, and the denominator of which shall be the total gross credits requested by all taxpayers for such year, to the Commonwealth's annual financial limitation. The credit which may be requested each year shall be subject to the limitations provided by 13 VAC 5-111-70 and 13 VAC 5-111-170 A.

~~F.~~ *G.* In the event that a taxpayer who is subject to the annual fiscal limitation imposed pursuant to subsection E of this section and is also allowed another credit pursuant to another section of the Code of Virginia, such taxpayer shall be considered to have first utilized any credit allowed which does not have a carry forward provision, and then any credit which

is carried forward from a preceding taxable year, prior to utilization of any credit granted pursuant to this section.

13 VAC 5-111-90. Qualified business.

Qualification for the credit can occur by satisfying the criteria in subdivisions 1 through 3 of this section. Any business firm may be designated a qualified business for the purpose of this credit if it meets the following criteria:

1. A business firm establishes within an enterprise zone a trade or business not previously conducted in the Commonwealth of Virginia by such taxpayer, and at least 25% or more (except for businesses qualifying prior to July 1, 1997, when it shall be at least 40% or more) of the permanent full-time employees employed at the business firm's establishment or establishments located within the enterprise zone must either have incomes below 80% of the median income for the jurisdiction prior to employment or be zone residents. Zone residency will be subject to annual verification, while low-income status verification is only required upon initial employment. A new business is also one created by the establishment of a new facility and new permanent full-time employment by an existing business firm in an enterprise zone and does not result in a net loss of permanent full-time employment outside the zone.

2. A business firm is actively engaged in the conduct of a trade or business in the Commonwealth of Virginia, and increases the average number of permanent full-time employees employed at the business firm's establishment or establishments located within the enterprise zone by at least 10% over the lower of the two preceding taxable years' employment with no less than 25% (except for businesses qualifying prior to July 1, 1997, when it shall be no less than 40%) of such increase being employees who have incomes below 80% of the median income for the jurisdiction prior to employment or are zone residents. In the event that a company has activities both inside and outside the enterprise zone, the business firm may not aggregate activity from outside the zone for calculation of employment increase. Other employment positions that shall not be used in the calculation of the 10% employment increase are referred to in subdivision 3 of this section and 13 VAC 5-111-120.

3. A business firm is actively engaged in the conduct of a trade or business in the Commonwealth and relocates to begin operation of a trade or business within an enterprise zone and increases the average number of permanent full-time employees by at least 10% over the lower of two preceding taxable years' employment with no less than 25% or more (except for businesses qualifying prior to July 1, 1997, when it shall be at least 40% or more) of such increase being employees who have incomes below 80% of the median income for the jurisdiction prior to employment or are zone residents. Current employees of the business firm that are transferred directly to the enterprise zone facility from another site within the state resulting in a net loss of employment at that site shall not be included in calculating the increase in the average number of permanent full-time employees by the business firm within the enterprise zone.

4. A business firm that was not previously conducted in the Commonwealth by such taxpayer who acquires or assumes a trade or business and continues its operations must meet the requirements for qualification described in subdivision 3 of this section and 13 VAC 5-111-120.

5. A business firm located within a locality's enterprise zone or zones that moves to another location within that locality's enterprise zone or zones must meet the requirements for qualification described in subdivisions 1, 2, and or 3 of this section, 13 VAC 5-111-100, and 13 VAC 5-111-120.

6. A business firm moving from one locality's enterprise zone to another locality's enterprise zone prior to being qualified shall be subject to the requirements described in subdivision 3 of this section and 13 VAC 5-111-120.

7. A business firm that has already qualified for enterprise zone incentives and moves from one locality's enterprise zone into another locality's enterprise zone shall no longer be qualified unless the firm increases its permanent full-time employment by an additional 10% over the last year of qualification.

8. *Large qualified business firms must meet the terms of their documented negotiation agreement with the department pursuant to 13 VAC 5-111-80 C prior to seeking initial qualification under this section.*

8- 9. The business firm must certify annually to the Department of Housing and Community Development on prescribed form or forms, and other documentation as required by the department, that the firm has met the criteria for qualification prescribed in subdivisions 1 through 7 of this section. The form or forms referred to in this subdivision must be prepared by an independent certified public accountant licensed by the Commonwealth and shall serve as prima facie evidence that the business firm met the definition of a qualified business but the evidence of eligibility shall be subject to rebuttal. The department or the Department of Taxation or State Corporation Commission, as applicable, may at its discretion require any business firm to provide supplemental information regarding the firm's eligibility (i) as a qualified business firm or (ii) for a tax credit pursuant to 13 VAC 5-111-70.

13 VAC 5-111-95. Qualifying for general income tax credits in zones whose designation period is ending.

A. Small qualified business firms located in a zone whose designation period is ending must begin their 10-consecutive year incentive period prior to the zone termination date by qualifying under 13 VAC 5-111-90 for a tax year that ends prior to the zone termination date. Small qualified businesses that have qualified under 13 VAC 5-111-90 by or before that date may receive the remainder of their incentive period provided they continue to qualify under 13 VAC 5-111-90.

B. Large qualified business firms and high investment/low employment qualified business firms with a documented negotiated agreement with the department that are located in a zone whose designation period is ending may begin their incentive period after zone termination. Large qualified businesses that have qualified under 13 VAC 5-111-90 before the zone termination date may receive the remainder of their

incentive period provided they continue to qualify under 13 VAC 5-111-90. In both cases, the incentive period shall be for 10 consecutive years or until the negotiated credit amount is reached, whichever is sooner.

13 VAC 5-111-100. Application submittal and processing.

~~A. Any business firm who qualifies for general tax credits on or after July 1, 1995, and whose taxable year ends on or before December 31, 1995, shall submit an application requesting a general tax credit to the department by no later than May 1, 1996.~~

~~B. For taxable years ending after December 31, 1995, and on or before January 1, 1997, applications requesting a general tax credit shall be submitted to the department by no later than May 1, 1997.~~

~~C. For taxable years thereafter, for any tax year that ends A. For tax years that end on or after January 1 and on or before December 31, or for businesses with tax years in accordance with § 441(f) of the Internal Revenue Code on or before January 7 of the subsequent year, applications requesting a general tax credit shall be submitted to the department by no later than May 1 of the subsequent calendar year.~~

~~D. B. Any business firm which is interested in amending past tax returns in order to qualify for and receive general tax credits shall submit an application requesting general tax credits to the department by no later than May 1 of any three subsequent calendar years immediately following the year the business firm is requesting the credit provided that there is an outstanding credit balance remaining for that particular tax year. These requests will be handled on a first-come, first-serve basis. Because this credit was not available prior to July 1, 1995, business firms cannot request or amend returns for tax years prior to 1995.~~

~~E. C. The department shall review all applications for completeness and notify business firms of any errors no later than June 1. Business firms must respond to any unresolved issues by no later than June 15.~~

~~F. D. The department shall notify all applicants by June 30 as to the amount of applicable general credit it may claim for the taxable year the request was made.~~

~~G. E. Applications must be made on forms prescribed by the department, and either hand delivered by the date specified in this section or sent by certified mail with a return receipt requested and post marked no later than the date specified in this section.~~

~~H. F. Applicants may only apply for credits which they are otherwise eligible to claim for such taxable year, subject to the limitations provided by 13 VAC 5-111-80 A and 13 VAC 5-111-170 A.~~

~~I. G. Prohibition on requalification due to reorganization of a firm. A business firm may not qualify for a tax credit pursuant to 13 VAC 5-111-70 for more than its qualification period by reorganizing or changing its form in a manner that does not alter the basis of the firm's assets or result in a taxable event.~~

Proposed Regulations

13 VAC 5-111-140. Effective dates.

For taxable years beginning on and after July 1, 1995, but before ~~January~~ July 1, 2005, a qualified small zone resident shall be allowed a real property improvement tax credit against taxes imposed by Articles 2 (Individuals; § 58.1-320 et seq.) and 10 (Corporations; § 58.1-400 et seq.) of Chapter 3; Chapter 12 (Bank Franchise; § 58.1-1200 et. seq.); Article 1 (Insurance Companies; § 58.1-2500 et seq.) of Chapter 25, or Article 2 (Telegraph, Telephone, Water, Heat, Light, Power and Pipeline Companies; § 58.1-2620 et seq.) of Chapter 26 of Title 58.1 of the Code of Virginia, as provided in this chapter.

13 VAC 5-111-160. Eligibility.

A. A business firm is eligible to receive a credit for real property improvements for the tax year that the property was placed in service provided:

1. The total amount of the rehabilitation or expansion of depreciable nonresidential real property placed in service during the taxable year within the enterprise zone equals or exceeds \$50,000 and the assessed value of the original facility immediately prior to rehabilitation or expansion. *In the case of real property where more than one tenant conducts business in the building, a tenant seeking to qualify for the real property improvement tax credit shall use a proration based on the amount of square footage they occupy of the total building square footage to determine their portion of the assessed value of the building.*

2. The cost of any newly constructed depreciable nonresidential real property (as opposed to rehabilitation or expansion) is at least \$250,000 with respect to a single facility. For purposes of this subdivision, land, land improvements, paving, grading, driveway and interest shall not be deemed to be qualified zone improvements.

B. In cases of real property with mixed residential and nonresidential use, only the square footage related to the nonresidential use shall be eligible for the real property improvement tax credit. A proration based on the amount of square footage the nonresidential use occupies of the total building square footage must be used in determining qualification as it relates to subdivision A 1 or 2 of this section.

~~B.~~ C. The business firm must certify to the Department of Housing and Community Development on the prescribed form or forms, and other documents as prescribed by the department, that the firm has met the criteria for qualification prescribed in this section. The form or forms referred to in this subsection must be prepared by an independent certified public accountant licensed by the Commonwealth and shall serve as prima facie evidence that the business firm met the qualifications but the evidence of eligibility shall be subject to rebuttal. The department or the Department of Taxation or State Corporation Commission, as applicable, may at its discretion require any business firm to provide supplemental information regarding the firm's eligibility (i) as a qualified business firm or (ii) for a tax credit claimed pursuant to 13 VAC 5-111-150 A.

13 VAC 5-111-162. Eligibility in zones whose designation period is ending.

Business firms located in a zone whose designation period is ending must qualify under 13 VAC 5-111-160 for a tax year ending prior to the zone termination date. Firms may not qualify for any additional tax credits under this section after the zone termination date.

13 VAC 5-111-172. Investment tax credit in zones whose designation period is ending.

Business firms that have a documented negotiation agreement with the department that are located in a zone whose designation period is ending may begin their incentive period after zone termination upon qualifying under 13 VAC 5-111-170. Business firms that have a documented negotiation agreement with the Department of Housing and Community Development who qualify by or before that date may receive the tax credits until the negotiated tax credit amount is reached, provided they continue to qualify under 13 VAC 5-111-170.

13 VAC 5-111-175. Anti-churning.

The following shall not be included in the calculation of permanent full-time positions:

1. An employee for whom a credit under this chapter was previously earned by a related party, as defined by the Internal Revenue Code § 267 (b) or a trade or business under common control;
2. A position in which an employee filling that position was previously employed in the same job function in Virginia by a related party, or a trade or business under common control;
3. A job function that was previously performed at a different location in Virginia by an employee of the taxpayer, a related party, or a trade or business under common control;
4. A position that previously qualified for a credit in connection with a different enterprise zone location on behalf of the taxpayer, a related party, or a trade or business under common control; or
5. A position that was filled in the Commonwealth of Virginia and the trade or business where that position was located was purchased by another taxpayer.

13 VAC 5-111-180. Pass-through entities.

A. The amount of any credit attributable to a partnership, S corporation, or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively. The credit will be allocated in the manner in which income is allocated for federal income tax purposes.

B. In situations where an operating company forms a wholly owned ~~entity~~ *pass-through* entity, such as a limited liability company (LLC), to rehabilitate or construct a building that is to be leased to the operating company, the LLC *pass-through* entity can qualify for the real property improvement tax credit provided the qualified expenses are paid by the LLC *pass-through* entity and the operating company occupies the

building. Any credit earned by the LLC *pass-through entity* would pass through to the operating company.

C. In instances where a ~~conduit~~ *pass-through* entity is formed by an operating company and a development firm to rehabilitate or construct a building that is to be leased to the operating company, the ~~conduit~~ *pass-through* entity would qualify for the real property improvement tax credit provided the qualified expenses are paid by the ~~conduit~~ *pass-through* entity and the operating company occupies the building. However, the actual credit allowed would be limited to the qualified expenses attributable to the operating company limited to its investment in the ~~conduit~~ *pass-through* entity. The development firm would be ineligible to receive the tax credit.

13 VAC 5-111-190. Application submittal and processing.

~~A. Any business firm whose taxable year begins on or after July 1, 1995, and ends on or before December 31, 1995, shall submit an application for real property improvements tax credit (13 VAC 5-111-150) and zone investment tax credits (13 VAC 5-111-170) to the department by no later than May 1, 1996.~~

~~B. For taxable years ending after December 31, 1995, and before January 1, 1997, applications requesting a real property improvements tax credit and zone investment tax credits shall be submitted to the department by no later than May 1, 1997.~~

~~C. For taxable years thereafter, for any tax year that ends A. For tax years that end on or after January 1 and on or before December 31, or for businesses with tax years in accordance with § 441(f) of the Internal Revenue Code on or before January 7 of the subsequent year, applications requesting a real property improvements tax credit and or zone investment tax credits shall be submitted to the department by no later than May 1 of the subsequent calendar year.~~

~~D. B. Any business firm which is interested in amending past tax returns in order to qualify for and receive real property improvement tax credits shall submit an application requesting real property improvement tax credits to the department by no later than May 1 of any of three subsequent calendar years immediately following the year the business firm is requesting the credit provided that there is an outstanding credit balance remaining for that particular tax year. These requests will be handled on a first-come, first-serve basis. Because this credit was not available prior to July 1, 1995, business firms cannot amend returns for tax years beginning prior to July 1, 1995.~~

~~E. C. The department shall review all applications for completeness and notify business firms of any errors by no later than June 1. Business firms must respond to any unresolved issues by no later than June 15.~~

~~F. D. The department shall notify all applicants by June 30 as to the amount of applicable credit or refund it is eligible for in the taxable year the request was made.~~

~~G. E. Applications must be made on forms prescribed by the department, and sent by certified mail with a return receipt requested and post marked no later than the date specified in this section.~~

H. F. Applicants may only apply for credits which they are otherwise eligible to claim for such taxable year, subject to the limitations provided by 13 VAC 5-111-80 A and 13 VAC 5-111-170 A.

I. G. A business firm may not qualify for tax credits pursuant to 13 VAC 5-111-140 for more than \$125,000 within a five-year period by reorganizing or changing its form in a manner that does not alter the basis of the firm's assets or result in a taxable event.

13 VAC 5-111-210. Effective dates.

Beginning on and after July 1, 1995, but before ~~January~~ July 1, 2005, a business firm shall be eligible to receive enterprise zone incentive grants for the creation of new permanent full-time positions.

13 VAC 5-111-245. Eligibility in zones whose designation period is ending.

Business firms located in a zone whose designation period is ending must begin their three consecutive year incentive period prior to the zone termination date by qualifying for the calendar year ending prior to the zone termination date. Business firms that qualify by or before that date may receive the balance of their three consecutive year incentive period provided they continue to qualify under 13 VAC 5-111-240. Business firms may not begin additional three-year incentive periods after the zone termination date.

13 VAC 5-111-290. Zone eligibility requirements.

A. To be eligible for consideration, an application for an enterprise zone must meet the requirements set out in this section.

B. For counties, cities and towns the proposed zone must consist of an area made up of contiguous United States Census tracts or block groups or any part thereof. However, one enterprise zone in any county, city, or town may consist of ~~two noncontiguous zone areas~~ *one primary zone area and one noncontiguous subzone area*. The size of the enterprise zone shall consist of the total of the ~~two noncontiguous zone areas~~ *primary zone area and subzone area*. The ~~two noncontiguous zone areas~~ *subzone area* shall not be considered as a separate ~~zones~~ *zone* for the purpose of calculating the maximum number of zone designations. The maximum combined land area cannot exceed maximum size guidelines set forth in subdivisions D 1, 2, 3 and 4 of this section.

C. The proposed zone must meet at least one of the following distress criteria as enumerated in the most current U.S. Census or current data from the Center for Public Service or local planning district commission: (i) 25% or more of the households must have had incomes below 80% of the median household income of the county or city; (ii) the unemployment rate must have been at least 1.5 times the state average; or (iii) demonstrate a floor area vacancy rate of industrial and/or commercial properties of 20% or more.

D. All proposed zones shall conform to the following size guidelines:

Proposed Regulations

~~1. Metropolitan Central Cities - Minimum: 1/2 square mile (320 acres); Maximum: one square mile (640 acres) or 7.0% of the jurisdiction's land area or population, whichever is largest.~~

~~2. 1. Towns and cities other than Metropolitan Central Cities - Minimum: 1/4 square mile (160 acres); Maximum: 1/2 square mile (320 acres) 1 square mile (640 acres) or 7.0% of the jurisdiction's land area or population, whichever is largest.~~

~~3. 2. Unincorporated areas of counties - Minimum: 1/2 square mile (320 acres); Maximum: six square miles (3,840 acres).~~

~~4. 3. Consolidated cities. Zones in cities the boundaries of which were created through the consolidation of a city and county or the consolidation of two cities, shall conform substantially to the minimum and maximum size guidelines for unincorporated areas of counties as set forth in subdivision 3 of this subsection.~~

~~5. 4. In no instance shall a zone consist only of a site for a single business firm.~~

13 VAC 5-111-300. Procedures for zone application and designation.

A. Up to 60 enterprise zones may be designated by the Governor in accordance with the procedures and requirements set out in this section. ~~Five of the areas designated as enterprise zones on or after July 1, 1999, shall be located in localities that (i) have annual average unemployment rates for the most recent calendar year that are 50% higher than the final statewide average unemployment rate for the most recent calendar year or (ii) are within planning districts that have annual average unemployment rates for the most recent calendar year that are at least 1.0% greater than the final annual statewide average for the most recent calendar year. Five of the areas designated as enterprise zones on or after July 1, 2000, shall be located in localities that have annual average unemployment rates for the most recent calendar year that are 50% higher than the final statewide average unemployment rate for the most recent calendar year.~~ No area shall be designated as an enterprise zone pursuant to this subsection unless it also meets all the other eligibility criteria established pursuant to 13 VAC 5-111-290.

B. Applications for zone designation will be solicited by the department in accordance with the following procedures and requirements:

1. An application for zone designation must be submitted on Form EZ-1 to the Director, Virginia Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia 23219, on or before the submission date established by the department.

2. The ~~local governing body~~ *applicant jurisdiction* must hold at least one public hearing on the application for zone designation prior to its submission to the department. Notification of the public hearing is to be in accordance with § 15.2-2204 of the Code of Virginia relating to advertising of

public hearings. An actual copy of the advertisement must be included in the application as Attachment A.

3. In order to be considered in the competitive zone designation process an application from a jurisdiction must include all the requested information, be accompanied by a resolution of the local governing body and be signed by the chief administrator or the clerk to the town council or county board of supervisors where there is no chief administrator. The chief administrator or clerk, in signing the application, must certify that the ~~local governing body~~ *applicant jurisdiction* held the public hearing required in subdivision 2 of this subsection.

4. As part of its application a locality may propose local incentives including but not limited to: (i) reduction of permit fees; (ii) reduction of user fees; (iii) special subclassifications and rates for business professional and occupational license tax; (iv) partial exemption from taxation of substantially rehabilitated real estate pursuant to § 58.1-3221 of the Code of Virginia; (v) infrastructure improvements; (vi) crime reduction measures; and (vii) adoption of a local enterprise zone development taxation program pursuant to §§ 58.1-3245.6 through 58.1-3245.11 of the Code of Virginia. When making an application jurisdictions may also make proposals for regulatory flexibility, including, but not limited to: (i) special zoning districts; (ii) permit process reform; (iii) exemptions from local ordinances; (iv) removal of regulatory barriers to affordable housing; and (v) other public incentives proposed. A jurisdiction may also create a local enterprise zone association to assist in the planning process and future management of the enterprise zone to assure that major decisions affecting the zone's future take into account the needs of both the public and private sector, including citizens of the involved zone communities.

5. The likely impact of proposed local incentives in offsetting identified barriers to private investment in the proposed zone, together with the projected impact of state tax incentives, will be factors in evaluating applications.

6. A locality may establish eligibility criteria for local incentives for business firms that are the less than, the same as, or more stringent than, the criteria for eligibility of grants or other benefits that the state provides.

7. Proposed local incentives may be provided by the local governing body itself or by an assigned agent such as a local redevelopment and housing authority, an industrial development authority, a private nonprofit entity or a private for-profit entity. In the case of a county which submits an application on behalf of an incorporated town, the county may designate the governing body of the town to serve as its assigned agent. In the case of a county that submits an application for a zone encompassing unincorporated county areas as well as portions of one or more towns, the county may designate the governing body of the town to serve as its assigned agent.

C. Within 60 days following the application submission date, the department shall review and the director shall recommend to the Governor those applications that meet a minimum threshold standard as set by the department and are

competitively determined to have the greatest potential for accomplishing the purposes of the program.

D. The department, in consultation with the Virginia Economic Development Partnership, may allow up to five enterprise zone designations to be utilized in an open submission process for significant economic development opportunities in areas that are otherwise qualified under provisions of these regulations and meet minimum threshold standards. The selection of these zones by the Governor shall be made upon recommendation and certification of consistency with the program regulations by the department.

E. The Governor shall designate, upon recommendation of the director, enterprise zones for a period of 20 years. The Governor's designation shall be final.

F. A local governing body whose application for zone designation is denied shall be notified and provided with the reasons for denial.

13 VAC 5-111-310. Procedures and requirements for joint applications.

A. Two or more adjacent jurisdictions submitting a joint application as provided for in 13 VAC 5-111-300 B must meet the requirements set out in this section.

B. Each jurisdiction comprising the proposed joint enterprise zone may consist of the joint zone area and one additional noncontiguous zone area and shall conform to the size guidelines for that type of jurisdiction outlined in 13 VAC 5-111-290 D.

C. *Each jurisdiction comprising the proposed joint enterprise zone may have the maximum acreage as specified by the size guidelines in 13 VAC 5-111-290 D.*

~~C. D.~~ The applicants must designate one jurisdiction to act as program administrator. The jurisdiction so designated shall be responsible for filing ~~a survey of zone business conditions and annual reports as provided for in 13 VAC 5-111-380 and 13 VAC 5-111-390.~~

~~D. E.~~ In order to submit a joint application, Form EZ-1 must be completed and filed by the jurisdiction acting as program administrator in accordance with the procedures set forth in subdivisions B 1 through 4 of 13 VAC 5-111-300. In addition, a copy of Form EZ-1-JA must be completed by each of the other participating jurisdictions to certify that they are in agreement in filing the joint application. A copy of Form EZ-1-JA must be submitted to the department with Form EZ-1.

~~E. F.~~ The applicants must meet all other requirements of these regulations pertaining to applicants. In the case of joint applications, all references to "applicant" and "local governing body" contained in the text of these regulations shall mean the governing body of each participating jurisdiction.

13 VAC 5-111-315. Procedures for designation resulting from the termination or expiration of an enterprise zone.

Periodically, zone designations become available as a result of zones that have completed their 20-year designation period or as a result of zone termination as provided for in 13 VAC 5-111-340 and 13 VAC 5-111-350. Applications for such

enterprise zone designations will be solicited in accordance with the procedures and requirements set forth in 13 VAC 5-111-300 B through F and 13 VAC 5-111-310.

13 VAC 5-111-320. Relationship to federal enterprise zone program.

A. If any portion of an area designated as an enterprise zone by the Governor is included in an area designated as an enterprise zone by an agency of the federal government, the area designated by the Governor shall be enlarged to include the area designated by the federal agency.

B. If an area that has not been designated as an enterprise zone is designated by an agency of the federal government as a federal enterprise zone, that area shall then receive designation as a state zone effective January 1 of the year following its designation as a federal enterprise zone.

C. *Unless earlier terminated as provided in this chapter, an area's designation as a state enterprise zone shall be for a period of 20 years; however, if the area is designated by an agency of the federal government as a federal enterprise zone at the time of the scheduled expiration of its state enterprise zone designation, the area's state enterprise zone designation shall continue until the expiration of the area's federal enterprise zone designation, as long as the Virginia Enterprise Zone Program continues.*

13 VAC 5-111-330. Amendment of approved applications.

A. A local governing body will be permitted to request amendments to approved applications for zone designation in accordance with the procedures and requirements set out in this section. *Each jurisdiction participating in a joint zone may amend its portion of the application, including boundaries and incentives, independently of the other participating jurisdictions.*

~~B.~~ *The applicant jurisdiction must be current on the submission of annual reports as set forth in 13 VAC 5-111-390 in order to amend an approved application.*

~~B. C.~~ ~~The local governing body applicant jurisdiction~~ must hold at least one public hearing on the requested amendment prior to its submission to the department. In the case of a boundary amendment that involves the elimination of an area or areas, ~~the local governing body applicant jurisdiction~~ must separately notify each property owner and business located within the affected area of the proposed amendment prior to holding the public hearing.

~~C. D.~~ A request for an amendment must be submitted to the department on Form EZ-2. This form must be accompanied by a resolution of the local governing body and must certify that ~~the local governing body applicant jurisdiction~~ held the public hearing required in subsection ~~B C~~ of this section prior to the adoption of the resolution. In the case of a joint application, ~~a request for an amendment Form EZ-2~~ must be completed by the jurisdiction ~~serving as program administrator requesting the amendment~~ and must be accompanied by Form EZ-2-JA. This form certifies that the other participating jurisdictions are in agreement in filing the request for amendment.

~~D.~~ ~~Beginning on and after July 1, 1995, enterprise zone jurisdictions will be required to thoroughly examine their~~

Proposed Regulations

~~previously approved applications every five years. The jurisdiction shall review all aspects of the application boundaries, goals, objectives, strategies, actions and incentives, as well as barriers to development, and include as part of their annual report an explanation of why the application or sections of the application need or do not need to be amended to improve enterprise zone performance. Application amendments relating to these requirements will be required every five years if:~~

~~1. The jurisdiction has not yet developed goals, objectives, strategies and actions to overcome barriers to development within the zone.~~

~~2. The jurisdiction has incentives that have not been utilized during the five year period.~~

E. An enterprise zone application may be amended annually, *12 months from the last amendment application* by the jurisdiction. Amendments may be to the entire application or individual sections such as the boundary, ~~goals, objectives, strategies and actions~~, or incentives.

F. A proposed boundary amendment must meet the following requirements:

1. The area proposed for expansion must be contiguous to the existing zone, except for one enterprise zone in any county, city, or town which may consist of two noncontiguous zone areas (see 13 VAC 5-111-290 B).

2. The enlarged zone must meet at least one of the distress criteria outlined in 13 VAC 5-111-290 C.

3. Boundary amendments that involve the elimination of area or areas from a zone shall be reviewed on a case-by-case basis with the potential impact on affected businesses and property owners being given primary consideration. Such boundary changes cannot impact the zone's ability to meet the required distress criteria and cannot involve more than 15% of the total zone acreage.

G. The enlarged zone shall not exceed the maximum size guidelines outlined in 13 VAC 5-111-290 D.

H. A zone boundary amendment may not consist of a site for a single business firm or be less than 10 acres.

~~H. I.~~ I. The department will approve an amendment to local incentives only if the proposed local incentives are equal or superior to those in the application prior to the proposed amendment or if the proposed cumulative local incentive package is equal to or greater than those in the application prior to the proposed amendment. The department will approve an amendment ~~to expand of zone boundaries or the goals, objectives, strategies and actions~~ only if the proposed amendment is deemed to be consistent with the purposes of the program as determined by the department.

J. A county may amend its zone boundaries to include as part of the county's total acreage ~~acreage~~ in any town located within the county boundaries provided it meets the requirements of subsections A through H of this section. This shall not constitute a joint zone and does not provide the town with the ability to provide local incentives, make any zone

~~amendments, create a subzone or give the town its own zone acreage allocation.~~

~~I. K.~~ K. A local governing body that is denied either a boundary, goals, objectives, strategies and actions, or local incentive *an application* amendment shall be provided with the reasons for denial.

13 VAC 5-111-350. Failure to qualify for state incentives.

A. If no business firms have qualified for state incentives within a five-year period ~~beginning on July 1, 1995~~, the department shall terminate the enterprise zone designation.

B. The department shall annually provide enterprise zone localities with a current listing of all business firms that have applied and qualified for state incentives.

13 VAC 5-111-360. Zone termination and business qualification.

A. A zone shall be terminated in accordance with the procedures set forth in 13 VAC 5-111-340 and 13 VAC 5-111-350 upon written notice to a local governing body. The date of such notice is considered to be the date of zone termination.

B. Qualified business firms located in a terminated zone may continue to request state tax *and job grant* incentives ~~provided under §§ 59.1-280 and 59.1-282 of the Code of Virginia~~ for any remaining ~~taxable~~ years in the qualification period for which they are eligible *as provided for in 13 VAC 5-111-95, 13 VAC 5-111-162, 13 VAC 5-111-172 and 13 VAC 5-111-240.*

C. After the date of zone termination, no additional business firms may become qualified to receive state tax incentives provided under this program *except as provided for in 13 VAC 5-111-95 B and 13 VAC 5-111-240.*

13 VAC 5-111-370. Sale of surplus public land.

~~A. The Commonwealth and any unit of local government that owns land within the zone shall: (i) upon designation of a zone, identify any surplus land and within six months make such land available for sale; and (ii) update annually its list of surplus land and make available for sale within six months any newly identified surplus parcels. The department may waive this requirement only if the owner can demonstrate to the department's satisfaction that the land cannot be developed due to its size, configuration, topography, location or other relevant factors.~~

~~B. The Commonwealth or any unit of local government that sells surplus land within a zone shall require the buyer to develop the land within a period not to exceed five years. This requirement of the buyer must be enforceable by the seller. The Commonwealth or any unit of local government that sells surplus land within a zone may set any additional conditions on the sale which it considers to be necessary to assure that the land is developed in a manner consistent with the purpose of the program and the local development objectives outlined in the application for zone designation. If the land is not sold within five years, such conditions shall be revised as necessary to make the land marketable.~~

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

FAIR HOUSING BOARD

Title of Regulation: **18 VAC 62-20. Fair Housing Certification Regulations (adding 18 VAC 62-20-10 through 18 VAC 62-20-180).**

Statutory Authority: § 54.1-2344 of the Code of Virginia.

Public Hearing Date: October 6, 2004 - 9 a.m.

Public comments may be submitted until October 22, 2004.
(See Calendar of Events section for additional information)

Agency Contact: Christine Martine, Executive Director, Fair Housing Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, or e-mail fhcertification@dpor.virginia.gov.

Basis: Section 54.1-2344 D of the Code of Virginia states that "The Board shall have the power and duty to establish, by regulation, an education-based certification or registration program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter." These regulations are promulgated by the Fair Housing Board and are mandatory to implement Chapter 575 of the Acts of the 2003 General Assembly.

Purpose: The new regulation establishes the qualifications for obtaining and renewing fair housing certification as well as the qualifications for proprietary schools, instructors and courses that are required to obtain the certification. The new regulation is necessary to implement Chapter 575 of the Acts of the 2003 General Assembly, which was a result of Senate Bill 1102. The goal of the new regulation is to establish an education-based certification program in accordance with the provisions of Senate Bill 1102. People who obtain certification will be more aware of the Fair Housing Law and be less likely to engage in discriminatory behavior, therefore providing protection of the public's health, safety and welfare.

Substance: These regulations are necessary to implement Chapter 575 of the Acts of the 2003 General Assembly to create the mandated certification program.

The regulations provide:

1. Definitions of terms to be used in the regulations;
2. Entry standards for those seeking certification by the Fair Housing Board;
3. Renewal standards for certificate holders;
4. Standards of conduct; and
5. Requirements for courses, instructors and providers.

Other regulations that may be necessary will be considered.

~~C. In order to monitor compliance with the requirements of this section, the department will request annually from local governing bodies and state agencies with responsibility for overseeing the disposition of surplus state land, information concerning the identification and sale of surplus land. A local governing body shall document compliance with this section in its annual report to the department (see 13 VAC 5-111-390). The department shall request annually from the Division of Engineering and Buildings of the Virginia Department of General Services and from the Virginia Department of Transportation, lists of surplus state land within zones and actions taken to sell such land.~~

~~The local governing body will certify through the designation application that it will identify any public surplus land and make this land available for sale upon designation as an enterprise zone and throughout the life of the zone.~~

~~**13 VAC 5-111-380. Survey of zone business conditions. (Repealed.)**~~

~~Within 90 days following the date of zone designation, a local governing body shall conduct a survey of existing business conditions to serve as a basis for program evaluation. Survey data shall be submitted to the department on Form EZ-3-S. The survey shall include information on business and employment conditions in the zone as requested on Form EZ-3-S.~~

13 VAC 5-111-390. Annual reporting.

A. A local governing body shall submit annual reports to the department for the purpose of program monitoring and evaluation. Annual reports shall be submitted to the department on Form EZ-3-AR, ~~within 90 days of the anniversary date of zone designation~~ *no later than April 1 of the following year.* Annual reports shall include information ~~documenting the local governing body's compliance with 13 VAC 5-111-370~~ and data for the purpose of program evaluation as requested on Form EZ-3-AR. Annual reports shall also include an evaluation of the program's ~~success in achieving identified local development objectives~~ *progress completing its implementation plan as provided in the designation application.*

B. The department shall annually review the effectiveness of state and local incentives in increasing investment and employment in each of the enterprise zones and provide an annual report of its findings to the Senate Finance Committee, Senate Committee on Commerce and Labor, the House Finance Committee, and the House Committee on Labor and Commerce.

When the potential exists that the annual fiscal limitations on the general tax credit, the real property improvements tax credit, the zone investment tax credits, or zone incentive grants will be fully utilized, thus triggering their pro rata distribution, the department shall include this information in the annual report.

VA.R. Doc. No. R04-7; Filed August 4, 2004, 10:21 a.m.



Proposed Regulations

The application and renewal fees set in the initial emergency regulations were too high, which resulted in no applications being submitted. SB 1102 contains an enactment clause that states that the Real Estate Board shall provide funding for the Fair Housing Board until such time as the Fair Housing Board is funded through the implementation of the certification and registration requirements authorized by the provisions of this act. By setting the fee at \$25, the Fair Housing Board will be able to generate funds to help support itself.

Issues: The primary advantage to the public and the agency is that the people who obtain certification through this program become more aware of the fair housing laws and will be less likely to engage in behavior that may result in a fair housing complaint.

The regulatory action poses no known disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Pursuant to a mandate from Chapter 575 of the 2003 Virginia Acts of the General Assembly, the Fair Housing Board (board) proposes to establish by regulation an education-based certification program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The proposed regulations include the requirements: (i) to obtain certification, (ii) to renew certification, (iii) for course provider approval, and (iv) for course approval and instructor approval. The regulations also include definitions, fees, and standards of conduct.

Estimated economic impact. Applicants can receive certification by attending a two or three hour class on fair housing law and paying a fee to the board. These regulations were implemented as emergency regulations on July 1, 2003. Since then no one has applied for certification. This is not surprising since certification is not mandatory for anyone to perform any work or function. Also, receiving the fair housing certification does not imply that the recipient understands the law since there is no required examination to pass for certification.

There is value for individuals who are involved in the business or activity of selling or renting dwellings to understand fair housing law. Unintentionally violating the law can produce negative consequences such as lawsuits for those individuals and their employers. Employers of individuals who could violate fair housing law may potentially reduce some of their

liability if their employees have taken a fair housing law course. But classes on fair housing law have been readily available for at least 10 years.¹ For example, courses are available from both Department of Professional and Occupational Regulation staff and from the Virginia Apartment & Management Association. Since these courses are readily available without certification, the value of certification is limited, as has been demonstrated by the lack of any individuals applying for certification under the emergency regulations.

The board does propose to lower the fee for certification from \$50 to \$25 for two years. Employers of individuals who could violate fair housing law may believe that the imprimatur of state certification could potentially reduce their liability in the eyes of courts and insurers by a small amount more than their liability is reduced by their employees simply taking the course. Thus some individuals may seek certification when the fee is set at \$25 for two years as is proposed in these regulations. This is unlikely to have an impact on the occurrence of fair housing violations since the value of taking a fair housing law course does not appreciably change with the introduction of the certification.

Businesses and entities affected. The fair housing regulations potentially affect all consumers of housing in Virginia, i.e., all seven million citizens of the Commonwealth, as well as business and individuals involved in the provision of housing, i.e., landlords, home sellers, realtors, banks, mortgage brokers, insurance companies, etc.

Localities particularly affected. No locality is particularly affected by the proposed amendments.

Projected impact on employment. The proposed changes will not affect employment.

Effects on the use and value of private property. The proposed amendments will not affect the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The emergency regulations referred to in the economic impact analysis went into effect February 2, 2004, not July 1, 2003. The Fair Housing Board has received some certification applications.

Summary:

The proposed regulation implements Chapter 575 of the 2003 Acts of Assembly, which requires the board to establish by regulation an education-based certification program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The proposed regulation includes requirements (i) to obtain certification; (ii) to renew certification; (iii) for course provider approval; and (iv) for course approval and instructor approval. The regulations also include definitions, fees, and standards of conduct.

¹ The Virginia Apartment & Management Association's executive director stated that his organization has offered a fair housing law class for at least 10 years.

CHAPTER 20.
FAIR HOUSING CERTIFICATION REGULATIONS.

PART I.
GENERAL.

18 VAC 62-20-10. Applicability.

This chapter is applicable to persons subject to the Fair Housing Law (§ 36-96.1 et seq. of the Code of Virginia) who are in the business of selling or renting dwellings as defined in this chapter, except those individuals who hold a valid license issued by the Real Estate Board.

18 VAC 62-20-20. Definitions.

The following words and terms when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Board" means the Fair Housing Board.

"Certificate holder" means any person in the business of selling or renting dwellings holding a valid certificate issued by the board.

"Certification" means the process by which the board issues a certificate to a person certifying completion of the entry requirements established by this chapter.

"Hour" means 50 minutes.

"Person in the business of selling or renting dwellings" means any person who (i) within the preceding 12 months has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein or (ii) is the owner of any dwelling designed or intended for occupancy by or occupied by five or more families.

"Proprietary school" means (i) a privately owned school; (ii) a real estate professional association; or (iii) other entities, not under the authority of the Department of Education but approved by the Fair Housing Board to teach fair housing courses.

"Provider" means an accredited university, college, community college or high school offering adult distributive education courses, or a school offering fair housing related courses.

PART II.
ENTRY REQUIREMENTS.

18 VAC 62-20-30. Qualifications for certification.

Every applicant for fair housing certification shall have the following qualifications:

1. The applicant shall complete two hours of fair housing training approved by the board or the Real Estate Board.
2. The applicant shall have taken the two-hour fair housing training within two years of the date of application.
3. If the applicant has in the last five years been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation

Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed, then the applicant shall disclose said violations and complete an additional two hours of training in other applicable federal and state discrimination laws and regulations.

18 VAC 62-20-40. Application fees.

A. All application fees are nonrefundable and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received.

B. The application fee for certification shall be \$25.

PART III.
RENEWAL OF CERTIFICATION.

18 VAC 62-20-50. Renewal required.

Certificates issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the certificate.

18 VAC 62-20-60. Qualification for renewal.

A. As a condition of renewal, all certificate holders shall be required to satisfactorily complete two hours of fair housing training approved by the board or the Real Estate Board.

B. As a condition of renewal, all certificate holders shall have taken the two-hour fair housing training within two years of the date of renewal application.

C. Each certificate holder desiring to renew the certificate shall return to the board the renewal application form and the appropriate fee as outlined in 18 VAC 62-20-80.

D. If the certificate holder has in the last two years been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed, then the certificate holder shall disclose said violations and complete an additional two hours of training in other applicable federal and state discrimination laws and regulations.

18 VAC 62-20-70. Procedures for renewal.

The board will mail a renewal notice to the certificate holder at the last known address. Failure of the certificate holder to receive these notices does not relieve the certificate holder of the obligation to renew.

18 VAC 62-20-80. Failure to renew.

A. If the requirements for renewal of a certificate, including receipt of the fee by the board, are not completed by the certificate holder within 30 days of the expiration date noted on the certificate, a late renewal fee shall be required in addition to the renewal fee.

B. If the requirements for renewal of a certificate, including receipt of the fee by the board, are not completed by the certificate holder within six months of the expiration date noted

Proposed Regulations

on the certificate, the certificate holder shall apply as a new applicant.

18 VAC 62-20-90. Fees for renewal.

A. All fees for renewal are nonrefundable, and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received.

B. Renewal fees are as follows:

Renewal fee	\$25
Late renewal fee	\$25

18 VAC 62-20-100. Board discretion to deny renewal.

The board may deny renewal of a certificate for the same reasons as it may refuse initial certification.

PART IV. STANDARDS OF CONDUCT.

18 VAC 62-20-110. Maintenance of certificates.

A. A certificate holder shall keep the board informed of his current address at all times. Changes of address shall be reported to the board in writing within 30 calendar days after such change. A physical address is required; a post office box is not acceptable. The board shall not be responsible for the certificate holder's failure to receive notices, communications and correspondence caused by the certificate holder's failure to promptly notify the board of any change of address.

B. A certificate holder shall notify the board in writing of a name change within 30 calendar days of any change in the certificate holder's legal name. Such notification shall be accompanied by a copy of a marriage certificate, divorce decree, court order or other documentation that verifies the name change.

C. Proof of certification shall be accessible in the place of business.

PART V. EDUCATION.

18 VAC 62-20-120. Proprietary school standards; course requirements; instructor requirements.

A. Every applicant to the board for a proprietary school approval shall submit evidence of financial responsibility to ensure that these schools protect the public health, safety and welfare.

B. Every applicant to the board for approval as an instructor shall have the following qualifications:

1. The applicant shall be a qualified expert in a field related to fair housing who will teach only in the area of his expertise. Each applicant will be required to state his area of expertise and furnish proof of his expertise including, but not limited to, educational transcripts, professional certificates and letters of reference that will verify the applicant's expertise.

2. The applicant shall disclose whether in the last five years he has been found in a court or an administrative body of

competent jurisdiction to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed.

C. Providers of fair housing courses shall submit all subjects to the board for approval prior to initially offering the course. The board shall approve each course based on the relevance of the subject to fair housing. Those providers that propose to offer courses must submit the course along with any required documentation on an application provided by the board.

D. All instructors shall provide each student with a document that the student may use as proof of course completion. The document shall contain the number of hours completed.

18 VAC 62-20-130. School renewal procedures.

A. Approval of a proprietary school shall expire two years from the last day of the month in which it was issued, as indicated on the proprietary school approval.

B. The board will mail a renewal notice to the proprietary school at the last known address. Failure of the proprietary school to receive the notice does not relieve the proprietary school of the obligation to renew.

C. If the renewal requirements are not completed within 30 days of the expiration date noted on the proprietary school approval, the proprietary school shall no longer offer board-approved courses.

18 VAC 62-20-140. Course renewal procedures.

A. Approval of a course shall expire two years from the last day of the month in which it was issued, as indicated on the approval document.

B. The board will mail a renewal notice to the course provider at the last known address. Failure of the course provider to receive the notice does not relieve the course provider of the obligation to renew.

C. If the renewal requirements are not completed within 30 days of the expiration date noted on the course approval, the course shall no longer be offered as a board approved course.

18 VAC 60-20-150. Instructor renewal procedures.

A. Approval of an instructor shall expire two years from the last day of the month in which it was issued, as indicated on the approval document.

B. The board will mail a renewal notice to the instructor at the last known address. Failure of the instructor to receive the notice does not relieve the instructor of the obligation to renew.

C. If the requirements for renewal of an approved instructor, including receipt of the fee by the board, are not completed within 30 days of the expiration date on the approval document, a reinstatement fee shall be required. Approval as an instructor may be reinstated for up to one year following

the expiration date with payment of the reinstatement fee. After one year, the approval as an instructor shall not be reinstated under any circumstances and the instructor must meet all current requirements and apply as a new applicant.

18 VAC 62-20-160. Fees.

A. The application fee for approval of a proprietary school shall be \$100.

B. The renewal fee for proprietary school approval shall be \$100.

C. The application for approval as an instructor shall be \$100.

D. The renewal fee for an instructor shall be \$100.

E. The reinstatement fee for an instructor shall be \$50.

18 VAC 62-20-170. Posting of instructor approval.

Copies of the instructor approval shall be available at the location where a course is taught.

18 VAC 62-20-180. Withdrawal of approval.

The board may withdraw approval of any proprietary school, approved instructor or course for the following reasons:

1. The proprietary school, instructor or course no longer meets the standards established by the board.
2. Where the instructor has been found to have violated or cooperated with others in violating any provision of Chapter 5.1 (§ 36-96.1 et seq.) of Title 36 of the Code of Virginia, the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27).

NOTICE: The forms used in administering 18 VAC 62-20, Fair Housing Certification Regulations, are listed and published below.

FORMS

Certification Application, 0232CERT (eff. 4/04).

Proprietary School Certification Application, 0234SCHL (eff. 4/04).

Fair Housing Course Approval Application, 0233CRS (eff. 4/04).

Instructor Application, 0231INST (eff. 4/04).

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-0307
www.dpor.virginia.gov



Fair Housing Board
PROPRIETARY SCHOOL CERTIFICATION APPLICATION
 Fee \$100.00

**A check or money order payable to the TREASURER OF VIRGINIA, or
 a completed credit card insert must be mailed with your application package.
 APPLICATION FEES ARE NOT REFUNDABLE.**

1. Name of School _____
2. Federal Employer Identification No. -
3. Street Address (PO Box not accepted) _____
 City, State, Zip Code _____
4. Mailing Address (PO Box accepted) _____
 City, State, Zip Code _____
5. E-mail Address _____
Address where electronic communication from the Board can be sent (an owner/manager e-mail address is acceptable).
6. Telephone and Facsimile Numbers () - () -
Telephone Facsimile
7. Type of school (select only **one**)
 Privately owned school
 Real estate professional association
 Other _____
8. School owner(s) - enter the name of the proprietor, partnership, association, limited liability company, or corporation _____
9. Name & Title of School Contact Person _____
10. Method of instruction (select **all** that apply)
 Classroom
 Correspondence
 On-line
 Other distance learning, describe _____
11. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I certify that the school has complied with all the laws of Virginia related to fair housing school certification under the provisions of Title 54.1, Chapter 23.2 of the Code of Virginia and the Virginia Fair Housing Certification Regulations.
 Contact Person's Signature _____ Date _____

Additional Documentation Required

- ✓ Evidence of financial responsibility prepared by an independent source
- ✓ School catalog or bulletin

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
				0 2 3 4	

Proposed Regulations

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Richmond, Virginia 23230-4917
 (804) 367-0307
www.dpor.virginia.gov



Fair Housing Board
FAIR HOUSING COURSE APPROVAL APPLICATION
No Fee Required

Once approved, a course may not be substantially altered. A substantial alteration is any change that would modify the content or time allocations stated in the course outline or change any of the stated course topics. If a course is altered, the revised/new course must be submitted for approval by the Board. Applicants are required to notify the Board concerning any changes in administrative information.

1. Name of Course Sponsor _____
2. Federal Employer Identification Number -
3. Street Address (PO Box not accepted) _____
 City, State, Zip Code _____
4. Mailing Address (PO Box accepted) _____
 City, State, Zip Code _____
5. E-mail Address _____
6. Telephone & Facsimile Numbers () - _____ () - _____
 Telephone Facsimile
7. Type of Institution
 Proprietary School
 Real Estate Professional Association
 Other _____
8. Individual responsible for course administration _____
- A. Presentation
 Classroom
 Correspondence Correspondence and other distance learning courses (non-classroom) must include appropriate testing procedures to verify completion of the course.
 On-line
 Other _____
- B. Method of monitoring attendance _____
- C. Method of maintaining records _____
- D. Proposed education hours: Fair Housing * _____ * Must be a minimum of 2 hours and include an update on current cases and administrative decisions under Fair Housing Laws.
9. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application.
 Sponsor Signature _____ Date _____

Please attach 4 copies of the following information and label according to the number listed below (i.e., label syllabus #1, label advertisement #7):

1. A course syllabus listing the main points of the course
2. Name, address and qualifications of instructors
3. A comprehensive outline.
4. A summary of how the course will benefit the fair housing professional and increase the protection of the general public
5. A copy of course materials either distributed or used in presentation such as handouts, pamphlets and overheads
6. A copy of the certificate of completion
7. A copy of proposed advertisement for the course (if available).

OFFICE USE ONLY	APPROVAL NO. 0233	FAIR HOUSING HOURS	DATE
-----------------	----------------------	--------------------	------

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 1. ADMINISTRATION

DEPARTMENT OF THE TREASURY

Title of Regulation: **1 VAC 75-40. Unclaimed Property Administrative Review Process (adding 1 VAC 75-40-10 through 1 VAC 75-40-60).**

Statutory Authority: § 55-210.27 of the Code of Virginia.

Effective Date: September 22, 2004.

Agency Contact: Vicki D. Bridgeman, Director of Unclaimed Property, Department of the Treasury, James Monroe Building, 101 N. 14th Street, 4th Floor, Richmond, VA 23219, telephone (804) 225-3156, FAX (804) 786-4653, or e-mail vicki.bridgeman@trs.state.va.us.

Summary:

This regulation addresses the process whereby any person (also, the applicant) (i) asserting ownership of property remitted to the Commonwealth under the Uniform Disposition of Unclaimed Property Act, (ii) required to pay or deliver abandoned property pursuant to the Uniform Disposition of Unclaimed Property Act, or (iii) otherwise aggrieved by a decision of the administrator may file an application for administrative review and correction of the administrator's determination. The review process will provide the applicant with the opportunity to have its issues considered at a different management level in the Department of the Treasury. The applicant's participation in the review process is voluntary and completion of this administrative review process is not a condition precedent to litigation. In addition, the form of application is provided.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 20:6 VA.R. 532-535 December 1, 2003, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R03-98; Filed July 27, 2004, 9:47 a.m.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 2.2-4002 of the Code of Virginia when promulgating regulations regarding the management of wildlife. The department is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final wildlife management regulations, including length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

Title of Regulation: **4 VAC 15-260. Game: Waterfowl and Waterfowl Blinds (amending 4 VAC 15-260-10).**

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

Effective Date: July 28, 2004.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or e-mail RegComments@dgif.state.va.us.

Summary:

The amendments repeal the existing definition of "blind," define "stationary blind" to reflect the term's definition in § 29.1-341 of the Code of Virginia as amended by the 2004 Session of the General Assembly, and define "floating blind" using the stationary blind definition as a basis.

4 VAC 15-260-10. "Blind" "Floating blind" and "stationary blind" defined.

~~The term "blind" as used in the waterfowl blind laws and in the regulations of the board shall mean and include camouflaged rowboats, whether in motion or anchored, and other lawful floating devices or things constructed or erected and used on land or in the water for the purpose of shooting waterfowl therefrom in, on or over the public waters and from the shores thereof and which are so constructed or erected as to be deceptive or which provide a place of concealment or obscure the hunter from view and all such devices or things shall come within the provisions of the laws for hunting waterfowl, which require that blinds be licensed.~~

"Floating blind" means a floating device, whether in motion or anchored, that can be occupied by and conceal one or more hunters, uses a means of concealment other than the device's paint or coloration, and is used in the public waters for the purpose of hunting and shooting waterfowl.

"Stationary blind" means a structure erected at a fixed location either on the shores of the public waters or in the public waters for the purpose of hunting and shooting waterfowl. A stationary blind shall be (i) of such size and strength that it can be occupied by and conceal one or more hunters or (ii) large enough to accommodate and conceal a boat or skiff from which one or more hunters intend to hunt or shoot waterfowl.

All such devices and structures shall come within the provisions of the laws for hunting waterfowl, which require that blinds be licensed.

VA.R. Doc. No. R04-225; Filed July 27, 2004, 11:50 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Titles of Regulations: **9 VAC 25-400. Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed (repealing 9 VAC 25-400-10).**

9 VAC 25-401. Sewage Treatment in the Dulles Area Watershed (adding 9 VAC 25-401-10 through 9 VAC 25-401-50).

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

Effective Date: September 22, 2004.

Agency Contact: Thomas A. Faha, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846, or e-mail tafaha@deq.virginia.gov.

Summary:

The regulation replaces an existing regulation that deals with waste treatment and water quality management in the Dulles watershed area. The existing regulation is repealed and a new regulation is adopted because of the extensive editing and rewriting required to update and clarify the regulation. The regulation modifies the effluent limits on discharges from regional sewage treatment plants. It relaxes the maximum effluent limit for TSS (total suspended solids), modifies the total nitrogen discharge requirements, and deletes effluent limits for BOD (biochemical oxygen demand), MBAS (methyl blue activated substance), and viruses. Modifications to the effluent limits apart, the regulation does not differ significantly from the existing regulation. Some of the other minor changes include additional language that clarifies the intent of the existing regulation, the inclusion of two exceptions to the requirements of the regulation, the removal of language and requirements that are outdated, redundant, or unnecessary, and the reorganization of the regulation in an effort to improve its clarity.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 20:12 VA.R. 1439-1443 February 23, 2004, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R03-140; Filed August 2, 2004, 12:54 p.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Title of Regulation: **11 VAC 10-20. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering (amending 11 VAC 10-20-200).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: September 23, 2004.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, P.O. Box 208, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, or e-mail david.lermond@vrc.virginia.gov.

Summary:

The amendments (i) respecify the date at which the licensee is to make a request for racing days and (ii) clarify the manner for making an amendment to a properly submitted request.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:26 VA.R. 3905-3907 September 8, 2003, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R03-78C; Filed August 3, 2004, 11:23 a.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

REGISTRAR'S NOTICE: The effective date of subsections L, M and N of 13 VAC 5-62-260 was suspended by the Board of Housing and Community Development as the result of petitions received during the 30-day final adoption period after final regulations were published in the Virginia Register of Regulations in 19:25 VA.R. 3824-3825 August 25, 2003. The Notice of Suspension of Regulatory Process was published in the Virginia Register of Regulations in 20:2 VA.R. 133 October 6, 2003. The brackets indicate changes made since the final regulation was published August 25, 2003.

Final Regulations

Titles of Regulations: 13 VAC 5-62. Virginia Uniform Statewide Building Code (amending 13 VAC 5-62-260).

Statutory Authority: § 36-98 of the Code of Virginia.

Effective Date: September 8, 2004.

Agency Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 North 2nd Street, Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail scalhoun@dhcd.virginia.gov.

Summary:

The substantial changes from the proposed regulation to the final regulation were to increase the fire separation distance between the exterior wall of a residential building and any property line within which fire-rated construction is required from three feet to five feet. The effect of the suspension subsections L, M and N of 13 VAC 5-62-260 reinstated the three-foot fire separation distance while the board solicited additional public comment.

The readopted regulation in subsection L reestablishes the five-foot requirement. However, subsection M is readopted with amendments that permit up to 25% openings in walls located between three and five feet from any property line. In addition, the withdrawal of subsection N deletes a requirement of the final suspended regulation, which required special fire-rated construction where penetrations occur in walls located between three and five feet from any property line.

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

13 VAC 5-62-260. IBC Chapter 3 Use and Occupancy Classification.

A. Change subsection 302.1.1 and Table 302.1.1 to read:

302.1.1. Incidental use areas. Spaces which are incidental to the main occupancy shall be separated or protected, or both, in accordance with Table 302.1.1 and shall be classified in accordance with the main occupancy of the portion of the building in which the incidental use area is located.

Exception: Incidental use areas within and serving a dwelling unit are not required to comply with this section.

Table 302.1.1.
Incidental Use Areas.

ROOM OR AREA	SEPARATION ^a
Furnace rooms where largest piece of equipment is over 400,000 Btu per hour input	1 hour or provide automatic fire-extinguishing system
Boilers over 15 psi and 10 horsepower	1 hour or provide automatic fire-extinguishing system
Refrigerant machinery rooms	1 hour or provide

	automatic fire-extinguishing system
Automotive parking garage in other than Group R-3	2 hours; or 1 hour and provide automatic fire-extinguishing system
Incinerator rooms	2 hours and automatic fire-extinguishing system
Paint shops, not classified as Group H, located in occupancies other than Group F	2 hours; or 1 hour and provide automatic fire-extinguishing system
Laboratories and vocational shops, not classified as Group H, located in Group E and I-2 occupancies	1 hour or provide automatic fire-extinguishing system
Laundry rooms over 100 square feet	1 hour or provide automatic fire-extinguishing system
Storage rooms over 100 square feet	1 hour or provide automatic fire-extinguishing system
Group I-3 padded cells	1 hour
Waste and linen collection rooms over 100 square feet	1 hour or provide automatic fire-extinguishing system
Stationary lead-acid battery systems having a liquid capacity of more than 100 gallons (380 L) used for facility standby power, emergency power or uninterrupted power supplies	1-hour fire barriers and floor-ceiling assemblies in Group B, F, H, M, S and U occupancies. 2-hour fire barriers and floor-ceiling assemblies in Group A, E, I and R occupancies

For SI: 1 square foot = 0.0929 m², 1 pound per square inch = 6.9 kPa, 1 British thermal unit = 0.293 watts, 1 horsepower = 746 watts, 1 gallon = 3.785 L.

^aWhere an automatic sprinkler system is provided, it need only be provided in the incidental use room or area.

B. Change footnote d in Table 302.3.3 to read:

d. Accessory assembly areas are not considered separate occupancies if the floor area is 750 square feet or less and occupied by less than 50 persons.

C. Add exception to subsection 303.1 to read:

Exception: A 750 square feet or less room or space used for assembly purposes by less than 50 persons and which is accessory to another group shall be included as a part of that main group.

D. Add exception to subsection 308.2 to read:

Exception: Group homes licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services or the Virginia Department of Social Services which house no more than eight persons with one or more resident counselors shall be classified

either as a Group R-2, R-3, R-4 or R-5. Not more than five of the persons may require physical assistance from staff to respond to an emergency situation.

E. Add subsection 308.5.3 to read:

308.5.3. Family day homes. Family day homes licensed or certified by the Virginia Department of Social Services housing no more than 12 persons, not including staff, shall be classified either as a Group R-2, R-3 or R-5.

F. Add use and occupancy classification at the end of IBC subsection 310.1 to read:

R-5 - Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures.

G. Add IBC subsection 310.4 to read:

310.4. Family day homes. Family day homes licensed or certified by the Virginia Department of Social Services housing no more than twelve persons, not including staff, shall be classified either as a Group R-2, R-3 or R-5.

H. Add IBC subsection 310.5 to read:

310.5. Radon-resistant construction. Group R-3 and Group R-4 structures shall be subject to the radon-resistant construction requirements of Section R329 of the IRC if a locality has implemented such requirements.

I. Add IBC subsection 310.6 to read:

310.6. Group R-5 structures. The provisions of the 2000 International Residential Code (IRC) as amended in this article shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures (Group R-5).

J. Change IRC Figure R301.2(4) to Table R301.2(4) to read:

Table R301.2(4).
Basic Wind Speeds for Virginia Localities Based on Basic Wind Speed (3 Second Gust) Map.

90 V mph (m/s)	100 V mph (m/s)	110 V mph (m/s)	Special Wind Region
All other localities	City of Chesapeake City of Franklin	Accomack County	Bland County
	Gloucester County	Northampton County	Grayson County
	City of Hampton	City of Virginia Beach	Scott County
	Isle of Wight County		Smyth County
	Lancaster County		Tazewell County

	Mathews County		Washington County
	Middlesex County		Wythe County
	City of Newport News		
	City of Norfolk		
	Northumberland County		
	City of Poquoson		
	City of Portsmouth		
	Southampton County		
	City of Suffolk		
	Surry County		
	York County		

NOTE: The basic wind speeds for Virginia towns shall be the same as the county in which the town is located.

K. Change IRC subsection R301.2.1 to read:

R301.2.1. Wind limitations. Buildings and portions thereof shall be limited by wind speed, as defined in Table R301.2(1), and construction methods in accordance with this code. Basic wind speeds shall be determined from Table R301.2(4). Where different construction methods and structural materials are used for various portions of a building, the applicable requirements of this section for each portion shall apply. Where loads for windows, skylights and exterior doors are not otherwise specified, the loads listed in Table R301.2(2) adjusted for height and exposure per Table R301.2(3), shall be used to determine design load performance requirements for windows and doors. Basic wind speed for the special wind regions indicated, near mountainous terrain, and near gorges, shall be in accordance with local jurisdiction requirements determined in accordance with Section 6.5.4 of ASCE 7.

L. Change the first sentence in IRC subsection R302.1 to read:

R302.1. Exterior walls. Exterior walls with a fire separation distance of less than 5 feet (1524 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides.

M. Change IRC subsection R302.2 to read:

R302.2. Openings. Openings shall not be permitted in the exterior wall of a dwelling [or accessory building] with a fire separation distance less than [~~5 feet (1524 mm)~~ or three feet (914 mm). Openings in excess of 25% of the area of the entire wall surface, which shall include bay windows, shall not be permitted] in the exterior wall of [a dwelling or] an accessory building with a fire separation distance [~~less than 3~~ between three] feet (914 mm [and five feet (1524mm)]. [The building face of a bay window shall not be considered a separate wall with respect to the

Final Regulations

computation of the 25% opening limitations.] This distance shall be measured perpendicular to the line used to determine the fire separation distance.

Exceptions:

1. Openings shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.

2. Foundation vents installed in compliance with this code are permitted.

[~~N.~~ Change IRC subsection R302.3 to read:

~~R302.3. Penetrations. Penetrations located in the exterior wall of a dwelling with a fire separation distance less than 5 feet (1524 mm) shall be protected in accordance with Section R321.3.~~

~~Exception: Penetrations shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.]~~

[~~Q.~~ ~~N.~~] Change IRC subsection R303.6 to read:

R303.6. Required heating. Every dwelling unit or portion thereof which is to be rented, leased or let on terms either expressed or implied to furnish heat to the occupants thereof shall be provided with heating facilities capable of maintaining the room temperatures at 65°F (18°C) during the period from October 15 to May 1 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60°F (16°C) during other hours when measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls. The capability of the heating system shall be based on the winter design temperature for heating facilities established by the jurisdiction.

[~~P.~~ ~~O.~~] Add IRC subsection R303.7 to read:

R303.7. Insect screens. Every door, window and other outside opening required for ventilation purposes shall be supplied with approved tightly fitted screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device.

[~~Q.~~ ~~P.~~] Add IRC subsection R306.5 to read:

R306.5. Approval. Water supply sources and sewage disposal systems are regulated and approved by the Virginia Department of Health.

[~~R.~~ ~~Q.~~] Change IRC subsection R310.1 to read:

R310.1. Emergency escape and rescue openings required. Basements with habitable space and each sleeping room shall have at least one openable emergency escape and rescue opening. Where emergency escape and rescue openings are provided, they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall

be obtained by the normal operation of the emergency escape and rescue opening from the inside, except that tilt-out or removable sash designed windows shall be permitted to be used. Emergency escape and rescue openings with a finished height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

Exception: Dwelling units equipped throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, 13R or 13D.

[~~S.~~ ~~R.~~] Change IRC subsection R310.1.1 to read:

R310.1.1. Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m²), including the tilting or removal of the sash as the normal operation to comply with sections R310.1.2 and R310.1.3.

Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m²).

[~~T.~~ ~~S.~~] Change IRC subsection R314.2 to read:

R314.2. Treads and risers. The maximum riser height shall be 8-1/4 inches (210 mm) and the minimum tread depth shall be 9 inches (254 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2.0% slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

[~~U.~~ ~~T.~~] Change IRC subsection R315.1 to read:

R315.1. Handrails. Handrails having minimum and maximum heights of 34 inches and 38 inches (864 mm and 965 mm), respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways with three or more risers. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrail.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at a turn.
2. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.

[~~V.~~ ~~U.~~] Add new IRC section R328 Swimming Pools, Spas and Hot Tubs and add subsection R328.1 to read:

R328.1. General. In addition to other applicable provisions of this code, swimming pools, spas and hot tubs shall comply with the provisions in Appendix G.

[~~W~~. V.] Add new IRC section R329 Radon-Resistant Construction and add subsection R329.1 to read:

R329.1. General. Following official action under Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia by a locality in areas of high radon potential, as indicated by Zone 1 on the U.S. EPA Map of Radon Zones (IRC Figure AF101), such locality shall enforce the provisions contained in Appendix F.

Exemption: Buildings or portions thereof with crawl space foundations which are ventilated to the exterior, shall not be required to provide radon-resistant construction.

[~~X~~. W.] Add new IRC section R330 Sound Transmission and add subsections R330.1 and R330.2 to read:

R330.1. General. Construction assemblies separating dwelling units shall provide airborne sound insulation as required in Appendix K.

R330.2. Airport noise attenuation standards. Following official action by the local governing body under § 15.2-2295 of the Code of Virginia, all structures to be located in areas affected by above average noise levels from aircraft due to their proximity to flight operations at nearby airports as determined by the governing body having jurisdiction shall have acoustical treatment measures in accordance with the provisions of IBC Section 1206.0.

[~~Y~~. X.] Add new IRC section R331 Patio covers and add subsection R331.1 to read:

R331.1. General. Patio covers shall comply with the provisions in Appendix H.

[~~Z~~. Y.] Change IRC subsection R401.4 to read:

R401.4. Soil tests. Localities having 20% and greater moderate and high shrink/swell potential of the jurisdictional land area shall implement an expansive soil test policy. Localities having less than 20% moderate to high shrink/swell potential of the jurisdictional land area may adopt a soil test policy. The policy shall establish minimum criteria to determine the circumstances which require testing for expansive soils and the minimum testing requirements. The policy shall be established in a manner selected by the local government having jurisdiction. When required, testing shall be in accordance with Section R403.1.8.1. When soils are determined to be expansive, foundation design shall be in accordance with Section R403.1.8. All localities shall obtain and retain as a reference guide a copy of the applicable National Cooperative Soil Survey produced cooperatively by the Natural Resources Conservation Service and the Virginia Polytechnic Institute and State University, where this survey is available. Table R401.4, List of Virginia land areas by Shrink/Swell Ratings, shall be used to determine the percentage of jurisdictional land area which has moderate or high shrink/swell potential.

Exception: For additions to one- and two-family dwellings or slab-on-grade accessory structures and decks where there is no indication of a shrink-swell condition for the area.

Table R401.4.
List of Virginia land areas by Shrink/Swell Ratings.

20% and greater potential		Less than 20% potential	
Accomack County	Nelson County	Alexandria, City of	Henry County
Albemarle County	Newport News, City of	Alleghany County	Highland County
Amelia County	Norfolk, City of	Amherst County	Hopewell, City of
Appomattox County	Northampton County	Bath County	Isle of Wight County
Arlington County	Orange County	Bedford County	King and Queen County
Augusta County	Page County	Bedford, City of	King George County
Bland County	Poquoson, City of	Brunswick County	King William County
Botetourt County	Portsmouth, City of	Buchanan County	Lancaster County
Buckingham County	Powhatan County	Caroline County	Loudoun County
Buena Vista, City of	Prince Edward County	Carroll County	Lunenburg County
Campbell County	Prince George County	Charlotte County	Manassas, City of
Charles City County	Prince William County	Charlottesville, City of	Martinsville, City of
Chesapeake, City of	Pulaski County	Clifton Forge, City of	Mecklenburg County
Chesterfield County	Radford, City of	Colonial Heights, City of	Middlesex County
Clarke County	Richmond, City of	Covington, City of	New Kent County
Culpeper County	Roanoke County	Craig County	Northumberland County
Cumberland County	Roanoke, City of	Danville, City of	Norton, City of
Emporia, City of	Rockbridge County	Dickenson County	Nottoway County
Fairfax County	Rockingham County	Dinwiddie County	Patrick County
Fairfax, City of	Russell County	Essex County	Petersburg, City of
Fauquier County	Salem, City of	Floyd County	Pittsylvania County
Fluvanna County	Scott County	Franklin County	Rappahannock County
Franklin, City of	Shenandoah County	Fredericksburg, City of	Richmond County
Frederick County	Smyth County	Galax, City of	Staunton, City of
Giles County	Southampton County	Gloucester County	Warren County

Final Regulations

Goochland County Greene County Greensville County Halifax County Hampton, City of James City County Lee County Lexington, City of Louisa County Lynchburg, City of Madison County Mathews County Montgomery County	Spotsylvania County Stafford County Suffolk, City of Surry County Sussex County Tazewell County Virginia Beach, City of Washington County Westmoreland County Winchester, City of Wythe County York County	Grayson County Hanover County Harrisonburg, City of Henrico County	Waynesboro, City of Williamsburg, City of Wise County
--	---	---	---

[~~AA~~. Z.] Add exception to IRC subsection R403.1 to read:

R403.1. General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill.

Exception: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, not exceeding 256 square feet (23.7824 m²) of building area, provided all of the following conditions are met:

The building height is not more than 12 feet.

The maximum height from the finished floor level to grade does not exceed 18 inches.

The supporting structural elements in direct contact with the ground shall be placed level on firm soil and when such elements are wood they shall be approved pressure preservative treated suitable for ground contact use.

The structure is anchored to withstand the wind loads prescribed by the USBC.

The structure shall be of light-frame construction whose vertical and horizontal structural elements are primarily formed by a system of repetitive wood or light gauge steel framing members, with walls and roof of light weight material, not slate, tile, brick or masonry.

[~~BB~~. AA.] Change IRC subsection R506.2.1 to read:

R506.2.1. Fill. Fill Material shall be free of vegetation and foreign material and shall be natural non-organic material that is not susceptible to swelling when exposed to moisture. The fill shall be compacted to assure uniform support of the slab, and except where approved, the fill depth shall not exceed 24 inches (610 mm) for clean sand or gravel and 8 inches (203 mm) for earth.

Exception: Material other than natural material may be used as fill material when accompanied by a certification from a RDP and approved by the building official.

[~~CC~~. BB.] Change IRC subsection R506.2.2 to read:

R506.2.2. Base. A 4-inch-thick (102-mm) base course consisting of clean graded sand, gravel or crushed stone passing a 2-inch (51-mm) sieve shall be placed on the prepared subgrade when the slab is below grade.

Exception: A base course is not required when the concrete slab is installed on well drained or sand-gravel mixture soils classified as Group I according to the United Soil Classification System in accordance with Table R405.1. Material other than natural material may be used as base course material when accompanied by a certification from a RDP and approved by the building official.

[~~DD~~. CC.] Add IRC subsection M2201.2.1.1 to read:

M2201.2.1.1. Abandonment of home fuel tanks. When supply tanks are removed or abandoned, the fill piping, gauges and other appurtenances, except the vent, shall be disconnected and the fill pipe plugged or removed.

[~~EE~~. DD.] Delete subsection P2602.1 General.

[~~FF~~. EE.] Change IRC subsection P2904.4 to read:

P2904.4. Water service pipe. Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table P2904.4.1. All water service pipe or tubing, installed underground and outside the structure, shall have a minimum working pressure rating of 160 psi at 73°F (1100 kPa at 23°C.). Where the water pressure exceeds 160 psi, piping material shall have a minimum rated working pressure equal to the highest available pressure. Plastic water service piping shall terminate within 5 feet inside the point of entry into a building. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

[~~GG~~. FF.] Change IRC subsection P3114.1 to read:

P3114.1. General. Vent systems utilizing air admittance valves shall comply with this section. Individual- and branch-type air admittance valves shall conform to ASSE 1051.

[~~HH~~. GG.] Change the trap sizes as shown in the following categories of Table P3201.7:

Plumbing Fixture	Trap Size Minimum (inches)
Clothes washer standpipe	1-1/2
Shower	1-1/2

[~~H~~. *HH*.] Add IRC subsection E3501.8 to read:

E3501.8. Electrical service equipment. The building official shall give permission to energize the electrical service equipment of a one- or two-family dwelling unit when all of the following requirements have been approved:

1. The service wiring and equipment, including the meter socket enclosure, shall be installed and the service wiring terminated.
2. The grounding electrode system shall be installed and terminated.
3. At least one receptacle outlet on a ground fault protected circuit shall be installed and the circuit wiring terminated.
4. Service equipment covers shall be installed.
5. The building roof covering shall be installed.
6. Temporary electrical service equipment shall be suitable for wet locations unless the interior is dry and protected from the weather.

[~~J~~. *II*.] Add new referenced standard in Chapter 43 of the IRC as follows:

Standard reference number	Title	Referenced in code section number
AWWA C104-95	Standard for Cement-Mortar Lining for Ductile-Iron Pipe and fittings for Water	P2904.4

VA.R. Doc. No. R02-170; Filed July 30, 2004, 1:16 p.m.

◆ ————— ◆

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

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

Title of Regulation: 14 VAC 5-90. Rules Governing Advertisement of Accident and Sickness Insurance (amending 14 VAC 5-90-10 through 14 VAC 5-90-180; [adding 14 VAC 5-90-55]).

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

Effective Date: August 4, 2004.

Agency Contact: Jacqueline Cunningham, Deputy Commissioner, Life and Health Division, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone

(804) 371-9074, FAX (804) 371-9944, or e-mail jacunningham@scc.state.va.us.

Summary:

The amendments add or modify a number of terms in 14 VAC 5-90-30 to comply with the National Association of Insurance Commissioners' model regulation on this subject. All forms of electronic communication are added to the definition of "advertisement." New definitions for the terms "institutional advertisement," "invitation to contract," and "invitation to inquire" are added. 14 VAC 5-90-60 is rearranged for clarity and proper heading. 14 VAC 5-90-60, 14 VAC 5-90-70 and 14 VAC 5-90-130 clarify provisions as they apply to an "advertisement" or an "invitation to contract." 14 VAC 5-90-80 adds endorsements where appropriate to the testimonial forms of advertisements. 14 VAC 5-90-160 adds a requirement to include the name and description of the entity through which a commercial rating is obtained. Finally, stylistic changes are made throughout in accordance with the Virginia Registrar Form, Style and Procedure Manual, and a number of unnecessary forms are deleted.

The final regulation modifies the definitions of "advertisement" and "invitation to inquire" in 14 VAC 5-90-30. A new section 14 VAC 5-90-55 is added pertaining to the form and content of invitations to inquire. The new section contains a portion of the provisions in the proposed definition for "invitation to inquire" that have now been moved in the final regulation to this new section. Clarifying changes have also been made to 14 VAC 5-90-10, 14 VAC 5-90-110 and 14 VAC 5-90-130.

AT RICHMOND, MAY 26, 2004

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2004-00068

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Advertisement of
Accident and Sickness Insurance

ORDER ADOPTING REVISIONS TO RULES

By order entered herein March 16, 2004, all interested persons were ordered to take notice that subsequent to May 1, 2004, the Commission would consider the entry of an order adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Advertisement of Accident and Sickness Insurance, set forth in Chapter 90 of Title 14 of the Virginia Administrative Code, unless on or before May 1, 2004, any person objecting to the adoption of the proposed revisions filed a request for hearing with the Clerk of the Commission (the Clerk).

The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before May 1, 2004.

Final Regulations

The Virginia Association of Health Plans (VAHP) filed comments to the proposed revisions with the Clerk on April 30, 2004. VAHP did not request a hearing.

Aetna Inc. (Aetna), a health insurance company, filed comments to the proposed revisions with the Clerk on May 3, 2004, which were considered timely in accordance with Commission Rule 5 VAC 5-20-140. Aetna did not request a hearing.

The Alliance of Virginia Dental Plans (Alliance) filed comments to the proposed revisions with the Clerk on May 3, 2004, which were considered timely in accordance with Commission Rule 5 VAC 5-20-140. Alliance did not request a hearing.

The Bureau has reviewed the comments and recommends that the proposed rules be modified at 14 VAC 5-90-10, 14 VAC 5-90-30 in the definition of "advertisement," 14 VAC 5-90-30 in the definition of "invitation to inquire" and that a portion of that definition be moved to a new section known as 14 VAC 5-90-55 entitled "Form and content of invitations to inquire," 14 VAC 5-90-110, and 14 VAC 5-90-130 A.

The Bureau filed its Statements of Position in response to the comments filed by VAHP, Aetna and Alliance with the Clerk on May 25, 2004.

THE COMMISSION, having considered the proposed revisions, the filed comments, and the Bureau's response to and recommendations regarding the filed comments, is of the opinion that the attached revisions to the rules, which reflect the recommendations of the Bureau, should be adopted.

THEREFORE IT IS ORDERED THAT:

(1) The revisions to Chapter 90 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Advertisement of Accident and Sickness Insurance," which amend 14 VAC 5-90-10 through 14 VAC 5-90-50 and 14 VAC 5-90-60 through 14 VAC 5-90-180 and propose a new rule at 14 VAC 5-90-55, are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective July 1, 2004.

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Gerald A. Milsky, Deputy Commissioner, Bureau of Insurance, State Corporation Commission who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, including a clean copy of the attached final revised rules, to all insurance companies licensed by the Bureau of Insurance to transact the business of accident and sickness insurance in the Commonwealth of Virginia, and certain interested parties designated by the Bureau of Insurance.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, including a copy of the attached revised rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Publications and shall make this Order and the attached revisions to the rules available on the Commission's web site, <http://www.state.va.us/scc/caseinfo.htm>.

(4) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements in paragraph (2) of this Order.

<p>REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 20:15 VA.R. 1770-1776 April 5, 2004, with errata incorporated as published in 20:17 1984 May 3, 2004, and with the changes identified below. Pursuant to § 2.2-4031 A of the Code of Virginia, the adopted regulation is not published at length; however, the sections that have changed since publication of the proposed and errata are set out.</p>

14 VAC 5-90-10. Purpose.

The purpose of this chapter (14 VAC 5-90-10 ~~et seq.~~) is to assure truthful and adequate disclosure of all material and relevant information in the advertising of accident and sickness insurance. This purpose is intended to be accomplished by the establishment of, and adherence to, *chapter establishes* certain minimum standards of conduct in the advertising of accident and sickness insurance in a manner which prevents unfair competition among insurers and is conducive to the accurate presentation and description [to the insurance-buying public] ~~of a policy of such insurance offered through various advertising media.~~

14 VAC 5-90-20. [No change from proposed.]

14 VAC 5-90-30. Definitions.

An "advertisement" for the purpose of this chapter (14 VAC 5-90-10 ~~et seq.~~) shall include:

~~1. Printed~~

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

"Advertisement" means (i) printed and published material, audio visual material, and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio scripts, ~~TV~~ television scripts, web sites and other Internet displays or communications, other forms of electronic communications, billboards, and similar displays; and ~~2.~~ (ii) descriptive literature and sales aids of all kinds issued by an insurer [; or] agent [~~or broker~~] for presentation to ~~members of~~ [to the insurance-buying public,] including but not limited to circulars, leaflets, booklets, depictions, illustrations, and form letters; and ~~3.~~ (iii) prepared sales talks, presentations and material for use by agents, ~~brokers and solicitors.~~ "Advertisement" shall not include:

1. Material used in-house by insurers;

2. Communications within an insurer's own organization not intended for dissemination to the [insurance-buying] public; however, to the extent any communications are in fact disseminated to the [insurance-buying] public or utilized in a sales presentation to [~~a member of~~] the [insurance-buying] public, the materials shall be considered to fall within the definition of "advertising";

3. Individual communications of a personal nature with current policyholders other than material urging the policyholder to increase, expand, terminate or purchase new coverages;

4. Correspondence between a prospective group or policyholder and an insurer in the course of negotiating a group contract other than material urging the policyholder to increase or expand coverages;

5. Court-approved material ordered by a court to be disseminated to policyholders;

6. A general announcement from a group policyholder to eligible individuals on an employment or membership list that a contract or program has been written or arranged, provided that the announcement clearly indicates that it is preliminary to the issuance of a booklet and that the announcement does not describe specific benefits under the contract or program nor describe advantages as to the purchase of the contract or program. This does not prohibit a general endorsement of the program by the sponsor;

7. Electronic communications devoted to electronic business transactions between existing members, providers, employers, and the insurer containing no materials relating to increasing, decreasing, terminating, or expanding coverages; or

8. Member newsletters or educational material sent to existing members, providers, or employers containing no materials relating to increasing, decreasing, terminating, or expanding coverages.

"Commission" means the Virginia State Corporation Commission.

"Exception" means any provision in a policy whereby coverage for a specified hazard is entirely eliminated; it is a statement of a risk not assumed under the policy.

"Institutional advertisement" means an advertisement having as its sole purpose the promotion of the reader's, viewer's, or listener's interest in the concept of accident and sickness insurance, or the promotion of the insurer as a seller of accident and sickness insurance.

"Insurer" means an individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds, fraternal benefit society, health maintenance organization, and any other legal entity that is defined as an "insurer" in Title 38.2 of the Code of Virginia.

"Invitation to contract" means an advertisement that includes in any manner an application for insurance. It is not an invitation to inquire nor an institutional advertisement.

"Invitation to inquire" means an advertisement having as its objective the creation of a desire to inquire further about accident and sickness insurance and that is limited to a brief description of the loss for which benefits are payable and does not contain an application for coverage, but may contain (i) the dollar amount of benefits payable, and (ii) the period of time during which benefits are payable. An invitation to inquire may not refer to cost, except as otherwise permitted by this [section chapter]. [An invitation to inquire shall contain a provision in the following or substantially similar form: "This policy has [exclusions] [limitations] [reduction of benefits] [terms under which the policy may be continued in force or discontinued]. For costs and complete details of the coverage, call [write] your insurance agent or the company

~~[whichever is applicable]."~~ An invitation to inquire concerning a health benefit plan may include rate information without including information about benefit exceptions and reductions and limitations so long as the advertisement includes prominent disclaimers clearly indicating that (a) the rates are illustrative only; (b) a person should not send money to the insurer of the health benefit plan in response to an advertisement; (c) a person cannot obtain coverage under the health benefit plan until the person completes an application for coverage; and (d) benefit exclusions and limitations may apply to the health benefit plan. Any rate information mentioned in any advertisement disseminated pursuant to this section shall indicate the age, gender, and geographic location on which that rate is based.]

"Limitation" means any provision that restricts coverage under the policy other than an exception or a reduction.

"Policy" for the purpose of this chapter (14 VAC 5-90-10 et seq.) shall include any means a policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement which that provides accident or sickness benefits or medical, surgical or hospital expense benefits, whether on an indemnity, reimbursement, service or prepaid basis, except (i) such coverage provided when issued in connection with another kind of insurance other than life; and (ii) except disability, waiver of premium, and double indemnity benefits included in life insurance and annuity contracts.

"Insurer" for the purpose of this chapter (14 VAC 5-90-10 et seq.) shall include any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds, fraternal benefit society, health maintenance organization, and any other legal entity which is defined as an "insurer" in the insurance code of this Commonwealth.

"Exception" for the purpose of this chapter (14 VAC 5-90-10 et seq.) shall mean any provision in a policy whereby coverage for a specified hazard is entirely eliminated; it is a statement of a risk not assumed under the policy.

"Reduction" for the purpose of this chapter (14 VAC 5-90-10 et seq.) shall mean means any provision which that reduces the amount of the benefit; a risk of loss is assumed but payment upon the occurrence of such the loss is limited to some amount or period less than would be otherwise payable had such reduction not been used.

"Limitation" for the purpose of this chapter (14 VAC 5-90-10 et seq.) shall mean any provision which restricts coverage under the policy other than an exception or a reduction.

14 VAC 5-90-40. [No change from proposed.]

14 VAC 5-90-50. [No change from proposed.]

[14 VAC 5-90-55. Form and content of invitations to inquire.

A. An invitation to inquire shall contain a provision in the following or substantially similar form: "This policy has [exclusions] [limitations] [reduction of benefits] [terms under which the policy may be continued in force or discontinued]. For costs and complete details of the coverage, call [write] your insurance agent or the company [whichever is applicable]."

Final Regulations

B. An invitation to inquire may include rate information without including information about benefit exceptions and reductions and limitations so long as the advertisement includes prominent disclaimers clearly indicating that (i) the rates are illustrative only; (ii) a person should not send money to the insurer in response to an advertisement; (iii) a person cannot obtain coverage until the person completes an application for coverage; and (iv) benefit exclusions and limitations may apply. Any rate information mentioned in any advertisement disseminated pursuant to this section shall indicate the age, gender, and geographic location on which that rate is based.]

14 VAC 5-90-60 through 14 VAC 5-90-100. [No change from proposed.]

14 VAC 5-90-110. Disparaging comparisons and statements.

An advertisement shall not directly or indirectly make unfair or incomplete comparisons of policies or benefits or comparisons of [~~non-comparable~~ *noncomparable*] policies of other insurers, [and shall not] disparage competitors, their policies, services or business methods, [and shall not disparage] or unfairly minimize competing methods of marketing insurance.

14 VAC 5-90-120. [No change from proposed.]

14 VAC 5-90-130. Identity of insurer.

A. The name of the actual insurer ~~and the [shall be stated on all invitations to contract. The , the]~~ form number or numbers of the policies advertised [,] and, ~~if the application is contained in the advertisement,~~ the form number of the any application therefor shall be shown and made clear in all of its advertisements stated [on all invitations to contract]. An advertisement invitation to contract shall not use a trade name, any insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol or other device which without disclosing the name of the actual insurer would have the capacity and tendency to mislead or deceive as to the true identity of the insurer.

B. ~~No~~ An advertisement shall *not* use any combination of words, symbols, or physical materials ~~which that~~ by their content, phraseology, shape, color or other characteristics are so similar to combination of words, symbols, or physical materials used by agencies of the federal government or of this Commonwealth, or otherwise appear to be of such a nature that it tends to confuse or mislead prospective insureds into believing that the solicitation is in some manner connected with an agency of the municipal, state, or federal government.

14 VAC 5-90-140 through 14 VAC 5-90-180. [No change from proposed.]

FORMS [No change from proposed.]

VA.R. Doc. No. R04-132; Filed August 4, 2004, 10:09 a.m.

◆ ————— ◆

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: 24 VAC 20-70. Regulations Governing Requirements for Proof of Residency to Obtain a Virginia Driver's License or Photo Identification Card (REPEALED).

Statutory Authority: § 46.2-203, 46.2-323, and 46.2-345 of the Code of Virginia.

Effective Date: September 22, 2004.

Agency Contact: Barbara S. Klotz, Legislative Services Manager, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-8171, FAX (804) 367-6631 or e-mail dmvsbk@dmv.state.va.us.

Summary:

The regulatory action repeals current regulations pertaining to proof of residency in the procedures and requirements associated with the application process for driver's licenses, commercial driver's licenses, photo identification cards, learner's permits and temporary driver's permits. The repeal does not eliminate the requirement that an applicant prove residency, but eliminates the use of certain documents that DMV is required to accept for proof of residency because some documents are unreliable as proof of Virginia residency or could potentially become the targets of fraud or abuse. This action provides the agency with the flexibility to modify procedures and requirements in the event that fraud or abuse is detected in the process or unreliable documents are identified.

Chapters 767 and 834 of the 2002 Acts of Assembly repeal the authority for DMV to accept form DL 51 (certification of residency). The proposed action meets these requirements of the General Assembly.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:26 VA.R. 3804-3807 September 9, 2002, without change.

VA.R. Doc. No. R02-76; Filed July 23, 2004, 3:16 p.m.

◆ ————— ◆

FAST-TRACK REGULATIONS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR BRANCH PILOTS

Title of Regulation: 18 VAC 45-10. Public Participation Guidelines (amending 18 VAC 45-10-10 through 18 VAC 45-10-40 and 18 VAC 45-10-60 through 18 VAC 45-10-90).

Statutory Authority: § 54.1-902 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 22, 2004.

(See Calendar of Events section for additional information)

Effective Date: November 8, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, or e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-902 of the Code of Virginia provides the authority for the Board for Branch Pilots to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of public participation guidelines. The public participation guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The public participation guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the Fast Track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 45-10 is amended to provide a definition of "Administrative Process Act" and to amend the definition of "agency" for purposes of clarity. Clarifying changes are made to other sections.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will have a more cost effective and efficient way of interacting with list members. No disadvantages have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Branch Pilots (board) proposes to amend its Public Participation Guideline regulations for clarity.

Estimated economic impact. The board proposes to amend regulatory language for clarity. For example, the proposed regulations specify that the term "agency" refers to the board. The proposed changes will have no economic impact.

Businesses and entities affected. The proposed changes will affect branch pilots and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there about 100 individuals and organizations that wish to be on the notification list.

Localities particularly affected. Individuals and organizations throughout the Commonwealth could potentially be interested in the regulations governing individuals licensed by the Board for Branch Pilots. Individuals and organizations within localities along navigable Virginia waterways, particularly the James and Potomac Rivers, may have particular interest.

Projected impact on employment. The proposed changes will not affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to affect the use and value of private property.

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

Summary:

The amendments permit the agency to maintain electronic notification lists to notify persons and organizations of intended regulatory action.

Fast-Track Regulations

18 VAC 45-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ the Board for Branch Pilots.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 45-10-20. Notification lists.

The agency will maintain ~~a list~~ lists of persons and organizations who will be mailed the following documents, or notified of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

~~Failure of these persons and organizations~~ a person or organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 45-10-30. Placement on the mailing notification list; deletion.

Any person or organization wishing to be placed on a notification list may do so by electronic notification or by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ Each person and organization on the list will be provided all information stated in 18 VAC 45-10-20. ~~Individuals and organizations~~ A person or organization periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ the person or organization will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, ~~individuals and organizations~~ will the person or organization may be deleted from the list.

18 VAC 45-10-40. Petition for rulemaking.

Any person or organization may petition the agency to consider or review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days~~ pursuant to § 2.2-4007 A of the Code of Virginia. The agency shall have sole authority to dispose of the petition.

18 VAC 45-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 45-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes with have substantial impact on a regulation, then any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, then the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, then he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 45-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; ~~and~~ or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 45-10-90. Applicability.

18 VAC 45-10-20, 18 VAC 45-10-30, 18 VAC 45-10-40, 18 VAC 45-10-60, and 18 VAC 45-10-70 shall apply to all regulations promulgated and adopted in accordance with § 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with §§ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, and 2.2-4025 of the Administrative Process Act.

VA.R. Doc. No. R04-269; Filed July 29, 2004, 11:59 a.m.



EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: **4 VAC 20-564. Pertaining to the Hampton Road Shellfish Management Area (adding 4 VAC 20-564-10 through 4 VAC 20-564-50).**

Statutory Authority: §§ 28.2-201, 28.2-210 and 28.2-816 of the Code of Virginia.

Effective Dates: August 16, 2004, through September 3, 2004.

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

Summary:

The emergency regulation provides a temporary allowance to harvesters of clams within the Hampton Roads Shellfish Management Area of an additional allotment of harvesting days from August 16, 2004, until September 3, 2004, when it shall terminate.

4 VAC 20-564-10. Purpose.

The provisions of this regulation are in response to increased pressure on the hard clam resource by patent tongs in clean clam areas during the month of August.

4 VAC 20-564-20. Hampton Roads Shellfish Relay Area.

A. The Hampton Roads Shellfish Relay Area shall consist of all condemned clamming grounds bounded by a line beginning at the upstream side of the large fishing pier on the southeast side of Old Point Comfort; thence upstream along the shoreline to Newport News Creek; thence to the southeast corner of the Monitor Merrimac Bridge Tunnel island along the downstream side, thence to FI R "12"; thence to the northeast corner of the Fan Building on the southern island of the bridge tunnel; thence southerly along the downstream side of the bridge tunnel to the south line of Public Ground Number 1, Nansemond County; then easterly along the Public Ground to Craney Island Disposal Area; thence clockwise around the boundaries of the disposal area to its intersection with the shore; thence along the shore to the northeast corner of Craney Island; thence through navigational aid FI G "21" to the point where it intersects a line drawn from the shoreward end of pier number 6 at Lamberts Point to the southeast corner of Tanner Point; thence along the shore to the point of intersection with the rippapped shoreline of the Hampton Roads Bridge-Tunnel island at Fort Wool; thence easterly around this island to its easternmost point; thence north northwesterly to the intersection of the shoreline and the upstream side of the large fishing pier on the east side of Old Point Comfort at the point of beginning.

4 VAC 20-564-30. Harvest season.

A. The open harvest season for the Hampton Roads Shellfish Relay Area, as specified by § 28.2-816 of the Code of Virginia, shall be extended from Monday, August 16, 2004 through Friday, September 3, 2004. Harvest of hard clams in the Hampton Roads Shellfish Relay Area shall only occur on Mondays through Fridays during the 2004 open harvest season. Thereafter, the Hampton Roads Shellfish Relay Area shall be managed by the authority promulgated in § 28.2-816 of the Code of Virginia.

B. It shall be unlawful to harvest hard clams from the Hampton Roads Shellfish Relay Area, except as provided in subsection A of this section.

4 VAC 20-564-40. Harvest restrictions.

A. It shall be unlawful for any person to possess any hard clam, which can be passed through a 1-3/8-inch inside diameter culling ring.

B. For the possession limit described in subsection A of this section, there shall be a 2.0% tolerance of hard clams, by number, in each bag or container.

C. It shall be unlawful for any person to possess any hard clam, which cannot be passed through a 2-7/8-inch inside diameter culling ring.

D. For the possession limit described in subsection C of this section, there shall be a 10% tolerance of hard clams, by number, in each bag or container.

E. It shall be unlawful for any person to harvest clams from the Hampton Roads Shellfish Relay Area before sunrise or after 5 p.m.

4 VAC 20-564-50. Penalty.

A. As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second, or subsequent violation of any provision of this regulation committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

B. The Marine Resources Commission may revoke the relay permit of any person convicted of a violation of this regulation.

VA.R. Doc. No. R04-271; Filed August 5, 2004, 11:33 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: **6 VAC 20-240. Regulations Relating to School Security Officers (adding 6 VAC 20-240-10 through 6 VAC 20-240-140).**

Statutory Authority: § 9.1-184 of the Code of Virginia.

Effective Dates: August 23, 2004, through August 22, 2005.

Agency Contact: Donna Bowman, Director, Virginia Center for School Safety, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone (804) 371-6506, FAX (804) 371-0894, or e-mail donna.bowman@dcjs.virginia.gov.

Preamble:

When the Crime Commission reported on the study of school systems that employed security officers in 2001 (HD 31), there was an implicit concern expressed for public safety in its findings in the following areas: the difference in hiring standards for school security officers (SSOs); the different roles, responsibilities, and functions of SSOs that could compromise school safety; there were many untrained SSOs, which threatened to compromise the safety of schools and students; and a concern that in some of these situations the rights of children may be at risk, thus creating an inherent liability risk for localities.

In the last decade Virginia recognized that the threat of violence in public schools demanded action and vigorously supported adding trained and certified School Resource Officers in schools. Safety planning, crisis response planning and training for school administrators and teachers were mandated and encouraged. However, the need for school security officer training and certification was only recently addressed.

The Attorney General has determined that the importance of providing trained and certified school security personnel to enhance the safety of schools throughout the Commonwealth meets the provisions of an emergency situation as described in § 2.2-4011 A (i) of the Code of Virginia. The absence of the required regulations on the deadline date of September 15, 2004, will otherwise prevent the mandated certification of school security officers.

This regulatory action identifies compulsory minimum standards for employment, entry-level and in-service training requirements, and certification requirements for school security officers. Currently, there is no required training for these officers. This regulatory action will consolidate and standardize minimum entry-level and employment requirements as well as provide a certification component to ensure that all school security officers in Virginia have minimum training and professional development opportunities. This will assure a minimum level of competency in the job of school safety officer and have a positive impact on the school safety climate at the local level.

CHAPTER 240.
REGULATIONS RELATING TO SCHOOL SECURITY
OFFICERS.

6 VAC 20-240-10. Definitions.

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

"Approved instructor" means a person who has been approved by the department to instruct in the School Security Officer training course.

"Approved training" means training approved by the department to meet compulsory minimum training standards.

"Approved training session" means a training session that is approved by the department for the specific purpose of training school security officers.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as school security officers.

"Compulsory minimum training standards" means the performance outcomes and minimum hours approved by the Board.

"Date of hire" means the date any employee of a school board or system is hired to provide security services for a school and whom the department must regulate.

"Department" means the Department of Criminal Justice Services or any successor agency.

"Director" means the chief administrative officer of the department.

"In-service training requirement" means the compulsory in-service training standards adopted by the Board for school security officers.

"School Security officer" means any person employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property or at school sponsored events and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

"This chapter" means the Regulations Relating to School Security Officers (6 VAC 20-240).

"Training certification" means verification of the successful completion of any training requirement established by this chapter.

"Training requirement" means any entry-level or in-service training or re-training standard established by this chapter.

6 VAC 20-240-20. Certification through training required for all School Security Officers.

A. All school security officers must be certified through the successful completion of approved compulsory minimum training.

B. In order to obtain such certification, all school security officers employed as such on August 31, 2004, shall complete the approved training prior to the end of the 2004-2005 school year in their division. Every school security officer hired after September 1, 2004, is required to comply with the compulsory

Emergency Regulations

minimum training standards within 60 days of the date of hire as a school security officer.

C. The Board has approved a minimum 32-hour school security officer training course. Such training shall include but not be limited to:

1. The role and responsibility of school security officers,
2. Relevant state and federal laws,
3. School and personal liability issues,
4. Security awareness in the school environment,
5. Mediation and conflict resolution,
6. Disaster and emergency response, and
7. Student behavioral dynamics

D. The department may grant an extension of the time limit for completion of the compulsory minimum training standards under the following documented conditions:

1. Illness;
2. Injury;
3. Military service;
4. Administrative leave involving the determination of worker's compensation or disability retirement issues, full-time educational leave or suspension pending investigation or adjudication of a crime; or
5. Any other reasonable situation documented by the employing school division superintendent.

6 VAC 20-240-30. Initial certification requirements for individuals employed as School Security Officers on or before August 31, 2004.

All school security officers in such office on or before August 31, 2004, are required to meet the following minimum requirements for certification. Such person shall:

1. Comply with compulsory minimum entry-level; and
2. Submit to the department a properly completed application for certification in a format provided by the department.

6 VAC 20-240-40. Initial certification requirements for School Security Officers hired on or after September 1, 2004.

A. In addition to meeting all the hiring requirements of the employing school board, all school security officers who enter upon the duties of such office after September 1, 2004, are required to meet the following minimum requirements for certification. Such person shall:

1. Be required to undergo a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation within 30 days of employment;

2. Not have been convicted of or pleaded guilty or no contest to a felony or any offense that would be a felony if committed in Virginia;

3. Have a high school education or have passed the General Educational Development exam or have passed the National External Diploma program;

4. Possess a valid driver's license if required by the duties of office to operate a motor vehicle;

5. Comply with compulsory minimum entry-level, in-service and re-training requirements; and

6. Submit to the department a properly completed application for certification in a format provided by the department.

B. All costs associated with the background investigation and submission of fingerprints for criminal history records inquiries to meet the hiring requirements of the locality are the responsibility of that locality.

6 VAC 20-240-50. Certification.

A. Within 30 days after being notified by the instructor of the successful completion of training by the school security officer, the department will notify the applicant for school security certification and the Superintendent of the school division employing the school security officer that the school security officer is certified in accordance with this regulation.

B. If a school security officer seeking certification is denied by DCJS, the department will notify the Superintendent and the applicant by letter regarding the basis for the denial and the process for appeal of the decision to deny.

C. The department shall maintain a current database of certified school security officers as well as relevant training records.

D. Initial certification shall be for a period not to exceed twenty-four months.

E. The department may delegate delivery of such training to approved instructors.

6 VAC 20-240-60. School Security Officer standards of conduct.

A school security officer shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.

2. Maintain at all times with the department a valid mailing address. Written notification of any address change shall be submitted in writing to the department no later than 10 days after the effective date of the change.

3. Inform the department in writing within 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor.

4. Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the school security officer statutes or regulations of that jurisdiction, there being no appeal, or the time for appeal having elapsed.

5. Not commit any act or omission that results in a school security officer certification being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.

6. Not obtain a school security officer certification or certification renewal through any fraud or misrepresentation.

7. Notify the department within 10 calendar days following termination of employment.

8. Not engage in acts of unprofessional conduct in the practice of a school security officer.

9. Not engage in acts of negligent and/or incompetent conduct as a school security officer.

6 VAC 20-240-70. Re-certification of school security officers.

A. Applications for certification renewal should be received by the department at least 30 days prior to certification expiration. The department will provide a renewal notification to the last known mailing address of the certified school security officer. However, if the individual does not receive a renewal notification, it is the responsibility of the individual to ensure renewal requirements are filed with the department. A valid certification as a school security officer is required in order to remain eligible for employment as a school security officer.

B. Applicants for re-certification must have completed 16 hours of in-service training during the 2-year period after initial certification. The in-service training must be school security officer related to include a legal update and other relevant topics approved by the department.

C. Individuals whose certification expires shall comply with the initial certification requirements set forth in this chapter.

D. The department, subject to its discretion, retains the right to grant an extension of the re-certification time limit and requirements under the following conditions:

1. Illness or injury
2. Military service
3. Special duty required and performed in the public interest
4. Leave without pay or suspension pending investigation or adjudication of crime
5. Any other reasonable situation documented by the employing school division superintendent

E. Requests for extensions:

1. Shall be submitted in writing and signed by the school superintendent prior to the expiration date of the time limit for completion of the requirement; and
2. Shall indicate the projected date for the completion of the requirement.

6 VAC 20-240-80. De-certification and appeal procedure.

A. Upon written notification from the employing school division that any certified school security officer has: (i) been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in Virginia, or (ii) failed to comply with or maintain compliance with compulsory minimum

training requirements, or (iii) refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing school board where the positive result cannot be explained to the school board's satisfaction, the department shall decertify such school security officer. Such school security officer shall not have the right to serve as a school security officer within this Commonwealth until the department has reinstated the certification.

Upon written notification from the Superintendent that a school security officer has been terminated by the employing school board or locality, the department may, at its discretion, decertify the school security officer.

The findings and the decision of the department may be appealed to the Board provided that written notification is given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad St., Richmond, Virginia 23219, within 30 days following the date notification of the decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

6 VAC 20-240-90. Initial instructor application.

A. The Department may approve instructors to deliver school security officer training and may revoke such approval for just cause.

B. Each person applying for certification, as instructor shall meet the minimum requirements for eligibility:

1. Be a minimum of 18 years of age; and
2. Have a high school diploma or equivalent (GED) or have passed the National External Diploma Program; and
3. Have a minimum of:
 - (i) Three years management or supervisory experience as a school security officer or with any federal, military police, state, county or municipal law-enforcement agency in a related field; or
 - (ii) Five years general experience as a school security officer, or with a federal, state or local law-enforcement agency in a related field; and
4. Have instructor training or experience through one of the following methods:
 - (i) Have completed a DCJS instructor course within the three years immediately preceding the date of the application, or
 - (ii) Have a minimum of one-year experience as an instructor or teacher at an accredited educational institution or agency in the subject matter for which certification is requested, or in a related field.

(iii) Submits a waiver application form for review by the department outlining previous instructor training and/or experience, or

(iv) Has provided instruction in a related field at an institution of higher learning or in a high school; and

Emergency Regulations

5. Is currently certified as a school security officer by the department.

C. Each person applying for approval as instructor shall file with the department:

1. A properly completed application provided by the department;
2. Official documentation verifying that the applicant meets the minimum eligibility requirements pursuant to this section;
3. Official documentation verifying previous instructor experience, training, work experience and education for those subjects in which certification is requested. The department will evaluate qualifications based upon the justification provided.

D. Upon completion of the initial instructor application requirements, the department may issue an initial approval for a period not to exceed 24 months.

E. Each approval shall be issued to the individual named on the application and shall be valid only for use by that individual. No approval shall be assigned or otherwise transferred to another individual.

F. Each instructor shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

6 VAC 20-240-100. Renewal instructor application.

A. Applications for renewal of approval as an instructor should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the certified instructor. However, if the instructor does not receive a renewal notification, it is the responsibility of the instructor to ensure renewal requirements are filed with the department.

B. Each person applying for instructor approval renewal shall meet the minimum requirements for eligibility as follows:

1. Successfully complete the in-service training within 12 months, immediately preceding the expiration date of the current approval pursuant to the compulsory minimum training standards in this chapter; and
2. Be in good standing in the jurisdiction where approved as an instructor.

C. The department may renew instructor approval for a period not to exceed 24 months.

D. The department may renew instructor approval when the department receives a properly completed renewal application provided by the department.

E. Any instructor renewal application received by the department shall meet all renewal requirements prior to the expiration date of approval or shall be subject to the requirements set forth by the reinstatement provisions of this chapter.

6 VAC 20-240-110. School Security Officer training instructor standards of conduct.

An instructor shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.
2. Maintain at all times with the department his mailing address. Written notification of any address change shall be in writing and received by the department no later than 10 days after the effective date of the change.
3. Inform the department in writing within 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor.
4. Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the school security officer statutes or regulations of that jurisdiction, there being no appeal or the time for appeal having elapsed.
5. Not commit any act or omission that results in a school security officer certification or instructor approval being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.
6. Not obtain a school security officer certification or instructor approval through any fraud or misrepresentation.
7. Conduct training sessions pursuant to requirements established in this chapter.
8. Notify the department within 10 calendar days following termination of his employment.
9. Not engage in acts of unprofessional conduct in the practice of an instructor.
10. Not engage in acts of negligent and/or incompetent conduct as an instructor.

6 VAC 20-240-120. School Security Officer Instructor administrative requirements.

A. School security officer instructors shall ensure that training sessions be conducted in accordance with requirements established in this chapter. Adherence to the administrative requirements, attendance and standards of conduct are the responsibility of the instructor of the training session.

B. Administrative requirements:

1. In a manner approved by the department, an approved instructor must submit a notification to conduct a training session to the department. All notifications shall be received by the department, or postmarked if mailed, no less than thirty calendar days prior to the beginning of each training session to include the date, time, instructors and location of the training session. The department may allow a session to be conducted with less than thirty calendar days of notification with prior approval. A notification to conduct a training session shall be deemed to be in compliance unless the department notifies the instructor to the contrary.
2. The instructor must submit notification of any changes to the dates, times, location or cancellation of a future training

session to the department in writing and received by the department at least twenty-four (24) hours in advance of the scheduled starting time of the class. In the event that a session must be cancelled on the scheduled date, the department must be notified immediately followed by a cancellation in writing as soon as practical.

3. In a manner approved by the department, the instructor shall submit an original training completion roster to the department affirming each student's successful completion of the session. The training completion roster shall be received by the department within seven calendar days, or postmarked if mailed, no later than five business days following the training completion date.

4. An examination shall be administered at the conclusion of each module of the entry level training session. The examination shall be based on the applicable learning objectives. The student must attain a grade of 80% on each module.

5. Instructors will conduct training sessions utilizing lesson plans developed by the department including at a minimum the compulsory minimum training standards established pursuant to this chapter. Instructors must maintain accurate and current information on relevant laws and make changes to the curriculum. It is the instructor's responsibility to assure they have the most recent curriculum supplied by the Department.

6. Instruction shall be provided in no less than 50-minute classes.

7. A training session must adhere to the minimum compulsory training standards and must be presented in its entirety.

8. The instructor must maintain current files that include copies or electronic images of attendance records, a master final examination, pass/fail recording of examinations, training completion rosters, and training completion forms for each student for three years from the date of the training session in which the individual student was enrolled.

9. The instructor shall permit the department during regular business hours to inspect, review, or copy those documents or training records that are required to be maintained by the Code of Virginia and this chapter.

10. The instructor shall permit the department to inspect and observe any training session.

11. Mandated training conducted not in accordance with the Code of Virginia and this chapter is null and void.

C. Attendance.

1. School security officers enrolled in an approved training session are required to be present for the hours required for each training session.

2. Tardiness and absenteeism will not be permitted. Individuals violating these provisions will be required to make up any training missed. Such training must be completed within 60 days after the completion of the training session or at the next available session offered provided that it is held in the same school year. Individuals not

completing the required training within this period may not be certified or re-certified and may be required to complete the entire training session.

3. Individuals that do not successfully complete the compulsory minimum training standards of the training session shall be reported to the department and will not be certified.

4. Each individual attending an approved training session shall comply with the regulations promulgated by the board and any other rules applicable to the session. If the instructor considers a violation of the rules detrimental to the training of other students or to involve cheating on examinations, the instructor may expel the individual from the session. The instructor shall immediately report such action to the employing locality and the department.

6 VAC 20-240-130. Approval authority.

A. Statutory Authority: § 9.1-102. Powers and duties of the Board and the Department.

The department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to: Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements; and perform such other acts as may be necessary or convenient for the effective performance of its duties.

B. The Board shall be the approval authority for the training categories, hours and performance outcomes of the compulsory minimum training standards. Amendments to training categories, hours and performance outcomes shall be made in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

C. The Board shall be the approval authority for the training objectives, criteria and lesson plan guides that support the performance outcomes. Training objectives, criteria and lesson plan guides supporting the compulsory minimum training standards and performance outcomes may be added, deleted or amended by the Board based upon written recommendation of the School Security Officer Advisory Committee.

D. Prior to approving changes to training objectives, criteria or lesson plan guides; the Board shall conduct a public hearing. Sixty days prior to the public hearing, the proposed changes

Emergency Regulations

shall be distributed to all affected parties for the opportunity to comment. Notice of change of training objectives, criteria and lesson plan guides shall be filed for publication in the Virginia Register of Regulations upon adoption, change or deletion. The department shall notify each approved instructor in writing of any new, revised or deleted objectives. Such adoptions, changes or deletions shall become effective 30 days after notice of publication in the Virginia Register.

6 VAC 20-240-140. Hearing process.

The Board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.

/s/ Mark R. Warner
Governor
Date: July 23, 2004

VA.R. Doc. No. R04-264; Filed July 27, 2004, 3:34 p.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Title of Regulation: 11 VAC 10-20. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering (amending 11 VAC 10-20-240).

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Dates: July 28, 2004, through July 27, 2005.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, or e-mail David.Lermond@vrc.virginia.gov.

Preamble:

The General Assembly during the 2003 Session enacted an amendment to § 59.1-386 that shall be effective within 280 days from its enactment. The amendments to 11 VAC 10-20-240 carry out this purpose.

The amendments specify certain procedures for the transfer or acquisition of an interest in an existing license. The changes are:

1. On the transfer of a race meet or meetings, the commission shall act within 60 days of receiving the request.
2. Any person acquiring actual control of an existing license shall apply to the commission for approval.
3. The commission may demand such information of the applicant and shall approve or deny the request within 60 days.
4. For a person acquiring actual control of an existing license, the applicant must provide the following:
 - a. A proposal for the future operation of the license;

b. Additional information as provided by the applicant; and

c. Information showing that the applicant has the experience, expertise, financial responsibility and commitments to meet the requirements of the Act, regulations, contracts with horsemen, and any proposal submitted by the commission.

5. For those applicants who have not sought commission approval, the commission may take actions against the existing license.

11 VAC 10-20-240. Transfer or acquisition of interest in owner's, owner-operator's or operator's license.

A. Generally. A licensee already holding a limited or unlimited owner's, owner-operator's or operator's license may apply to the commission to transfer its race meet or meetings to that of another horse racing facility already licensed by the commission.

B. Requirements for transfer of racing days. The licensee shall apply to the commission in writing requesting the transfer of its racing days to that of another licensee stating:

1. The reason for the transfer;
2. Why the transfer will provide for the promotion, sustenance, and growth of horse racing and breeding, in a manner consistent with the health, safety, and welfare of the Commonwealth of Virginia;
3. Why the transfer will maintain horse racing in the Commonwealth of the highest quality, and free of any corrupt, incompetent, dishonest, or unprincipled practices and maintain complete honesty and integrity;
4. Why the transfer will not adversely affect the operation of any other horse racing facility licensed by the commission;
5. That the transfer has been expressly consented to by the licensee to which the transfer is to be made;
6. That all licensees agree to be bound by the regulations and requirements placed upon it by the commission before the application for the transfer was submitted; and
7. That all licensees to whom racing days are to be transferred, have paid all and any applicable license fees for the conduct of horse racing, with pari-mutuel wagering privileges, at the particular facility or place for holding races on which the racing is to be conducted.

C. Consideration by commission. The commission will take into account the statement submitted by the licensee and any other testimony or documentation that it deems material before approving or denying the request for transfer of a license race meet or meetings. The commission shall act on the application within 60 days of receipt.

D. Acquiring an interest in a licensee. Any person desiring to become a partner, member or principal stockholder of any licensee, or to acquire actual control of a licensee, whether direct or indirect, individually or in concert with others, shall apply to the commission for approval of acquiring an interest in the license.

~~1. The applicant shall meet all of the requirements imposed. The commission may demand such information of the applicant as it finds necessary to consider and act on the application. The application shall include all applicable disclosures required by the commission for licensure as owners or operators, as specified in 11 VAC 10-20-20 through 11 VAC 10-20-180 of this chapter. 2. The commission shall consider the application and if the commission finds that forthwith and shall approve or deny the application within 60 days of receipt. The commission shall deny any application if in its judgment the acquisition would be detrimental to the public interest, or to the honesty and , integrity of , and reputation of racing, of its reputation, the application shall be denied.~~

~~3. The commission shall act on the application within 60 days of receipt.~~

2. The commission shall approve an application to become a partner, member or principal stockholder if the application meets the criteria set forth in the Act and subdivision 1 of this subsection D.

3. The commission shall approve an application to acquire actual control of a licensee only if it finds that the applicant meets the criteria set forth in the Act, the criteria set forth in subdivision 1 of this subsection D for a partner, member or principal stockholder, and the criteria set forth in this subdivision 3.

a. If an applicant proposes to acquire actual control of a licensee, such person shall submit to the commission:

i. The applicant's proposal for the future operation of any existing or planned racetrack, or satellite facility owned or operated by the licensee;

ii. Such additional information as the applicant desires; and

iii. Such information as may be required by the commission to assure the commission that the licensee, under the actual control of such person, will have the experience, expertise, financial responsibility and commitment to comply with:

(a) The provisions of the Act;

(b) Commission regulations and orders;

(c) The requirements for the continued operation of the licensee pursuant to the terms and conditions in effect on the date of the application of all licenses held by the licensee;

(d) Any existing contract with a recognized majority horsemen's group; and

(e) Any proposal submitted to the commission by such person.

b. Any such acquisition of control without prior approval of the commission shall be voidable by the commission and, in such instance, the commission may revoke any license it has issued to such licensee, order compliance with this subsection D, or take such other action as may be appropriate within the authority of the commission.

/s/ Mark R. Warner
Governor
Date: July 19, 2004

VA.R. Doc. No. R04-265; Filed July 26, 2004, 11 a.m.

◆ ————— ◆

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

FAIR HOUSING BOARD

Title of Regulation: **18 VAC 62-20. Fair Housing Certification Regulations (adding 18 VAC 62-20-40 and 18 VAC 62-20-90).**

Statutory Authority: § 54.1-2344 of the Code of Virginia.

Effective Dates: July 23, 2004, through February 1, 2005.

Agency Contact: Christine Martine, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, or e-mail fhcertification@dpor.virginia.gov.

Preamble:

This is an emergency situation pursuant to § 2.2-4011(ii) of the Code of Virginia. Chapter 575 of the Acts of the 2003 Acts of Assembly requires regulations to be effective within 280 days of enactment.

The new regulation establishes an education-based certification program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings.

These regulations are necessary to implement Chapter 575 of the 2003 Acts of Assembly to create the certification program therein mandated to protect the health, welfare and safety of the public when dealing with persons certified by the Fair Housing Board.

The regulations provide:

1. Definitions of terms to be used in the regulations;

2. Entry standards for those seeking certification by the Fair Housing Board;

3. Renewal standards for certificate holders;

4. Standards of conduct; and

5. Requirements for courses, instructors and providers.

Other regulations which may be necessary will be considered.

The application and renewal fees set in the initial emergency regulations were too high which resulted in no applications being submitted. Chapter 575 contains an enactment clause which states the Real Estate Board shall provide funding for the Fair Housing Board until such time as the Fair Housing Board is funded through the

Emergency Regulations

implementation of the certification and registration requirements authorized by the provisions of this act. By setting the fee at \$25, the Fair Housing Board will be able to generate funds to help support itself.

18 VAC 62-20-40. Application fees.

A. All applications fees are nonrefundable and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received.

B. The application fee for certification shall be \$25.

18 VAC 62-20-90. Fees for renewal.

A. All fees for renewal are nonrefundable, and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received.

B. Renewal are as follows:

Renewal fee \$25

Late renewal fee \$25

/s/ Mark R. Warner

Governor

Date: July 19, 2004

VA.R. Doc. No. R04-109; Filed July 23, 2004, 3:47 p.m.

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-80. Regulations Governing the Licensure of Occupational Therapists (adding 18 VAC 85-80-61).

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 of the Code of Virginia.

Effective Dates: July 27, 2004, through July 26, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-7423, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

Preamble:

The adoption of an emergency regulation by the Board of Medicine is required to comply with amendments to § 54.1-2956.1 of the Code of Virginia and the second enactment clause in HB 309 passed by the 2004 General Assembly (Chapter 61 of the 2004 Acts of Assembly). Section 54.1-2956.1 mandates that the board "designate in regulation those credentialing organizations from which a person may obtain initial certification as an occupational therapy assistant in order to hold himself out to be or advertise that he is an occupational therapy assistant or use the designation "O.T.A." or any variation thereof."

The second enactment clause of Chapter 61 states "That the Board of Medicine shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment," requiring the adoption of the regulation as an emergency in accordance with the Administrative Process Act, § 2.2-4011, which states that an

"emergency situation" is: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia Appropriation Act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. Chapter 61 was enacted on March 8, 2004, the day HB 309 was signed by the Governor.

Section 61 is added to Part II to establish the Certified Occupational Therapy Assistant issued by the National Board for Certification in Occupational Therapy (NBCOT) as the credential that must be held by a person who calls himself an occupational therapy assistant or uses the designation of O.T.A. or any derivation thereof.

While adoption of a credentialing organization is mandated, the board is not authorized to register or regulate those persons who have obtained certification and who use the designated title or initials after their names. Chapter 61 only establishes title protection and specifically provides that an individual can continue to assist in the "provision of an occupational therapy services under the supervision of an occupational therapist pursuant to such requirements as may be imposed by the Board" (§ 54.1-2956.5 C of the Code of Virginia). While the board does not have regulatory authority vis-à-vis occupational therapy assistants or the ability to take disciplinary action against their credential, it can exercise its regulatory and disciplinary authority over the practice of occupational therapists under whom the assistants are required to perform their duties.

In development of an emergency regulation, the board considered the recommendation of the Advisory Board on Occupational Therapy and the Study of the Appropriate Level of Regulation of Occupational Therapy Assistants in Senate Document 7 (2001). In the study of OTA's, conducted by the Board of Health Professions in response to SJR 153 of the 2000 General Assembly, the only credentialing organization for occupational therapists or occupational therapy assistants was the National Board for Certification in Occupational Therapy. The NBCOT offers an examination and certification for assistants, which entitles them to use of the title Certified Occupational Therapy Assistant or COTA. According to the SJR 153 study, there are 170 accredited OTA programs in the U.S. with four located in Virginia - Community Hospital of Roanoke Valley, J. Sargeant Reynolds Community College, Southwest Virginia Community College and Tidewater Community College. Occupational therapy assistants complete a supervised clinical internship during their academic preparation, and the majority of the OTA graduates elect to take the national examination from NBCOT so they can use the recognized credential of COTA.

In addition, the examination and credential accepted for licensure as an occupational therapist in Virginia are those prescribed and provided by NBCOT. Therefore, the Advisory Board and the Board of Medicine did not find another alternative to identification of NBCOT as the credentialing organization through which a person must

obtain initial certification in order to call themselves an occupational therapy assistant or an OTA.

18 VAC 85-80-61. Certification of occupational therapy assistants.

Effective July 26, 2005, a person who holds himself out to be or advertises that he is an occupational therapy assistant or uses the designation "O.T.A." or any variation thereof shall have obtained initial certification by NBCOT as a certified occupational therapy assistant.

/s/ Mark R. Warner
Governor
Date: July 23, 2004

VA.R. Doc. No. R04-268; Filed July 26, 2004, 3:19 p.m.

BOARD OF NURSING HOME ADMINISTRATORS

Title of Regulation: 18 VAC 95-20. Regulations of the Board of Nursing Home Administrators (adding 18 VAC 95-20-471).

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

Effective Dates: July 28, 2004, through July 27, 2005.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.virginia.gov.

Preamble:

The adoption of an emergency regulation by the Board of Nursing Home Administrators is required to comply with amendments to § 54.1-2400 (10) and the third enactment clause in the passage of Chapter 64 of the 2004 Acts of Assembly. Subdivision 10 establishes authority for health regulatory boards to appoint special conference committees and to delegate an informal fact-finding proceeding to an appropriately qualified agency subordinate. It further adds a mandate for the adoption of regulations: "Criteria for the appointment of an agency subordinate shall be set forth in regulations adopted by the board."

The third enactment clause of Chapter 64 of the 2004 Acts of Assembly, which states "That the health regulatory boards within the Department of Health Professions shall promulgate regulations to implement the provisions of this act relating to the delegation of fact-finding proceedings to an agency subordinate within 280 days of its enactment" requires the adoption of the regulation as an emergency in accordance with § 2.2-4011 of the Administrative Process Act, which states that an emergency situation is: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia Appropriation Act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. Chapter 64 was enacted on March 10, 2004, the day HB 577 was signed by the Governor.

18 VAC 95-20-471 is added in order to establish in regulation the criteria for delegation, including the decision to delegate at the time of a probable cause determination, the types of cases that cannot be delegated, and the individuals who may be designated as agency subordinates.

18 VAC 95-20-471. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.

A. Decision to delegate.

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

B. Criteria for delegation. Cases that may not be delegated to an agency subordinate include violations of standards of practice as set forth in subdivisions 1, 3 and 5 of 18 VAC 95-20-470, except as may otherwise be determined by a special conference committee of the Board.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include current or past board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.

/s/ Mark R. Warner
Governor
Date: July 27, 2004

VA.R. Doc. No. R04-260; Filed July 28, 2004, 9:58 a.m.

BOARD OF PSYCHOLOGY

Title of Regulation: 18 VAC 125-15. Regulations Governing Delegation to an Agency Subordinate (adding 18 VAC 125-15-10, 18 VAC 125-15-20 and 18 VAC 125-15-30).

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

Effective Dates: July 28, 2004, through July 27, 2005.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.virginia.gov.

Emergency Regulations

Preamble:

The adoption of an emergency regulation by the Board of Psychology is required to comply with amendments to § 54.1-2400 and the third enactment clause in the passage of Chapter 64 of the 2004 Acts of Assembly. Subdivision 10 establishes authority for health regulatory boards to appoint special conference committees and to delegate an informal fact-finding proceeding to an appropriately qualified agency subordinate. It further adds a mandate for the adoption of regulations: "Criteria for the appointment of an agency subordinate shall be set forth in regulations adopted by the board."

The third enactment clause of Chapter 64 of the 2004 Acts of Assembly, which states "That the health regulatory boards within the Department of Health Professions shall promulgate regulations to implement the provisions of this act relating to the delegation of fact-finding proceedings to an agency subordinate within 280 days of its enactment" requires the adoption of the regulation as an emergency in accordance with the Administrative Process Act, § 2.2-4011, which states that an emergency situation is: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia Appropriation Act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. Chapter 64 was enacted on March 10, 2004, the day HB 577 was signed by the Governor.

In order to establish in regulation the criteria for delegation that will be applicable to all professions regulated by the board, the board has adopted a new chapter. Chapter 15 includes the decision to delegate at the time of a probable cause determination, the types of cases that cannot be delegated except by approval of the probable cause committee and the board chair, and the individuals who may be designated as agency subordinates.

CHAPTER 15. DELEGATION OF INFORMAL FACT-FINDING TO AN AGENCY SUBORDINATE.

18 VAC 125-15-10. Decision to delegate.

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

18 VAC 125-15-20. Criteria for delegation.

Cases that may not be delegated to an agency subordinate include violations of standards of practice as set forth in regulations governing each profession certified or licensed by the board, except as may otherwise be determined by the probable cause committee in consultation with the board chair.

18 VAC 125-15-30. Criteria for an agency subordinate.

- 1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.*
- 2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.*
- 3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.*

/s/ Mark R. Warner
Governor
Date: July 27, 2004

VA.R. Doc. No. R04-262; Filed July 28, 2004, 9:58 a.m.



GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Total Maximum Daily Load (TMDL) Implementation Plans

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the proposed list of impaired waterbody segments scheduled for development of Total Maximum Daily Load (TMDL) Implementation Plans by May 1, 2006. The proposed Implementation Plan project list can be accessed at <http://www.deq.state.va.us/tmdl/ipsched.html>, or by contacting David Lazarus (see contact information below). The subject stream segments are identified in Virginia's 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs and Implementation Plans for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The public comment period will begin on August 23, 2004, and end on September 24, 2004. Questions or information requests should be addressed to David Lazarus. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to David Lazarus, Department of Environmental Quality, 629 East Main Street, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4299, FAX (804) 698-4116, or e-mail dslazarus@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Back Bay and North Landing River

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on a water quality study that is beginning in the Back Bay and North Landing River watersheds. The purpose of the study will be to identify sources of bacteria in the watershed and to determine the reductions in bacteria loadings needed to allow various streams in the watershed to meet water quality goals. The study will result in Total Maximum Daily Loads (TMDLs) to address bacteria impairments on several waterways.

The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. These streams are therefore not supporting the Primary Contact Recreation (Swimmable) Designated Use. The impairments include 3.29 miles of Milldam Creek, 0.06 square miles of Nawney Creek, and 0.03 square miles of West Neck Creek. These impaired waters are located in Virginia Beach.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for each pollutant causing a water quality problem, or impairment, in streams contained in Virginia's 303(d) Report on Impaired Waters.

A first advisory committee meeting has been scheduled for Thursday, August 26 at 1 p.m. in the DEQ Tidewater Regional Office located at 5636 Southern Blvd, Virginia Beach. The purpose of the meeting is to discuss the TMDL development process and to share information on bacteria sources in the watershed. Anyone interested in attending this meeting should contact Jennifer Howell (contact information provided below). Information from this meeting will be made available on the DEQ TMDL web site at <http://www.deq.virginia.gov/tmdl/>.

Questions or information requests should be addressed to Jennifer Howell. The public comment period will end on September 30, 2004. Written comments regarding the water quality study and TMDL development should include the name, address, and telephone number of the person submitting the comments and should be sent to Jennifer Howell, Virginia Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach, VA 23462, telephone (757) 518-2111, FAX (757) 518-2003, or e-mail jshowell@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Blackwater River

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on a water quality study that is beginning in the Blackwater River watershed. The purpose of the study will be to identify sources of bacteria in the watershed and to determine the reductions in bacteria loadings needed to allow various streams in the watershed to meet water quality goals. The study will result in Total Maximum Daily Loads (TMDLs) to address multiple bacteria impairments on tributaries to the Blackwater River.

The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. The streams are therefore not supporting the Primary Contact Recreation (Swimmable) Designated Use. The impairments include 16.78 miles of Mill Swamp located in Isle of Wight and Surry Counties, 8.16 miles of Rattlesnake (Creek) Swamp located in Isle of Wight, and 17.1 miles of Cypress Swamp located in Surry County.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for each pollutant causing a water quality problem, or impairment, in streams contained in Virginia's 303(d) Report on Impaired Waters.

A first advisory committee meeting for the Blackwater River Tributaries TMDLs has been scheduled for Tuesday, September 7, at 2 p.m. at the Isle of Wight Virginia Cooperative Extension Office, Public Services Center, 17100 Monument Circle, Suite B in Isle of Wight. The purpose of the meeting is to discuss the TMDL development process in the Blackwater Tributaries and to share information on bacteria sources in these watersheds. Anyone interested in attending this meeting should contact the regional TMDL coordinator,

General Notices/Errata

Chris French (contact information provided below). Information from this meeting will be made available on the DEQ TMDL web site at <http://www.deq.virginia.gov/tmdl/>.

A fact sheet on the water quality study and development of the Blackwater River Tributaries TMDLs is available upon request or can be viewed at the DEQ TMDL website at <http://www.deq.virginia.gov/tmdl>. The public comment period will end on October 7, 2004. Written comments regarding the water quality study and TMDL development should include the name, address, and telephone number of the person submitting the comments and should be sent to Chris French, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or e-mail rcfrench@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Mountain Run and Mine Run

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the Mountain Run and Mine Run watersheds. The subject stream segments are identified in Virginia's 2002 303(d) Report on Impaired Waters as impaired due to exceedances of the state's water quality criterion for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) list.

The impaired stream segments are located in Orange County. The first impairment is a 9.79-mile segment of Mountain Run that extends from the confluence of Mill Run to Mountain Run, approximately 0.25 rivermiles downstream of Route 617, downstream to its confluence with Mine Run, near the Orange County line. The second impairment is a 9.95-mile segment of Mine Run that extends from the confluence of Cormack Run to Mine Run, approximately 0.6 rivermiles upstream of Route 20, and continues downstream to its confluence with the Rapidan River, at the Orange County line.

The first public meeting on the development of the Mountain Run and Mine Run Bacteria TMDLs will be held on Wednesday, September 15, 2004, at 7 p.m. at Lightfoot Elementary School, located at 10285 Zachary Taylor Highway (Rt. 522) in Unionville, Virginia.

The public comment period will begin on September 15, 2004, and end on October 14, 2004. A fact sheet on the development of the TMDLs for the impairments referenced above is available upon request. Questions or information requests should be addressed to Bryant Thomas. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, or e-mail bhthomas@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Nottoway River

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on a water quality study that is beginning in the Nottoway River watershed. The purpose of the study will be to identify sources of bacteria in the watershed and to determine the reductions in bacteria loadings needed to allow various streams in the watershed to meet water quality goals. The study will result in Total Maximum Daily Loads (TMDLs) to address multiple bacteria impairments on the Nottoway River and its tributaries.

The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. The streams are therefore not supporting the Primary Contact Recreation (Swimmable) Designated Use. The impairments include 17.76 miles of the Nottoway River, 9.85 miles of the Little Nottoway River, 10.35 miles of Big Hounds Creek and 7.17 miles of Beaverpond Creek. These impairments are located in Prince Edward, Nottoway, Lunenburg, Brunswick, and Dinwiddie Counties.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for each pollutant causing a water quality problem, or impairment, in streams contained in Virginia's 303(d) Report on Impaired Waters.

A first advisory committee meeting for the Nottoway River watershed TMDL has been scheduled for Tuesday, August 31, at 1 p.m. in the Blackstone Town Council Chambers located in The Town Office Building at 100 West Elm Street in Blackstone. The purpose of the meeting is to discuss the TMDL development process in the Nottoway River watershed and to share information on bacteria sources in the watershed. Anyone interested in attending this meeting should contact the regional TMDL coordinator, Kelly Wills (contact information provided below). Information from this meeting will be made available on the DEQ TMDL web site at <http://www.deq.virginia.gov/tmdl>.

A fact sheet on the water quality study and development of the Nottoway River watershed TMDLs is available upon request or can be viewed at the DEQ TMDL website at <http://www.deq.virginia.gov/tmdl>. Questions or information requests should be addressed to Kelly Wills. The public comment period will end on September 30, 2004. Written comments regarding the water quality study and TMDL development should include the name, address, and telephone number of the person submitting the comments and should be sent to Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120 ext. 6042, FAX (434) 582-5125, or e-mail kjwills@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Roanoke (Staunton) River Basin

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address multiple impairments in the Roanoke (Staunton) River Basin and its tributaries. The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. The streams are therefore not supporting the Primary Contact Recreation (Swimmable) Designated Use. The impairments include 39.16 miles of the Roanoke River, 2.7 miles of Turnip Creek, 14.21 miles of Cub Creek, and 2.88 miles of an unnamed tributary of Buffalo Creek. These impairments are located in Pittsylvania, Campbell, Halifax, and Charlotte Counties.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting on the development of the Roanoke River Basin TMDL will be held on Thursday, September 2, 2004, 7 p.m. in the dining room of the Brookneal Community Center located at 261 Main Street in Brookneal, Virginia.

The public comment period for this phase of the TMDL development will end on October 4, 2004. A fact sheet on the development of the Roanoke River TMDL is available upon request or can be viewed at the DEQ website at <http://www.deq.virginia.gov/tmdl>. Questions or information requests should be addressed to Kelly Wills. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120 ext. 6042, FAX (434) 582-5125, or e-mail kjwills@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Roanoke (Staunton) River

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on a water quality study that is beginning in the Roanoke (Staunton) River watershed. The purpose of the study will be to identify sources of bacteria in the watershed and to determine the reductions in bacteria loadings needed to allow various streams in the watershed to meet water quality goals. The study will result in Total Maximum Daily Loads (TMDLs) to address multiple bacteria impairments on the Roanoke River and its tributaries.

The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. The streams are therefore not supporting the Primary Contact

Recreation (swimmable) Designated Use. The impairments include 39.16 miles of the Roanoke River, 2.7 miles of Turnip Creek, 14.21 miles of Cub Creek, and 2.88 miles of an unnamed tributary of Buffalo Creek. These impairments are located in Pittsylvania, Campbell, Halifax, and Charlotte Counties.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for each pollutant causing a water quality problem, or impairment, in streams contained in Virginia's 303(d) Report on Impaired Waters.

A first advisory committee meeting for the Roanoke River watershed TMDL has been scheduled for Wednesday, September 15, at 1 p.m. in the Patrick Henry Memorial Library, located at 204 Lynchburg Avenue in Brookneal, Virginia. The purpose of the meeting is to discuss the TMDL development process in the Roanoke River watershed and to share information on bacteria sources in the watershed. Anyone interested in attending this meeting should contact the regional TMDL coordinator, Kelly Wills (contact information provided below). Information from this meeting will be made available on the DEQ TMDL web site at <http://www.deq.virginia.gov/tmdl>.

A fact sheet on the water quality study and development of the Roanoke River watershed TMDLs is available upon request or can be viewed at the DEQ TMDL website at <http://www.deq.virginia.gov/tmdl>. Questions or information requests should be addressed to Kelly Wills. The public comment period will end on October 15, 2004. Written comments regarding the water quality study and TMDL development should include the name, address, and telephone number of the person submitting the comments and should be sent to Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120 ext. 6042, FAX (434) 582-5125, or e-mail kjwills@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Robinson River and Little Dark Run

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the Robinson River and Little Dark Run watersheds. The subject stream segments are identified in Virginia's 2002 303(d) Report on Impaired Waters and the draft 2004 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report as impaired due to exceedances of the state's water quality criterion for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) list.

The impaired stream segments are located in Madison County. The first impairment is a 2.92-mile segment of the Robinson River extending from the confluence of the Rose River, near the intersection of Routes 600 and 670,

General Notices/Errata

downstream to Route 231. The second impairment is a 5.21-mile segment of the Robinson River extending from the confluence of White Oak Run, downstream to the Robinson's confluence with the Rapidan River. The third impairment is a 4.26-mile segment of Little Dark Run extending from the headwaters of Little Dark Run, near the intersection of Routes 231 and 687, downstream to its confluence with Dark Run, near Route 680.

The first public meeting on the development of the Robinson River and Little Dark Run TMDLs will be held on Tuesday, September 14, 2004, at 7 p.m. at the War Memorial Building located at the corner of Main and Church Streets in the Town of Madison, Virginia.

The public comment period will begin on September 14, 2004, and end on October 13, 2004. A fact sheet on the development of the TMDLs for the impairments referenced above is available upon request. Questions or information requests should be addressed to Bryant Thomas. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, or e-mail bhthomas@deq.virginia.gov.

Total Maximum Daily Loads (TMDLs) for Sappony Creek and Raccoon Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on a water quality study that is beginning in the Sappony Creek and Raccoon Creek watersheds. The purpose of the study will be to identify sources of bacteria in the watersheds and to determine the reductions in bacteria loadings needed to allow various streams in the watershed to meet water quality goals. The study will result in Total Maximum Daily Loads (TMDLs) to address bacteria impairments on Sappony Creek and Raccoon Creek.

The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. The streams are therefore not supporting the Primary Contact Recreation (Swimmable) Designated Use. The impairments include 20.19 miles of Sappony Creek in Dinwiddie and Sussex Counties and 19.3 miles of Raccoon Creek in Sussex and Southampton Counties.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for each pollutant causing a water quality problem, or impairment, in streams contained in Virginia's 303(d) Report on Impaired Waters.

A first advisory committee meeting for the Sappony Creek and Raccoon Creek TMDLs has been scheduled for Wednesday, September 8, at 2 p.m. at the Sussex Department of Social Services, the Newsome Building, at 20103 Princeton Road in Sussex. The purpose of the meeting is to discuss the TMDL

development process in the Sappony Creek and Raccoon Creek watersheds and to share information on bacteria sources. Anyone interested in attending this meeting should contact the regional TMDL coordinator, Chris French (contact information provided below). Information from this meeting will be made available on the DEQ TMDL web site at <http://www.deq.virginia.gov/tmdl/>. A fact sheet on the water quality study and development of the Sappony Creek and Raccoon Creek TMDLs is available upon request or can be viewed at the DEQ TMDL website at <http://www.deq.virginia.gov/tmdl/>. The public comment period will end on October 8, 2004. Written comments regarding the water quality study and TMDL development should include the name, address, and telephone number of the person submitting the comments and should be sent to Chris French, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or e-mail rcfrench@deq.virginia.gov.

Total Maximum Daily Load (TMDL) for Willis River

The Virginia Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of an Implementation Plan (IP) for the Total Maximum Daily Load (TMDL) for fecal coliform bacteria on a 14.3 mile segment of the Willis River located in Buckingham and Cumberland Counties. A TMDL for the Willis River bacteria impairment was approved by EPA on May 31, 2002, and is available on DEQ's website at <http://www.deq.virginia.gov/tmdl/>.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an IP for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits, and environmental impacts.

The first public meeting on the development of the IP for the Willis River fecal coliform bacteria TMDL will be held on Thursday, September 9, 2004, at 7 p.m. in the Cumberland County Elementary School, located at 60 School Road in Cumberland, Virginia.

The public comment period will end on October 12, 2004. A fact sheet on the development of an IP for the Willis River fecal coliform TMDL is available upon request. Questions or information requests should be addressed to Kelly Wills. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Kelly Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120 extension 6042, FAX (434) 582-5125, or e-mail kjwills@deq.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intent to Increase Payments for Emergency Room Evaluation and Management Fees to Physicians

Notice is hereby given that the Department of Medical Assistance Services (DMAS) intends to modify its reimbursement plan for general acute care hospitals pursuant to the department's authority under Title XIX of the Social Security Act. This notice is intended to satisfy the requirements of 42 CFR § 447.205 and of § 1902(a)(13) of the Social Security Act, 42 USC § 1396a(a)(13). The changes contained in this public notice are occurring in response to Chapter 4, Item 326 (JJJ) of the 2004 Acts of Assembly.

DMAS will implement this reimbursement change by increasing by 2.0% the fees for specific emergency department "evaluation and management" procedure codes (CPT codes 99281, 99282, 99283, 99284, and 99285). This change will apply to the agency's reimbursement methodology Resource Based Relative Value Scale (RBRVS) used for fee-for-service providers.

The projected annual increase in total expenditures is \$280,604 total funds (\$140,302 GF; \$140,604 NGF) in FY 2005 and \$297,438 total funds (\$148,719 GF; \$148,719 NFG) in FY 2006.

A copy of this notice is available for public review from Scott Crawford, Director, Provider Reimbursement Division, DMAS, 600 Broad Street, Suite 1300, Richmond, VA 23219, and this notice is available for public review at www.townhall.com. Comments or inquiries may be submitted, in writing, within 30 days of this notice publication to Mr. Crawford and such comments are available for review at the same address.

STATE WATER CONTROL BOARD

Notice of Referral to Dispute Resolution of a Claim Against the Petroleum Storage Tank Fund

The Department of Environmental Quality (department) in accordance with the provisions of the State Water Control Board's (board) regulations for mediation and alternative dispute resolution is hereby notifying the public of the referral of a dispute to dispute resolution. Specifically, the dispute concerns a claim against the Petroleum Storage Tank Fund for a payment made by 7-Eleven to settle a third-party damage claim for a petroleum release from a facility in Henrico County. The case is pending before the Circuit Court of the City of Richmond on remand from the Court of Appeals. <http://www.courts.state.va.us/opinions/opncavwp/2380012.pdf>

Any person interested in becoming a party who meets the eligibility criteria set forth in the definition of "party" in 9 VAC 25-15-10 may apply to the department contact person below. The application must be received by the contact person by September 2, 2004, and must include the elements set forth in 9 VAC 25-15-90 B.

All proceedings of the dispute resolution will be governed by the board's regulation: 9 VAC 25-10, Mediation and Alternative Dispute Resolution.

The department contact for this referral is Mr. Frederick K. Cunningham, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, (804) 698-4285, FAX (804) 698-4266, fkunningham@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in the Virginia Register of Regulations

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

FORMS:

NOTICE of INTENDED REGULATORY ACTION-RR01
NOTICE of COMMENT PERIOD-RR02
PROPOSED (Transmittal Sheet)-RR03
FINAL (Transmittal Sheet)-RR04
EMERGENCY (Transmittal Sheet)-RR05
NOTICE of MEETING-RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS-RR08
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

ERRATA

PESTICIDE CONTROL BOARD

Title of Regulation: 2 VAC 20-30. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services Under the Virginia Pesticide Control Act.

Publication: 20:23 VA.R. 2541-2542 July 26, 2004.

Correction to Final Regulation:

Page 2542, in the Forms list, change the effective date as follows:

Application for New Pesticide Product Registration/Additional Information and Instructions, VDACS - 07208, [~~eff. 8/02~~ rev. 10/03].

General Notices/Errata

VIRGINIA RACING COMMISSION

Title of Regulation: **11 VAC 10-45. Advance Deposit Account Wagering.**

Publication: 20:22 VA.R. 2409-2417 July 12, 2004.

Correction to Final Regulation:

On page 2417, add the following forms list to the regulation:

FORMS

Advance Deposit Account Wagering License Application (eff. 7/03).

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to persons with disabilities
☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

† **August 24, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Suite 378, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting of the Enforcement Committee to discuss open complaint cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation and the time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY ☎, e-mail boa@boa.virginia.gov.

† **September 10, 2004 - 10 a.m.** -- Open Meeting
† **October 8, 2004 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Room 395, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to discuss general business matters including complaint cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the American with Disabilities Act.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY ☎, e-mail boa@boa.virginia.gov.

† **September 24, 2004 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Suite 378, Richmond Virginia.♿
(Interpreter for the deaf provided upon request)

The Legislative/Regulatory Committee will consider regulatory and legislative matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY ☎, e-mail boa@boa.virginia.gov.

COMMONWEALTH COUNCIL ON AGING

† **September 9, 2004 - 10 a.m.** -- Open Meeting
Virginia Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments are welcome.

Contact: Marsha Mucha, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312, FAX (804) 662-7035, toll-free (800) 552-3402.

VIRGINIA AGRICULTURAL COUNCIL

August 30, 2004 - 8:30 a.m. -- Open Meeting
Holiday Inn, 2864 Prudin Boulevard, Suffolk, Virginia.♿

The council's annual meeting will be held for two days, August 30, 2004, and resuming at 8 a.m. on August 31, 2004, to review grant projects as to progress and results, the financial status of the council for the current fiscal year, and plans for the coming year. The council will visit the sites of projects in the Suffolk area approved by council action. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Thomas Yates at

Calendar of Events

least five days before the meeting date so that suitable arrangements can be made.

Contact: Thomas R. Yates, Executive Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 509, Richmond, VA 23219, telephone (804) 786-6060, FAX (804) 371-8372, (800) 828-1120/TTY ☎, e-mail tyates@vdacs.state.va.us.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **September 24, 2004 - 9 a.m.** -- Open Meeting
Department of Social Services, 8th and Main Streets, 6th Floor, Commissioner's Conference Room, Richmond, Virginia. ♿

A meeting to discuss issues related to Virginia agriculture and consumer services. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail jknight@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Horse Industry Board

September 7, 2004 - 10 a.m. -- Open Meeting
Marion duPont Scott Equine Medical Center, 17690 Old Waterford Road, Library, Leesburg, Virginia. ♿

The board will review the minutes of the last meeting, the end of the fiscal year financial report, and the status of marketing projects. The board will also discuss grant guidelines. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 786-3122, e-mail aheid@vdacs.state.va.us.

Virginia Irish Potato Board

† **August 30, 2004 - 7 p.m.** -- Open Meeting
Sunset Beach Restaurant, Route 13, Kiptopeake, Virginia. ♿

A meeting to hear and approve the minutes of the last board meeting and review the financial statement. In addition, the

board will review the FY05 budget and discuss promotion, research, and education programs. Preliminary results of FY04 granted projects will be presented and discussed. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Butch Nottingham at least five days before the meeting date so that suitable arrangements can be made.

Contact: Butch Nottingham, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.

Virginia Wine Board

† **August 23, 2004 - Noon** -- Open Meeting
Virginia Farm Bureau Federation, Headquarters Building, 12580 West Creek Parkway, Conference Room 3-F, Richmond, Virginia. ♿

The second meeting of the Virginia Wine Board, which came into existence on July 1, 2004, as the successor organization to the Virginia Winegrowers Advisory Board. Among the topics on the agenda for this session are (i) approval of minutes from the July 6 meeting; (ii) development and implementation of a process for supervising the board's research grants; (iii) an update on the activities/personnel changes in the Virginia Wine Marketing Office; and (iv) a report from the Virginia Wineries Association on marketing activities for the Virginia wine industry. In addition, the board will receive a briefing on the requirements of the Virginia Freedom of Information Act, Virginia Conflict of Interest laws and the process for conducting board meetings. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact William Dickinson at least five days before the meeting date so that suitable arrangements can be made.

Contact: William P. Dickinson, Jr., Assistant Commissioner, Department of Agriculture and Consumer Services, 1100 Bank St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3501, FAX (804) 371-2945.

STATE AIR POLLUTION CONTROL BOARD

† **August 23, 2004 - 7 p.m.** -- Public Hearing
† **September 23, 2004 - 7 p.m.** -- Public Hearing
Appalachian School of Law, Grundy, Virginia. ♿

A public briefing on an application for a Prevention of Significant Deterioration permit from Island Creek Coal Company for a major modification to the VP#8 Garden coal preparation facility. The purpose of the briefing is to explain the activity and the rationale for the preliminary determination and address questions related to air quality issues.

Contact: Bruce Mullins, Department of Environmental Quality, P.O. Box 1688, Abingdon, VA 24212, telephone (276)

676-4825, FAX (276) 676-4899, (804) 698-4021/TTY ☎, e-mail abmullins@deq.virginia.gov.

September 8, 2004 - 2 p.m. -- Open Meeting
Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia. ♿

A public meeting to receive comment on the notice of intended regulatory action to consider amending the regulations that govern permitting for new major stationary sources and major modifications as necessary to meet the new source reform requirements of 40 CFR Part 51 (Rev. E03). The Notice of Intent will be published in the Virginia Register and the public comment period will begin on July 12, 2004, and the comment period will close on September 8, 2004.

Contact: Karen G. Sabasteanski, State Air Pollution Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, e-mail kgsabastea@deq.virginia.gov.

September 9, 2004 - 11 a.m. -- Public Hearing
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia. ♿
(Interpreter for the deaf provided upon request)

October 8, 2004 -- Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled **9 VAC 5-20, General Provisions, and 9 VAC 5-40, Existing Stationary Sources**. The purpose of the proposed action is to develop a regulation concerning consumer products that will contribute to the achievement of the necessary VOC emissions reductions to stay within the budget limit in order to safeguard federal approval of transportation projects in Northern Virginia.

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

Contact: Gary Graham, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4103, FAX (804) 698-4510 or e-mail gegraham@deq.virginia.gov.

September 9, 2004 - 11 a.m. -- Public Hearing
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia. ♿
(Interpreter for the deaf provided upon request)

October 8, 2004 -- Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled **9 VAC 5-91, Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area**. The purpose of the proposed action is to develop regulation amendments that

conform to state law concerning the on-road testing (remote sensing) of emissions from motor vehicles located or primarily operated in Northern Virginia and out of area commuters, the subsequent testing of those motor vehicles, and the operation of a program to subsidize repair costs of some vehicles identified by remote sensing.

Statutory Authority: §§ 46.2-1178.1, 46.2-1178.2 and 46.2-1180 of the Code of Virginia.

Contact: Mary L. Major, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510 or e-mail mlmajor@deq.virginia.gov.

† **September 29, 2004 - 1 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular board meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.virginia.gov.

November 3, 2004 - 11 a.m. -- Open Meeting
Virginia Beach area; location to be announced.

The annual meeting of the State Air Pollution Control Board and State Advisory Board on Air Pollution.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

August 30, 2004 - 9 a.m. -- Open Meeting
September 13, 2004 - 9 a.m. -- Open Meeting
September 27, 2004 - 9 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

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

Contact: W. Curtis Coleburn, III, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, e-mail wccolen@abc.state.va.us.

† **September 27, 2004 - 11 a.m.** -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

† **October 23, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board

Calendar of Events

intends to amend regulations entitled **3 VAC 5-30, Tied-House**. The purpose of the proposed action is to lessen restrictions on promotional activities involving gifts of things of value from alcoholic beverage manufacturers or wholesalers to retailers.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail wccolen@abc.state.va.us.

September 27, 2004 - 11 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

September 27, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-40, Requirements for Product Approval**. The purpose of the proposed action is to remove certification and chemical analysis requirements for new beer and wine products proposed for sale in Virginia and allow the use of resealable "growlers" for the sale of beer in all on- and off-premises beer retail establishments.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail wccolen@abc.state.va.us.

† **September 27, 2004 - 11 a.m.** -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.


† **October 23, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-40, Requirements for Product Approval**; and **3 VAC 5-70, Other Provisions**. The purpose of the proposed action is to adopt regulations providing for the application process, recordkeeping and reporting process for wine or beer shippers' licensees and common carriers approved to deliver shipments from such licensees to consumers.


Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or e-mail wccolen@abc.state.va.us.


ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

September 7, 2004 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. 

A quarterly meeting.


Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail janet.honeycutt@vda.virginia.gov.

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

September 9, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail APELSCIDLA@dpor.state.va.us.

September 9, 2004 - 2 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Suite 453, Richmond, Virginia. 

A meeting to conduct an informal fact-finding conference.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail APELSCIDLA@dpor.state.va.us.


ART AND ARCHITECTURAL REVIEW BOARD

September 3, 2004 - 10 a.m. -- Open Meeting
October 1, 2004 - 10 a.m. -- Open Meeting
November 5, 2004 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street,
Richmond, Virginia. 


A monthly meeting to review projects submitted by state agencies. Art and Architectural Review Board submittal forms and submittal instructions can be downloaded by visiting the DGS forms at www.dgs.state.va.us. Request Submittal Form #DGS-30-905 or DGS Submittal Instructions Form #DGS-30-906.


Contact: Richard L. Ford, AIA Chairman, 101 Shockoe Slip, 3rd Floor, Richmond, VA 23219, telephone (804) 648-5040, FAX (804) 225-0329, toll free (804) 786-6152, or e-mail rford@comarchs.com.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS


† **September 30, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

An informal fact-finding conference.


Contact: David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail asbestos@dpor.virginia.gov.

November 3, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.


Contact: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8597, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail alhi@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **November 11, 2004 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly business meeting to include regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712,

telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.


VIRGINIA AVIATION BOARD

August 25, 2004 - 1:30 p.m. -- Open Meeting
August 26, 2004 - 9 a.m. -- Open Meeting
August 27, 2004 - 9 a.m. -- Open Meeting
The Hotel Roanoke and Conference Center, 110 Shenandoah Avenue, Roanoke, Virginia. 


The 2004 Aviation Conference. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed.


Contact: Carolyn H. Toth, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3637, FAX (804) 236-3635, e-mail carolyn.toth@doav.virginia.gov.

BOARD FOR BARBERS AND COSMETOLOGY


August 24, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

A meeting to conduct an informal fact-finding conference.

Contact: William H. Ferguson, II, Assistant Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail barbercosmo@dpor.state.va.us.

September 27, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail barberscosmo@dpor.virginia.gov.

BOARD FOR BRANCH PILOTS

† **October 22, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Branch Pilots intends to amend regulations entitled **18 VAC 45-10, Board for**


Calendar of Events

Branch Pilots Regulations. The purpose of the proposed action is to document and formalize the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.


Statutory Authority: §§ 2.2-4007 and 54.1-902 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail karen.oneal@dpor.virginia.gov.


CEMETERY BOARD

† **September 22, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail karen.oneal@dpor.virginia.gov.


CHARITABLE GAMING BOARD

September 14, 2004 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Discovery Room, Richmond, Virginia. 


A general meeting. An agenda will be posted on the agency website.


Contact: Frances C. Jones, Office Manager, Department of Charitable Gaming, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail Frances.Jones@dgc.virginia.gov.


STATE BOARD FOR COMMUNITY COLLEGES

September 8, 2004 - 1:30 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. 


Meetings of the Academic, Student Affairs and Workforce Committee, the Audit Committee, and the Budget and Finance Committee at 1:30 p.m.. The Facilities Committee and the Personnel Committee will meet at 3 p.m. The Executive Committee will meet at 4:30 p.m.


Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

September 9, 2004 - 9 a.m. -- Open Meeting
James Monroe Building, 101 N. 14th St., 15th Floor, Godwin-Hamel Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


† **November 18, 2004 - 9 a.m.** -- Open Meeting
The Black Box Theatre, Piedmont Virginia Community College, 501 College Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the full board. Public comment may be received at the beginning of the meeting upon notification at least five working days prior to the meeting.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 15th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 


† **November 16, 2004 - 11:45 a.m.** -- Open Meeting
Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

The 2004 annual meeting will be held on November 16 and 17. A registration fee is required. No official business of the board will be conducted at this meeting.


Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 15th Floor, 101 N. 14th Street, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

† **November 17, 2004 - 1:30 p.m.** -- Open Meeting
Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Academic, Student Affairs and Workforce Committee, the Audit Committee, and the Budget and Finance Committee at 1:30 p.m.. The Facilities Committee and the Personnel Committee will meet at 3 p.m.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD

† **September 22, 2004 - 11 a.m.** -- Open Meeting
Compensation Board, 202 North 9th St., 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

August 25, 2004 - 4 p.m. -- Open Meeting
September 15, 2004 - 7 p.m. -- Open Meeting

Appomattox County Community Center, 220 Community Lane, Appomattox, Virginia.

A meeting of the Holliday Lake State Park Master Plan Advisory Committee to continue the development of a new park master plan.

Contact: Scott Bedwell, Environmental Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 371-2594, FAX (804) 371-7899, e-mail sbedwell@dcr.state.va.us.

September 8, 2004 - 4 p.m. -- Open Meeting


October 6, 2004 - 7 p.m. -- Open Meeting

Westmoreland State Park Conference Center, 1650 State Park Road, Montross, Virginia.

A meeting to discuss input from the August 4, 2004, public meeting and future park development as the committee continues work on development of a new park master plan for Westmoreland State Park.

Contact: Bill Conkle, Park Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-5492, FAX (804) 371-7899, e-mail william.conkle@dcr.virginia.gov.

September 9, 2004 - 9:30 a.m. -- Open Meeting

University of Virginia/Virginia Tech Richmond Center, 2810 North Parham Road, Suite 300, Richmond, Virginia. 

A meeting of the Technical Advisory Committee to assist the department in considering Nutrient Management Training Certification Regulations.

Contact: David C. Dowling, Policy and Planning Manager, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

Virginia Scenic River Board

September 23, 2004 - 10 a.m. -- Open Meeting

Loudoun County Government Center, Lovettsville Room, 1 Harrison Street, S.E., Leesburg, Virginia.

A regular business meeting hosted by the Goose Creek Scenic River Advisory Committee.

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

Virginia Soil and Water Conservation Board

September 16, 2004 - 9:30 a.m. -- Open Meeting

Natural Resources Conservation Service, 1606 Santa Rosa Road, Richmond, Virginia.

A regular business meeting.

Contact: Leon E. App, Chief Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302,

Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.


BOARD FOR CONTRACTORS

August 24, 2004 - 9 a.m. -- Open Meeting

October 19, 2004 - 9 a.m. -- Open Meeting

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

A regular scheduled meeting to address policy and procedural issues, review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session. The department fully complies with the Americans with Disabilities Act.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.


† **August 24, 2004 - 3 p.m.** -- Open Meeting

August 26, 2004 - 9 a.m. -- Open Meeting


† **September 2, 2004 - 9 a.m.** -- Open Meeting

† **September 14, 2004 - 9 a.m.** -- Open Meeting

† **September 21, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

Informal fact-finding conferences.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

August 25, 2004 - 2 p.m. -- Public Hearing

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

October 8, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to amend regulations entitled **18 VAC 50-22, Board for Contractors Rules and Regulations**, and **18 VAC 50-30, Tradesman Rules and Regulations**. The purpose of the proposed action is to adjust the licensing fees for contractors and tradesmen regulated by the Board for Contractors.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Contact: Eric Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or e-mail contractor@dpor.virginia.gov.


Calendar of Events

BOARD OF CORRECTIONS

† **September 14, 2004 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor
Board Room, Richmond, Virginia. 


A meeting of the Liaison Committee to discuss matters of interest to the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† **September 14, 2004 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor
Board Room, Richmond, Virginia. 


A meeting to review and discuss all matters considered by board committees that require presentation to and action by the full board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† **September 14, 2004 - 1 p.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor
Board Room, Richmond, Virginia. 

A meeting to discuss correctional services and policy/regulation matters to be considered by the board.


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.


† **September 15, 2004 - 9:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Room 3082,
Richmond, Virginia. 

A meeting to discuss administrative matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.


BOARD OF COUNSELING


August 26, 2004 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Board Room 1, Richmond, Virginia. 


November 4, 2004 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Board Room 3, Richmond, Virginia. 

A meeting of the Credential Review Committee to review applicants' credentials for licensure.


Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX

(804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.virginia.gov.

August 27, 2004 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 1, Richmond, Virginia. 

November 5, 2004 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 3, Richmond, Virginia. 

A quarterly business meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD


September 9, 2004 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House
Room D, Richmond, Virginia.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Criminal Justice Services intends to amend regulations entitled **6 VAC 20-180, Crime Prevention Specialists**. The purpose of the proposed action is to expand the program to allow the chief executive of any local, state or federal government agency to designate staff who serve in law-enforcement, crime prevention or criminal justice capacities to become certified as crime prevention specialists. The current law restricts certification to staff from local and state law-enforcement agencies.

Statutory Authority: §§ 9.1-102 and 9.1-161 of the Code of Virginia.

Contact: Tami Wyrick, Program Analyst and Grants Coordinator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-5664, FAX (804) 692-0948 or e-mail twyrick@dcjs.state.va.us.


September 9, 2004 - 11 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House
Room D, Richmond, Virginia. 


A general business meeting.

Contact: Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.


BOARD OF DENTISTRY

September 10, 2004 - 9 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION

Norfolk Waterside Marriott, 235 East Main Street, Elizabeth Room, Norfolk, Virginia. 


† **November 19, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 1, Richmond, Virginia. 

A meeting to discuss regular board business. There will be a public comment period at the start of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

† **September 17, 2004 - 9 a.m.** -- Open Meeting
† **October 1, 2004 - 9 a.m.** -- Open Meeting
† **October 15, 2004 - 9 a.m.** -- Open Meeting
† **November 5, 2004 - 9 a.m.** -- Open Meeting
† **November 12, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A Special Conference Committee will meet to hold informal conferences. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail Cheri.Emma-Leigh@dhp.virginia.gov.


DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

September 16, 2004 - 11 a.m. -- Open Meeting
October 21, 2004 - 11 a.m. -- Open Meeting
† **November 18, 2004 - 11 a.m.** -- Open Meeting
Department of General Services, Eighth Street Office Building, 805 East Broad Street, 3rd Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction-management-type contracts. Contact the Division of Engineering and Building to confirm the meeting.

Contact: Rhonda M. Bishton, Administrative Assistant, Department of General Services, 805 E. Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/, or e-mail rbishton@dgs.state.va.us.

BOARD OF EDUCATION

September 22, 2004 - 9 a.m. -- Open Meeting
October 27, 2004 - 9 a.m. -- Open Meeting
† **November 17, 2004 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting

calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency at least 72 hours in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

September 22, 2004 - 11 a.m. -- Public Hearing
James Monroe Building, 101 North 14th Street, Conference Rooms C and D, Richmond, Virginia.


September 25, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to adopt regulations entitled **8 VAC 20-690, Regulations for Scoliosis Screening Program**. The purpose of the proposed action is to implement § 22.1-273.1 of the Code of Virginia, which directs the Board of Education to promulgate regulations for the implementation of scoliosis screenings for pupils in grades five through 10 or a parent informational program for such parents. The regulation (i) requires training for school personnel and volunteers who conduct the screenings; (ii) provides procedures for the notification of parents when evidence of scoliosis is detected; and (iii) mandates a parent education program describing the purpose and need for scoliosis screening.

Statutory Authority: § 22.1-273.1 of the Code of Virginia.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.


DEPARTMENT OF ENVIRONMENTAL QUALITY

† **August 26, 2004 - 1 p.m.** -- Open Meeting
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. 

A meeting to discuss the TMDL development process and to share information on bacteria sources in the watershed for a water quality study that is beginning in the Back Bay and North Landing River Watersheds. The public notice appears in the August 23, 2004, issue of the Virginia Register.


Contact: Jennifer Howell, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2111, FAX (757) 518-2009, e-mail jshowell@deq.virginia.gov.

Calendar of Events


September 9, 2004 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. 

A meeting of the Community Involvement Task Force.

Contact: Bill Hayden, Department of Environmental Quality,
P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-
4447, FAX (804) 698-4346, e-mail
wphayden@deq.virginia.gov.

† September 21, 2004 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. 

A regular meeting of the Ground Water Protection Steering
Committee.

Contact: Mary Ann Massie, Department of Environmental
Quality, P.O. Box 10009, Richmond, VA 23240, telephone
(804) 698-4042, FAX (804) 698-4032, toll-free (800) 592-
5482, (804) 698-4021/TTY , e-mail
mamassie@deq.virginia.gov.

September 24, 2004 - 10:30 a.m. -- Open Meeting
Henrico Training Center, Parham and Shrader Roads, Glen
Allen, Virginia.

A regular meeting of the Recycling Markets Development
Council.

Contact: Michael P. Benedetto, Tidewater Fibre Corp., 1958
Diamond Hill Rd., Chesapeake, VA 23324, telephone (757)
543-5766, e-mail mike@tfcrecycling.com.

FAIR HOUSING BOARD

† October 6, 2004 - 9 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

† October 22, 2004 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 2.2-4007 of the
Code of Virginia that the Fair Housing Board intends to
adopt regulations entitled **18 VAC 62-20, Fair Housing
Board Certification Regulations**. The purpose of the
proposed regulation is to establish the qualifications for
obtaining and renewing fair housing certification as well as
the qualifications for proprietary schools, instructors and
courses that are required to obtain the certification.


Statutory Authority: § 54.1-2344 of the Code of Virginia.

Contact: Christine Martine, Executive Director, Fair Housing
Board, 3600 W. Broad St., Richmond, VA 23230, telephone
(804) 367-8552, FAX (804) 367-6946 or e-mail
fhcertification@dpor.virginia.gov.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS


September 7, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A quarterly business meeting to include regulatory and
disciplinary matters as may be presented on the agenda.
Public comment will be received at the beginning of the
meeting.


Contact: Elizabeth Young, Executive Director, Board of
Funeral Directors and Embalmers, Alcoa Bldg., 6603 W.
Broad St., 5th Floor, Richmond, VA 23230-1712, telephone
(804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ,
e-mail elizabeth.young@dhp.virginia.gov.

October 5, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia.

A meeting of the Task Force on Inspection Process to
review current inspection procedures for funeral homes.

Contact: Elizabeth Young, Executive Director, Board of
Funeral Directors and Embalmers, Alcoa Building, 6603 W.
Broad St., 5th Floor, Richmond, VA 23230-1712, telephone
(804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ,
e-mail elizabeth.young@dhp.virginia.gov.

BOARD FOR GEOLOGY


September 23, 2004 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Conference Room 4 West,
Richmond, Virginia. 

October 8, 2004 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 2.2-4007 of the
Code of Virginia that the Board for Geology intends to
amend regulations entitled **18 VAC 70-20, Rules and
Regulations for the Virginia Board for Geology**. The
purpose of the proposed action is to delete language
redundant to the board's statutory authority; amend the
language establishing the fee for the certification
examination; amend the qualifications for certification to
more clearly articulate the requirements that must be
fulfilled prior to qualifying for certification; amend the
certification by reciprocity standards; add a section requiring
the board to be notified in the event of a change in name or
address of a regulant; and amend the grounds for
certification denial or disciplinary action as the result of a
criminal conviction.

Statutory Authority: §§ 54.1-201 and 54.1-1402 of the Code of
Virginia.

Contact: Tom Perry, Regulatory Boards Administrator,
Department of Professional and Occupational Regulation,
3600 W. Broad St., Richmond, VA 23230, telephone (804)
367-8595, FAX (804) 367-6128 or e-mail geology@
dpor.virginia.gov.

October 13, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail geology@dpor.virginia.gov.

STATE BOARD OF HEALTH

October 8, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to **repeal** regulations entitled **12 VAC 5-390, Regulations for the Licensure of Hospices**, and **adopt** regulations entitled **12 VAC 5-391, Regulations for the Licensure of Hospices**. The purpose of the proposed action is to comprehensively amend the regulations governing hospice care.

Statutory Authority: §§ 32.1-12 and 32.1-162.5 of the Code of Virginia.

Contact: Carrie Eddy, Department of Health, Center for Quality Health Care, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2100, FAX (804) 367-2206 or e-mail carrie.eddy@vdh.virginia.gov.

DEPARTMENT OF HEALTH

August 25, 2004 - 10 a.m. -- Open Meeting

September 15, 2004 - 10 a.m. -- Open Meeting

Virginia Farm Bureau, 12580 West Creek Parkway, Richmond, Virginia. ♿

A meeting of representatives of state agencies, land appliers, local governments and municipalities, agricultural interests and other individuals to discuss the development of regulatory requirements for the training and certification of biosolids use land application field staff.

Contact: C.M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475, e-mail cal.sawyer@vdh.virginia.gov.

September 24, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Health intends to amend regulations entitled **12 VAC 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide requirements for (i) posting of information signs at land application sites; (ii) evidence of land applier financial responsibility; (iii) notifying local government of operation schedules; (iv) spill prevention and response plans; and (v) communicating information on complaints about land application of biosolids.

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

Contact: C.M. Sawyer, P.E., Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475 or email cal.sawyer@vdh.virginia.gov.

October 21, 2004 - 9 a.m. -- Open Meeting

October 22, 2004 - 9 a.m. -- Open Meeting

Richmond, Virginia.

A two-day quarterly board meeting.

Contact: Margot Fritts, VDH/Office of Health Policy and Planning, Department of Health, 109 Governor St., 10th Floor, Richmond, VA 23219, telephone (804) 864-7428, FAX (804) 864-7440, e-mail margot.fritts@vdh.virginia.gov.

DEPARTMENT OF HEALTH PROFESSIONS

September 8, 2004 - 11 a.m. -- Open Meeting

Virginia State Forensic Science Building, 6600 Northside High School Road, Roanoke, Virginia. ♿

A working meeting of the Advisory Committee Prescription Monitoring Program for the purpose of reviewing data collected for the Program Evaluation Workplan and planning for a fall conference. Public comments will be received during this meeting.

Contact: Ralph Orr, Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9129, FAX (804) 662-9240.

October 8, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program (HPIP).

Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.virginia.gov.

BOARD FOR HEARING AID SPECIALISTS

September 24, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Hearing Aid Specialists intends to amend regulations entitled **18 VAC 80-10, Public Participation Guidelines**. The purpose of the proposed action is to update the Public Participation Guidelines, which provide the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational

Calendar of Events

Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

November 8, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail hearingaidspec@dpor.virginia.gov.


STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† September 14, 2004 - 8 a.m. -- Open Meeting
University of Mary Washington, 1301 College Avenue, Fredericksburg, Virginia.


Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu. A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail LeeAnnRung@schev.edu.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

August 27, 2004 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 


A regular business meeting of the board.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail steve.calhoun@dhcd.virginia.gov.


† October 23, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled **13 VAC 5-111, Enterprise Zone Program Regulation**. The purpose of the proposed action is to amend the regulation to comport with recent statutory changes in the Enterprise Zone Program and to update and clarify other provisions within the regulation.

Statutory Authority: § 59.1-278 of the Code of Virginia.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail steve.calhoun@dhcd.virginia.gov.

VIRGINIA INTERAGENCY COORDINATING COUNCIL


September 8, 2004 - 9:30 a.m. -- Open Meeting
Henrico Area Mental Health, 10299 Woodman Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion focuses on issues related to Virginia's implementation of the Part C program.

Contact: LaKeisha White, Part C Office Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710, FAX (804) 371-7959.


VIRGINIA INFORMATION TECHNOLOGIES AGENCY

E-911 Wireless Board

† September 15, 2004 - 9 a.m. -- Open Meeting
110 South 7th Street, 1st Floor, Telecommunications Conference Room, Suite 100, Richmond, Virginia. 

A meeting of the subcommittee. A request will be made to hold the meeting in closed session.


Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

† September 15, 2004 - 10 a.m. -- Open Meeting
110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular board meeting.


Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION


† **August 23, 2004 - 12:30 p.m.** -- Open Meeting
Richmond, Virginia area; location to be determined. 
(Interpreter for the deaf provided upon request)


Committees will meet jointly to review fiscal year-end reports and to discuss proposed budget amendments, compliance issues, and other topics that may be pertinent at the time of the meeting. No public comment will be heard.

Contact: Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, (757) 253-5110/TTY , e-mail laura.bailey@jyf.virginia.gov.

October 6, 2004 - Noon -- Open Meeting
The Library of Virginia, 800 East Broad Street, Conference Rooms A and B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Jamestown 2007 Steering Committee.


Contact: Stacy Ruckman, Administrative Office Manager, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4253, FAX (757) 253-5299, (757) 253-5110/TTY , e-mail sruckman@jyf.state.va.us.

† **November 15, 2004 - Noon** -- Open Meeting
† **November 16, 2004 - 8 a.m.** -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A semiannual two-day meeting of the Board of Trustees and the board's standing committees, detailed schedule to be determined. Opportunity for public comment will be included on the agenda for the November 16 business meeting.

Contact: Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY , e-mail lwbailey@jyf.state.va.us.

STATE BOARD OF JUVENILE JUSTICE

NOTE: CHANGE IN MEETING DATE
† **September 8, 2004 - 9 a.m.** -- Open Meeting
Cedar Lodge Training Facility, 1701 Old Bon Air Road, Richmond, Virginia. 

Committees of the board (Secure Services Committee and Non-Secure Services Committee) meet at 9 a.m. to receive certification audit reports. The full board meets at 10 a.m. to

take certification action and to hear comments from the public on proposed changes to regulations governing juvenile residential facilities.

Contact: Donald Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773, e-mail carigndr@djj.state.va.us.

September 9, 2004 - 10 a.m. -- Public Hearing
Cedar Lodge Training Facility, 1701 Old Bon Air Road, Richmond, Virginia.

October 15, 2004 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled **6 VAC 35-140, Standards for Juvenile Residential Facilities**. As a result of the mandated periodic review of this regulation, and through discussions with the Virginia Commission on Youth and the superintendents of juvenile detention facilities, the department recommends that the regulation be amended to include additional standards for post-dispositional programs as mandated by the General Assembly in the 2000 Appropriations Act and § 16.1-284. 1 D of the Code of Virginia, which states: "Standards for these facilities shall require juveniles placed pursuant to this section for a period which exceeds 30 calendar days to be provided separate services for their rehabilitation, consistent with the intent of this section."


Statutory Authority: §§ 16.1-309.9, 66-10 and 66-25.1 of the Code of Virginia.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.


DEPARTMENT OF LABOR AND INDUSTRY

September 16, 2004 - 10 a.m. -- Open Meeting
Confederate Hills Recreation Building, 302 Lee Avenue, Highland Springs, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Virginia Apprenticeship Council.

Contact: Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail beverley.donati@doli.virginia.gov.

STATE LIBRARY BOARD

† **September 20, 2004 - 8:15 a.m.** -- Open Meeting
† **November 15, 2004 - 8:15 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

Calendar of Events

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

8:15 a.m. - Public Library Development Committee, Orientation Room
Publications and Educational Services Committee, Conference Room B
Records Management Committee, Conference Room C

9:30 a.m. - Archival and Information Services Committee, Orientation Room
Collection Management Services Committee, Conference Room B
Legislative and Finance Committee, Conference Room C

10:30 a.m. - Library Board, Conference Room, 2M

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

September 13, 2004 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Board Room, Richmond, Virginia. ♿

A regular meeting.

Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. Second St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-1120/TTY ☎, e-mail Ted.Mccormack@dhcd.virginia.gov.

MARINE RESOURCES COMMISSION

† **September 28, 2004 - 9:30 a.m.** -- Open Meeting
† **October 26, 2004 - 9:30 a.m.** -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly commission meeting.

Contact: Jean McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail kleonard@mrc.virginia.gov.

BOARD OF MEDICAL ASSISTANCE SERVICES

September 14, 2004 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail nancy.malczewski@dmas.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

August 23, 2004 - 9 a.m. -- Canceled
September 20, 2004 - 9 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Board Room, 13th Floor, Richmond, Virginia. ♿

A meeting of the Pharmacy and Therapeutics Committee to conduct the annual review of Phase I PDL drug classes.

Contact: Adrienne Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4112, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail adrienne.fegans@dmas.virginia.gov.

August 27, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-120, Waivered Services**. The purpose of the proposed action is to conform the Medallion II regulations to the Balanced Budget Act of 1997, and to update these regulations with respect to the Medallion waiver and current program practices.

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

Public comments may be submitted until August 27, 2004, to Tammy Driscoll, Health Care Services Division, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219.

Contact: Brian McCormick, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680 or e-mail Brian.McCormick@dmas.virginia.gov.

August 27, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-120, Waivered Services**. The purpose of the proposed action is to conform the Medallion regulations to the Balanced Budget Act of 1997, and to update these regulations with respect to the Medallion waiver and current program practices.

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

Public comments may be submitted until August 27, 2004, to Alissa Nashwinter, Health Care Services Division, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219.

Contact: Brian McCormick, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680 or e-mail Brian.McCormick@dmas.virginia.gov.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-40, Eligibility Conditions and Requirements**. The purpose of the proposed action is to (i) eliminate the resource test for Low-Income Families with Children and for Individuals Under Age 21 for whom a public agency is assuming full or partial financial responsibility; (ii) eliminate the counting of all earned income of a child younger than age 19 who is a student; and (iii) eliminate the counting of all in-kind support and maintenance received by members of the family and children's covered groups.

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

Contact: Pat Sykes, Eligibility Manager, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 786-7958, FAX (804) 786-1680 or e-mail Patricia.sykes@dmas.virginia.gov.

September 15, 2004 - 1 p.m. -- Open Meeting
† November 17, 2004 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. ☎

A meeting of the Medicaid Transportation Advisory Committee to discuss issues and concerns about Medicaid transportation with the committee and the community.

Contact: Donna Garrett, Administrative Assistant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-0194, FAX (804) 786-5799, (800) 343-0634/TTY ☎, e-mail donna.garrett@dmas.virginia.gov.

September 24, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-10, State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions, and 12 VAC 30-130, Amount, Duration and Scope of Selected Services**. The purpose of the proposed action is to modify the prospective drug utilization review provisions in order to better protect recipients from harmful drug interactions and potential prescription overdoses.

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

Public comments may be submitted until September 24, 2004, to Javier Menendez, R.Ph., Manager, Pharmacy Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov.

September 24, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations **12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services**. The purpose of the proposed action is to expand Medicaid covered services in the schools for children in special education.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Item 325 XX and EEE of Chapter 1042 of the 2003 Acts of Assembly.

Public comments may be submitted until September 24, 2004, to Adrienne Fegans, Program Ops Administrator, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov.

September 24, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations **12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services, 12 VAC 30-80, Methods and Standards for Establishing Payment Rates; Other Types of Care; and 12 VAC 30-130, Amount, Duration and Scope of Selected Services**. The purpose of the proposed action is to promulgate permanent regulations to provide for the Preferred Drug List, Pharmacy and Therapeutics Committee, State Supplemental Rebates for drugs, and Utilization Review of High Drug Thresholds.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Item 325 ZZ of Chapter 1042 of the 2003 Acts of Assembly.


Public comments may be submitted until September 24, 2004, to Adrienne Fegans, Program Ops Administrator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Calendar of Events


Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov.

† **November 11, 2004 - 1 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room. Richmond, Virginia. 


A meeting of the Pharmacy Liaison Committee to discuss current Pharmacy issues and programs.

Contact: Javier Menendez, RPh, Pharmacy Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-2196, FAX (804) 786-1680, (800) 343-0634/TTY , e-mail jmenendez@dmas.state.va.us.

Drug Utilization Review Board

November 4, 2004 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. 


A regular meeting.

Contact: Javier Menendez, Pharmacy Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300 Richmond, VA 23219, telephone (804) 786-2196, FAX (804) 786-1680, (800) 343-0634/TTY , e-mail jmenende@dmas.state.va.us.

BOARD OF MEDICINE

August 25, 2004 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

An informal conference committee meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions. Public comment will not be received.


Contact: Peggy Sadler or Renee Dixon, Staff, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail peggy.sadler@dhp.virginia.gov.

† **September 8, 2004 - 9 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **September 14, 2004 - 9:15 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.


An informal conference committee of the board will convene to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee may review cases with staff for case disposition including consideration of consent orders for settlement. The

committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail peggy.sadler@dhp.virginia.gov.


† **September 24, 2004 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Ad Hoc Committee on Death Certificates will discuss proposed regulations regarding completion of death certificates by physicians. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.virginia.gov.


October 14, 2004 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A meeting to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.state.va.us.

October 14, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.


The Credentials Committee will meet to consider applicants for licensure and other matters of the board. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.state.va.us.

October 14, 2004 - 1 p.m. -- Open Meeting

October 15, 2004 - 8 a.m. -- Open Meeting

October 16, 2004 - 8 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. 

Formal hearings and informal conferences to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The board may review cases with other staff members for case disposition including consideration of consent orders for settlement. The board will convene into open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, Alcoa Bldg., Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail peggy.sadler@dhp.virginia.gov.

October 29, 2004 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Legislative Committee will consider regulatory matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

† November 19, 2004 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Executive Committee will consider regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Acupuncture

September 22, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of acupuncture. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Athletic Training

September 23, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of athletic training. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Physician Assistants

September 23, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of physician assistants. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board of Occupational Therapy

September 21, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of occupational therapy. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Radiologic Technology

September 22, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of radiologic technology. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Respiratory Care

September 21, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of respiratory care. Public comment will be received at the beginning of the meeting.


Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Calendar of Events

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

August 24, 2004 - 10 a.m. -- Public Hearing
Jefferson Building, 1220 Bank Street, 9th Floor Conference Room, Richmond, Virginia. 


A public hearing to receive comments on the Virginia Community Mental Health Services Performance Partnership Block Grant Application for federal fiscal year 2005. Copies of the application are available for review at the Office of Mental Health Services, Jefferson Building, 10th Floor, Richmond, VA 23219, and at each community services board office. Comments may be made at the hearing or in writing by no later than August 24, 2004, to the Office of the Commissioner, DMHMRSAS, P.O. Box 1797, Richmond, VA 23218. Any person wishing to make a presentation at the hearing should contact William T. Ferriss, LCSW. Copies of oral presentations should be filed at the time of the hearing.

Contact: William T. Ferriss, LCSW, Office of Mental Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-4837, FAX (804) 371-0091, (804) 371-8977/TTY .

August 24, 2004 - 1 p.m. -- Open Meeting

September 24, 2004 - 9 a.m. -- Open Meeting

October 26, 2004 - 1 p.m. -- Open Meeting


† November 16, 2004 - 1 p.m. -- Open Meeting
Virginia Housing and Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A meeting of the Olmstead Community Integration Implementation Team.

Contact: Viktoria Glenn, Administrative Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288, telephone (804) 662-7069, FAX (804) 662-7662, e-mail glennvh@drrs.state.va.us.

September 8, 2004 - 11 a.m. -- Open Meeting

September 9, 2004 - 9 a.m. -- Open Meeting

Virginia Housing Development Authority, 601 Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Olmstead Community Integration Oversight Advisory Committee.

Contact: Viktoria Glenn, Admin. Asst., Department of Mental Health, Mental Retardation and Substance Abuse Services, 8004 Franklin Farms Dr., P.O. Box K300, Richmond, VA 23288, telephone (804) 662-7069, e-mail glennvh@drrs.state.va.us.


STATE MILK COMMISSION

August 25, 2004 - 10:30 a.m. -- Open Meeting
Department of Forestry, Office Building, 900 Natural Resources Drive, Room 2063, Charlottesville, Virginia


A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.


Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Washington Bldg., 1100 Bank St., Suite 1019, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

DEPARTMENT OF MINES, MINERALS AND ENERGY


August 26, 2004 - 9:30 a.m. -- Open Meeting
Oxbow Center, 16620 East Riverside Drive, St. Paul, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Permit Streamline Standardization and Regulatory Work Group to review temporary cessations, contemporaneous reclamation, valley fills, electronic permitting and other agency copies. Public comments will be received as the last item of the meeting. Special accommodations for the disabled will be made available at the public meeting or hearing on request. Anyone needing special accommodations should contact the department at least seven days prior to the meeting or hearing date.

Contact: Les Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900 Big Stone Gap, VA 24219, telephone (276) 523-8156, (800) 828-1120/TTY , e-mail les.vincent@dmme.virginia.gov.

September 8, 2004 - 9:30 a.m. -- Open Meeting
Powell River Project Pavilion, Wise County off State Route 620, NW of Norton, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Virginia Remining Ad Hoc Advisory Work Group to provide updates on pending regulation changes and other remining incentives.

Contact: Bradley C. Lambert, Reclamation Specialist - Remining, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8286, (800) 828-1120/TTY , e-mail bradley.lambert@dmme.virginia.gov.

† September 8, 2004 - 3 p.m. -- Open Meeting
Powell River Project Pavilion near Norton, Virginia.  (Interpreter for the deaf provided upon request)

A semiannual meeting. Review of current and outstanding issues of the Abandoned Mine Land Program (AML) and Rural Abandoned Mine Program (RAMP). Anyone wishing to comment will have an opportunity do so prior to the close of the meeting. Those in need of special accommodations should contact the department one week prior to the meeting date.

Contact: Roger A. Williams, Abandoned Mine Land Services Manager, Department of Mines, Minerals and Energy, P.O. Box 900, Big Stone Gap, VA 24219, telephone (276) 523-

8208, FAX (804) 692-3237, (800) 828-1120/TTY ☎, e-mail roger.williams@dmme.virginia.gov.

* * * * *

September 26, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled **4 VAC 25-130, Coal Surface Mining Reclamation Regulations**. The purpose of the proposed action is to amend alternative bond release procedures to be consistent with performance bond procedures.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Public comments may be submitted until September 26, 2004, to Butch Lambert, Reclamation Specialist, Division of Mined Land Reclamation, Department of Mines, Minerals and Energy, Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8286.

Contact: Stephen Walz, Regulatory Coordinator, 202 N. 9th St., 8th Floor, Richmond, VA 23219, telephone (804) 692-3211, FAX (804) 692-3237 or e-mail Stephen.Walz@dmme.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

September 9, 2004 - 8 a.m. -- Open Meeting

October 5, 2004 - 8 a.m. -- Open Meeting

November 2, 2004 - 8 a.m. -- Open Meeting

Virginia Museum of Fine Arts, Main Lobby Conference Room, 200 North Boulevard, Richmond, Virginia. 📍

A meeting for staff to update the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

September 21, 2004 - 1 p.m. -- Open Meeting

Virginia Museum of Fine Arts, CEO Parlor, 200 North Boulevard, Richmond, Virginia. 📍

A meeting for staff to orient new trustees. Public comment will not be heard.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

August 24, 2004 - 9 a.m. -- Open Meeting

August 30, 2004 - 9 a.m. -- Open Meeting

September 2, 2004 - 9 a.m. -- Open Meeting

October 4, 2004 - 9 a.m. -- Open Meeting

October 12, 2004 - 9 a.m. -- Open Meeting

October 13, 2004 - 9 a.m. -- Open Meeting

October 19, 2004 - 9 a.m. -- Open Meeting

October 26, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 📍

August 31, 2004 - 9 a.m. -- Open Meeting

October 14, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 📍

A Special Conference Committee comprised of two or three members of the Virginia Board of Nursing will conduct informal conferences with licensees and certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.virginia.gov.

September 9, 2004 - 9:30 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 📍

A meeting of the Nursing Practice Advisory Committee to discuss nursing practice issues.

Contact: Jay P. Douglas, Executive Director, Board of Nursing, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, e-mail nursebd@dhp.virginia.gov.

September 20, 2004 - 9 a.m. -- Open Meeting

September 22, 2004 - 9 a.m. -- Open Meeting

September 23, 2004 - 9 a.m. -- Open Meeting

† **November 15, 2004 - 9 a.m.** -- Open Meeting

† **November 17, 2004 - 9 a.m.** -- Open Meeting

† **November 18, 2004 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 📍

A panel of the board will conduct formal hearings with licensees or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.virginia.gov.

September 21, 2004 - 9 a.m. -- Open Meeting

† **November 16, 2004 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 📍

A general business meeting including committee reports, consideration of regulatory action, and disciplinary case decisions as presented on the agenda. Public comment will be received at 11 a.m.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor,

Calendar of Events

Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.virginia.gov.

JOINT BOARDS OF NURSING AND MEDICINE

August 25, 2004 - 9 a.m. -- Canceled

October 20, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Joint Boards of Nursing and Medicine.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, e-mail nursebd@dhp.virginia.gov.

September 21, 2004 - 11 a.m. -- Public Hearing

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

October 8, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to amend regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to clarify that congruency in education, certification and licensure is required and that a graduate degree is necessary for initial licensure; to provide an avenue for licensure to those who may not meet current qualifications but who have been safely practicing in other states as advanced practice nurses; and to update categories of nurse practitioners and names of certifying bodies.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until October 8, 2004, to Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email Elaine.yeatts@dhp.virginia.gov.

BOARD OF NURSING HOME ADMINISTRATORS

† **August 23, 2004 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A formal hearing. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Nursing Home Administrators, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804)

662-7246, (804) 662-7197/TTY ☎, e-mail Cheri.Emma-Leigh@dhp.virginia.gov.

October 13, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia ♿

A meeting to discuss regular board business. There will be a comment period at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra.reen@dhp.virginia.gov.

OLD DOMINION UNIVERSITY

October 18, 2004 - 3 p.m. -- Open Meeting

† **November 15, 2004 - 3 p.m.** -- Open Meeting

Webb University Center, Old Dominion University, Norfolk, Virginia. ♿

A regular meeting of the Board of Visitors' Executive Committee to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

September 10, 2004 - 1 p.m. -- Open Meeting

Webb University Center, Old Dominion University, Norfolk, Virginia. ♿

A quarterly meeting of the Board of Visitors to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD FOR OPTICIANS

September 24, 2004 - 10 a.m. -- Public Hearing

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

September 24, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Opticians intends to amend regulations entitled **18 VAC 100-20, Board for Opticians Regulations**. The purpose of the proposed action is to amend regulations for registration for voluntary practice by out-of-state licensees in accordance with § 54.1-1701.5 of the Code of Virginia.

Statutory Authority: § 54.1-201 of the Code of Virginia and Chapter 740 of the 2002 Acts of Assembly.

Contact: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8310, FAX (804) 367-6295, (804) 367-9753/TTY ☎, or e-mail opticians@dpor.virginia.gov.

September 24, 2004 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

October 8, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Opticians intends to amend regulations entitled **18 VAC 100-20, Board for Opticians Regulations**. The purpose of the proposed action is to amend regulations to adjust fees in accordance with the Callahan Act, § 54.1-113 of the Code of Virginia.

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

Contact: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8310, FAX (804) 367-6295, (804) 367-9753/TTY ☎, or e-mail opticians@dpor.virginia.gov.

NOTE: CHANGE IN MEETING DATE

† **October 15, 2004 - 9:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

The board will conduct a general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, or e-mail opticians@dpor.virginia.gov.

BOARD OF OPTOMETRY

† **August 23, 2004 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Room 3, Richmond, Virginia. ♿

A meeting of the board to review and adopt the recommendations of the TPA Formulary Committee regarding amendments to the TPA Formulary required by HB 856 of the 2004 Session of the General Assembly. The board will also conduct any other business that may be brought before the board. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail elizabeth.carter@dhp.virginia.gov.

VIRGINIA OUTDOORS FOUNDATION

† **September 23, 2004 - 10 a.m.** -- Open Meeting
Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia. ♿

A regular quarterly meeting of the Board of Trustees to review and accept easement proposals.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 900 S. Main St., Blacksburg, VA 24060, telephone (540) 951-2822, FAX (540) 951-2695, e-mail tvance@vofonline.org.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† **September 8, 2004 - 8:30 a.m.** -- Open Meeting
202 North 9th Street, 10th Floor Conference Room,
Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Orientation for new board members.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 846-4464/TTY ☎, e-mail smallsse@vbpd.state.va.us.

PESTICIDE CONTROL BOARD

October 14, 2004 - 9 a.m. -- Public Hearing
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia.

November 1, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Pesticide Control Board intends to amend regulations entitled **2 VAC 20-40, Rules and Regulations Governing Licensing of Pesticide Businesses by the Department of Agriculture and Consumer Services Operating Under Authority of the Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulations for effectiveness and continued need. The proposed regulations (i) establish standards for the licensure of pesticide businesses and for the denial, suspension, or revocation of the license; (ii) establish record keeping requirements for licensed pesticide businesses, as a means of ensuring that pesticides are stored and used safely; and (iii) protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

Calendar of Events


Statutory Authority: § 3.1-249.30 of the Code of Virginia.


Contact: W. Wayne Surles, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558, FAX (804) 371-8598, toll-free 1-800-552-9963, or e-mail wsurles@vdacs.state.va.us.

BOARD OF PHARMACY


August 24, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


A panel of the board will discuss disciplinary matters. No public comment will be received.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail scotti.russell@dhp.virginia.gov.

† **August 24, 2004 - 11 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 


Continued discussion of the July 23, 2004, Regulation Committee meeting agenda as it pertains to allowing pharmacies in hospital or retail settings possibly to outsource data entry, the drug utilization review (DUR) and other aspects of dispensing prescription drugs; discussion will also continue as to increasing the board's oversight of the wholesale distribution market in order to prevent opportunities for counterfeiting of drugs and ensure the integrity, safety and efficacy of drugs or devices distributed in the Commonwealth. The board will begin periodic review of physicians selling drugs regulations, and may consider other such regulatory or legislative matters that may be included on the agenda. Public comments will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail scotti.russell@dhp.virginia.gov.

† **August 25, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 


A meeting of an informal conference committee for approval of pilot program applications. Public comment will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.


August 26, 2004 - 9 a.m. -- Canceled
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A Special Conference Committee will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

September 15, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 


The board will consider such regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail scotti.russell@dhp.virginia.gov.


BOARD OF PHYSICAL THERAPY

October 15, 2004 - 9 a.m. -- Canceled
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

The quarterly business meeting has been canceled.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

September 2, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. The board fully complies with the Americans with Disabilities Act.

Contact: Eric Olson, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail eric.olson@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

September 20, 2004 - 10 a.m. -- Open Meeting
† **November 15, 2004 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Conference Room 5W, Richmond, Virginia. 

A quarterly meeting.

Contact: Judy Spiller, Executive Secretary, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY , e-mail judy.spiller@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

October 12, 2004 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia.

A business meeting to include reports from standing committees and any other disciplinary or regulatory matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.virginia.gov.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

September 23, 2004 - 10 a.m. -- Open Meeting
1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Terry Raney, Guardianship Coordinator, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail traney@vda.virginia.gov.

† **September 30, 2004 - 10 a.m.** -- Open Meeting
1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A regular meeting to review regulations for the public guardianship program.

Contact: Janet Riddick, Director, Elder Rights Center, Virginia Public Guardian and Conservator Advisory Board, 1610 Forest Ave., Richmond, VA 23229, telephone (804) 662-7050, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail EJanet.Riddick@vda.virginia.gov.

VIRGINIA RACING COMMISSION

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Racing Commission intends to promulgate regulations entitled **11 VAC 10-45, Advance Deposit Account Wagering**. The purpose of the proposed action is to establish licensure requirements for individuals and entities conducting advance deposit account wagering in Virginia, including the application and license renewal procedures.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: David S. Lermond, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 208, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7422, e-mail David.Lermond@vrc.virginia.gov.

REAL ESTATE APPRAISER BOARD

† **September 8, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. ♿

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.virginia.gov.

November 9, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.oneal@dpor.virginia.gov.

REAL ESTATE BOARD

† **September 16, 2004 - 9 a.m.** -- Open Meeting

† **September 20, 2004 - 10 a.m.** -- Open Meeting

† **October 7, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. ♿

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.oneal@dpor.virginia.gov.

VIRGINIA RESOURCES AUTHORITY

September 21, 2004 - 9 a.m. -- Open Meeting
Eighth and Main Building, 707 East Main Street, 2nd Floor,
Richmond, Virginia. ♿

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one

Calendar of Events

week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

September 15, 2004 - 10 a.m. -- Open Meeting

October 20, 2004 - 10 a.m. -- Canceled

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ☎

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan Sherertz, Secretary to the Board, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7475, e-mail susan.sherertz@vdh.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

October 8, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to **repeal** regulations entitled **22 VAC 40-120, Minimum Standards for Licensed Family Day-Care Systems** and **adopt** regulations entitled **22 VAC 40-121, Standards for Licensed Family Day Systems**. The purpose of the proposed action is to repeal the current Minimum Standards for Licensed Family Day-Care Systems (22 VAC 40-120) and replace it with a new regulation, Standards for Licensed Family Day Systems (22 VAC 40-121).

Statutory Authority: §§ 63.2-217, 63.2-1701 and 63.2-1734 of the Code of Virginia.

Contact: Doris Sherrod, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7153, FAX (804) 726-7132 or e-mail doris.sherrod@dss.virginia.gov.

October 8, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to **adopt** regulations entitled **22 VAC 40-170, Voluntary Registration of Family Day Homes-Requirements for Contracting Organizations**. The purpose of the proposed action is to update statutory references in Title 63.2; eliminate requirements that have

been found to be inefficient or burdensome; clarify contracting organizations' responsibilities; add requirements that establish time frames for submission of reports and for notification of the department of certain events and changes; transfer responsibility for providing certain information to parents and for processing all aspects of adverse enforcement actions from contracting organizations to the department.

Statutory Authority: §§ 63.2-217, 63.2-1704 and 63.2-1734 of the Code of Virginia.

Contact: Doris Sherrod, Program Development Consultant, Department of Social Services, Division of Licensing Programs, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7153, FAX (804) 726-7132 or e-mail doris.sherrod@dss.virginia.gov.

October 8, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to **repeal** regulations entitled **22 VAC 40-660, Child Day Care Services Policy**, and **adopt** regulations entitled **22 VAC 40-661, Child Care Program**. The purpose of the proposed action is to repeal the current regulation pertaining to the Child Care and Development Fund and replace it with a new regulation. New federal regulations and changes in policies in Virginia necessitate that new regulations be created.

Statutory Authority: §§ 63.2-217, 63.2-319, 63.2-510, 63.2-611, and 63.2-616 of the Code of Virginia; Child Care and Development Block Grant of 1990 as amended by the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) and the Balanced Budget Act of 1997 (P.L. 105-33), as implemented in regulation 45 CFR Parts 98 and 99; the Food Stamp Act of 1977 as amended.

Contact: Mary Ward, Program Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7638, FAX (804) 726-7655 or e-mail mary.ward@dss.virginia.gov.


October 8, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to **repeal** regulations entitled **22 VAC 40-770, Standards and Regulations for Agency Approved Providers**, and **adopt** regulations entitled **22 VAC 40-771, Local Department-Approved Provider Standards**. The purpose of the proposed action is to repeal the existing regulation and replace it with a new regulation. The current regulation addresses standards used by local departments of social services to approve and regulate service providers including adult service providers, child care providers, and adoptive and foster providers.


Statutory Authority: § 63.2-217 of the Code of Virginia.

Contact: Sue Murdock, Family Specialist, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7616, FAX (804) 726-7895 or e-mail susan.murdock@dss.virginia.gov.

BOARD OF SOCIAL WORK


† **September 10, 2004 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Fifth Floor, Conference Room 1, Richmond, Virginia. 

A regularly business meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.virginia.gov.

DEPARTMENT OF TAXATION


State Land Evaluation Advisory Council

September 7, 2004 - 11 a.m. -- Open Meeting
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. 

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

Contact: H. Keith Mawyer, Property Tax Manager, Department of Taxation, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8020, FAX (804) 367-8662, e-mail kmawyer@tax.state.va.us.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

August 31, 2004 - Noon -- Open Meeting
701 East Franklin Street, Level B-1 Conference Room, Richmond, Virginia. 

A meeting to receive dates for the Program, Marketing and Research Committees.

Contact: Eloise Burke, Senior Executive Assistant, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@tsf.state.va.us.

BOARD OF VETERANS SERVICES

September 27, 2004 - 1 p.m. -- Open Meeting
American Legion Building, 1708 Commonwealth Avenue, Richmond, Virginia.

A regular meeting.

Contact: Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond VA 23219, telephone (804) 786-0286, e-mail steven.combs@dvs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

† **September 7, 2004 - Noon** -- Open Meeting
Northern Virginia area; location to be determined.

A meeting of the Joint Leadership Council.

Contact: Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, e-mail steven.combs@dvs.virginia.gov.

September 30, 2004 - 11:30 a.m. -- Open Meeting
Richmond, Virginia; location to be determined.

A meeting of the Veterans Services Foundation.

Contact: Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, Richmond VA 23219, telephone (804) 786-0286, e-mail steven.combs@dvs.virginia.gov.

BOARD OF VETERINARY MEDICINE

NOTE: CHANGE IN MEETING DATE

† **October 7, 2004 - 8:30 a.m.** -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

October 8, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Veterinary Medicine intends to amend regulations entitled **18 VAC 150-20, Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed action is to amend definitions of "immediate and direct supervision" and "surgery" for consistency with current board policies.

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

Public comments may be submitted until October 8, 2004, to Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email Elaine.yeatts@dhp.virginia.gov.

STATE WATER CONTROL BOARD

August 23, 2004 - 8:30 a.m. -- Open Meeting
† **September 3, 2004 - 8:30 a.m.** -- Open Meeting
† **September 20, 2004 - 8:30 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the Steering Committee of the Water Policy Technical Advisory Committee.

Contact: Scott W. Kudlas, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

Calendar of Events

(804) 698-4456, FAX (804) 698-4347, e-mail swkudlas@deq.virginia.gov.

August 26, 2004 - 3 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less than One-Half of an Acre**. The purpose of the proposed action is to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.virginia.gov.

August 26, 2004 - 3 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-670, Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities**. The purpose of the proposed action is to allow for revisions to the general permit regulation to correct several administrative procedures, clarify application and permitting requirements, and allow for a more efficient application review process.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.virginia.gov.

August 26, 2004 - 3 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-680, Virginia Water Protection General Permit for Linear Transportation Projects**. The purpose of the proposed action is to allow for revisions to the general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.virginia.gov.


August 26, 2004 - 3 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-690, Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities**. The purpose of the proposed action is to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.


Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.virginia.gov.

August 27, 2004 - 8:30 a.m. -- Open Meeting
September 13, 2004 - 8:30 a.m. -- Open Meeting
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A meeting of the full reconvened Water Policy Technical Advisory Committee.

Contact: Scott W. Kudlas, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4456, FAX (804) 698-4346, e-mail swkudlas@deq.virginia.gov.

August 31, 2004 - 9:30 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING ROOM LOCATION
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 


A regular board meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.virginia.gov.

† **August 31, 2004 - 1 p.m.** -- Open Meeting
Blackstone Town Council Chambers, The Town Office Building, 100 West Elm Street, Blackstone, Virginia. 


The first advisory committee meeting on the development of a TMDL to address multiple bacteria impairments on the Nottoway River and its tributaries located in Prince Edward, Nottoway, Lunenburg, Brunswick and Dinwiddie Counties. The public notice appears in the Virginia Register of Regulations on August 23, 2004. The comment period closes on September 30, 2004.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

† **September 2, 2004 - 7 p.m.** -- Open Meeting
Brookneal Community Center, 261 Main Street, Brookneal, Virginia. 


The first public meeting on the development of a fecal coliform bacteria TMDL for segments of the Roanoke River and its tributaries located in Pittsylvania, Campbell, Halifax and Charlotte Counties. The public notice appears in the August 23, 2004, Virginia Register of Regulations. The comment period closes on October 4, 2004.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

† **September 7, 2004 - 2 p.m.** -- Open Meeting
Isle of Wight Virginia Cooperative Extension Office, Public Services Center, 17100 Monument Circle, Suite B, Isle of Wight, Virginia. 


The first advisory committee meeting for the development of TMDLs to address multiple bacteria impairments on tributaries to the Blackwater River located in Isle of Wight and Surry Counties. The public notice appears in the August 23, 2004, Virginia Register of Regulations. The comment period closes on October 7, 2004.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

† **September 8, 2004 - 2 p.m.** -- Open Meeting
Sussex Department of Social Services, Newsome Building, 20103 Princeton Road, Sussex, Virginia. 

The first advisory committee meeting on the development of a TMDL to address bacteria impairments on Sappony Creek and Raccoon Creek in Sussex and Southampton Counties. The public notice appears in the Virginia Register of Regulations on August 23, 2004. The comment period closes on October 8, 2004.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

† **September 9, 2004 - 7 p.m.** -- Open Meeting
Cumberland County Elementary School, 60 School Road, Cumberland, Virginia. 

The first public meeting on the development of the implementation plan for the fecal coliform bacteria TMDL for a segment of the Willis River located in Buckingham and Cumberland Counties. The public notice appears in the August 23, 2004, Virginia Register of Regulations. The comment period closes on October 12, 2004.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the antidegradation policy of the Water Quality Standards by designating a section of Ragged Island Creek as an exceptional water.

Statutory Authority: § 62.1-44.15 of the Code of Virginia, Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail jwggregory@deq.virginia.gov.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the antidegradation policy of the Water Quality Standards by designating a section of Little Stony Creek as an exceptional water.

Statutory Authority: § 62.1-44.15 of the Code of Virginia, Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail jwggregory@deq.virginia.gov.

Calendar of Events

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the antidegradation policy of the Water Quality Standards by designating a section of Bottom Creek as an exceptional water.

Statutory Authority: § 62.1-44.15 of the Code of Virginia, Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail jwgregory@deq.virginia.gov.

September 10, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the antidegradation policy of the Water Quality Standards by designating Lake Drummond and portions of Brown Mountain Creek, Laurel Fork, North Fork of the Buffalo River, Pedlar River, Ramseys Draft and Whitetop Laurel Creek as exceptional waters.

Statutory Authority: § 62.1-44.15 of the Code of Virginia, Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail jwgregory@deq.virginia.gov.

† **September 14, 2004 - 7 p.m.** -- Open Meeting
War Memorial Building, Main and Church Streets, Madison, Virginia. ♿

The first public meeting on the development of a fecal coliform bacteria TMDL for Robinson River and Little Dark Run watersheds located in Madison County. The public notice appears in the August 23, 2004, issue of the Virginia Register. The comment period is September 14, 2004, through October 13, 2004.

Contact: Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, e-mail bhthomas@deq.virginia.gov.

† **September 15, 2004 - 7 p.m.** -- Open Meeting
Lightfoot Elementary School, 10285 Zachary Taylor Highway, Unionville, Virginia. ♿

The first public meeting on the development of a fecal coliform bacteria TMDL for segments in the Mountain Run and Mine Run watersheds located in Orange County. The public notice appears in the August 23, 2004, issue of the Virginia Register of Regulations. The public comment period runs from September 15, 2004, through October 14, 2004.

Contact: Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, e-mail bhthomas@deq.virginia.gov.

† **September 15, 2004 - 1 p.m.** -- Open Meeting
Patrick Henry Memorial Library, 204 Lynchburg Avenue, Brookneal, Virginia. ♿

The first meeting of the advisory committee for the Roanoke River watershed TMDL for segments in Pittsylvania, Campbell, Halifax and Charlotte Counties. The public notice appears in the Virginia Register on August 23, 2004.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

† **September 30, 2004 - 2:30 p.m.** -- Open Meeting
Albemarle County Office Building, Lane Auditorium, 401 McIntire Road, Charlottesville, Virginia. ♿

A public meeting to receive comments on a notice of intent to adopt a general Virginia Water Protection permit for minor water withdrawals. The NOIRA will appear in the Virginia Register on August 23, 2004. The comment period will run from August 23, 2004, until October 8, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4347, e-mail egilinsky@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **August 25, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference.

Contact: David E. Dick, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail waterwasteoper@dpor.virginia.gov.

September 14, 2004 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

Contact: David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507,

FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail waterwasteoper@dpor.virginia.gov.

VIRGINIA WORKFORCE COUNCIL

† **October 18, 2004 - Noon** -- Open Meeting
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A business meeting. Public comment will be scheduled and limited to five minutes per person and a written copy of comments is required. The agenda will be announced at a later date.

Contact: Gail Robinson, Workforce Council Liaison, Virginia Workforce Council, 703 E. Main St., Richmond, VA 23219, telephone (804) 225-3070, FAX (804) 225-2190, toll-free (800) 828-1120, e-mail grobinson@vec.state.va.us.

INDEPENDENT

VIRGINIA RETIREMENT SYSTEM

October 6, 2004 - 2:30 p.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Benefits and Actuarial Committee. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3124/TTY ☎, e-mail lking@vrs.state.va.us.

October 7, 2004 - 9 a.m. -- Open Meeting

† **November 24, 2004 - 9 a.m.** -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 E. Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, or e-mail lking@vrs.state.va.us.

† **November 16, 2004 - Noon** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

† **November 17, 2004 - 4 p.m.** -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

Meetings of the following committees:

11 a.m. -- Investment Advisory Committee
2:30 p.m. - Benefits and Actuarial
4 p.m. - Administration and Personnel
4 p.m. - Audit and Compliance

No public comment will be received.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

LEGISLATIVE

JOINT COMMISSION ON ADMINISTRATIVE RULES

September 8, 2004 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A meeting to discuss certain agency regulations.

Contact: Heather K. Butros, Joint Commission on Administrative Rules, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail hbutros@leg.state.va.us.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

September 13, 2004 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A meeting to review the study on Replacing Income Tax Revenues with Sales and Use Tax Revenues, to review proposed Child Day Care Regulations, and to review DGS Internal Service Funds.

Contact: Trish Bishop, Principal Legislative Analyst, Joint Legislative Audit and Review Commission, General Assembly Bldg., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258, FAX (804) 371-0101, e-mail tbishop@leg.state.va.us.

VIRGINIA CODE COMMISSION

September 15, 2004 - 10 a.m. -- Open Meeting

October 20, 2004 - 10 a.m. -- Open Meeting

November 17, 2004 - 10 a.m. -- Open Meeting

† **December 15, 2004 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿


A meeting to continue with the revisions of Titles 1, 3.1 and 37.1 and to conduct any other business that may come

Calendar of Events

before the commission. A brief public comment period is scheduled at the end of the meeting.


Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

September 16, 2004 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 2nd Floor, Room 250, Richmond, Virginia. 

FOIA and Geographic Information System Subcommittee meeting.


Contact: Lynda Waddill, Administrative Assistant, or Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiacouncil@leg.state.va.us.

September 16, 2004 - 2 p.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

A regular meeting.

Contact: Lynda Waddill, Administrative Assistant, or Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiacouncil@leg.state.va.us.


JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

September 8, 2004 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A full commission meeting to discuss computer security.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.


NOTE: CHANGE IN MEETING TIME

September 21, 2004 - 1 p.m. -- Open Meeting
October 19, 2004 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS Computer Crimes Advisory Committee.


Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

September 22, 2004 - 1:30 p.m. -- Open Meeting

October 20, 2004 - 1:30 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 


A meeting of the JCOTS Nanotechnology Advisory Committee.

Contact: Eric Link, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

October 5, 2004 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS's Integrated Government Advisory Committee.

Contact: Eric Link, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

October 6, 2004 - 1:30 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOT's Privacy Advisory Committee.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

August 23

- † Agriculture and Consumer Services, Department of - Virginia Wine Board
- † Jamestown-Yorktown Foundation
- † Nursing Home Administrators, Board of
- † Optometry, Board of
- Water Control Board, State

August 24

- † Accountancy, Board of
- Barbers and Cosmetology, Board for
- † Contractors, Board for
- Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Nursing, Board of
- † Pharmacy, Board of

August 25

- Aviation Board, Virginia
- Conservation and Recreation, Department of
- Health, Department of
- Medicine, Board of
- Milk Commission, State
- † Pharmacy, Board of
- † Waterworks and Wastewater Works Operators, Board for

August 26

Aviation Board, Virginia
 Contractors, Board for
 Counseling, Board of
 † Environmental Quality, Department of
 Mines, Minerals and Energy, Department of

August 27

Aviation Board, Virginia
 Counseling, Board of
 Housing and Community Development, Board of
 Water Control Board, State

August 30

Agricultural Council, Virginia
 † Agriculture and Consumer Services, Department of
 - Virginia Irish Potato Board
 Alcoholic Beverage Control Board
 Nursing, Board of

August 31

Nursing, Board of
 Tobacco Settlement Foundation, Virginia
 † Water Control Board, State

September 2

† Contractors, Board for
 Nursing, Board of
 Polygraph Examiners Advisory Board
 † Water Control Board, State

September 3

Art and Architectural Review Board
 † Water Control Board, State

September 7

Agriculture and Consumer Services, Department of
 - Virginia Horse Industry Board
 Alzheimer's Disease and Related Disorders Commission
 Funeral Directors and Embalmers, Board of
 Taxation, Department of
 - State Land Evaluation Advisory Council
 † Veterans Services, Department of
 † Water Control Board, State

September 8

Administrative Rules, Joint Commission on
 Air Pollution Control Board, State
 Community Colleges, State Board for
 Conservation and Recreation, Department of
 Health Professions, Department of
 Interagency Coordinating Council, Virginia
 † Juvenile Justice, State Board of
 † Medicine, Board of
 Mental Health, Mental Retardation and Substance Abuse
 Services, Department of
 † Mines, Minerals and Energy, Department of
 † People with Disabilities, Virginia Board for
 † Real Estate Appraiser Board
 Technology and Science, Joint Commission on
 † Water Control Board, State

September 9

† Aging, Commonwealth Council on
 † Architects, Professional Engineers, Land Surveyors,
 Certified Interior Designers and Landscape Architects,
 Board for
 Community Colleges, State Board for
 Conservation and Recreation, Department of
 Criminal Justice Services Board

Environmental Quality, Department of
 Mental Health, Mental Retardation and Substance Abuse
 Services, Department of
 Museum of Fine Arts, Virginia
 Nursing, Board of
 † Water Control Board, State

September 10

† Accountancy, Board of
 Dentistry, Board of
 Old Dominion University
 † Social Work, Board of

September 13

Alcoholic Beverage Control Board
 Audit and Review Commission, Joint Legislative
 Local Government, Commission on
 Water Control Board, State

September 14

Charitable Gaming Board
 † Contractors, Board for
 † Corrections, Board of
 † Higher Education for Virginia, State Council of
 Medical Assistance Services, Board of
 † Medicine, Board of
 † Water Control Board, State
 Waterworks and Wastewater Works Operators, Board for

September 15

Code Commission, Virginia
 Conservation and Recreation, Department of
 † Corrections, Board of
 Health, Department of
 † Information Technologies Agency, Virginia
 - E-911 Wireless Board
 Medical Assistance Services, Department of
 - Medicaid Transportation Advisory Committee
 Pharmacy, Board of
 Sewage Handling and Disposal Appeal Review Board
 † Water Control Board, State

September 16

Conservation and Recreation, Department of
 - Virginia Soil and Water Conservation Board
 Design-Build/Construction Management Review Board
 Freedom of Information Advisory Council, Virginia
 Labor and Industry, Department of
 † Real Estate Board

September 17

† Dentistry, Board of

September 20

† Library Board, State
 Medical Assistance Services, Department of
 - Pharmacy and Therapeutics Committee
 Nursing, Board of
 Professional and Occupational Regulation, Board for
 † Real Estate Board
 † Water Control Board, State

September 21

† Contractors, Board for
 † Environmental Quality, Department of
 Medicine, Board of
 - Advisory Board of Occupational Therapy
 - Advisory Board on Respiratory Care
 Museum of Fine Arts, Virginia
 Nursing, Board of

Calendar of Events

Resources Authority, Virginia
Technology and Science, Joint Commission on

September 22

† Cemetery Board
† Compensation Board
Education, Board of
Medicine, Board of
- Advisory Board of Acupuncture
- Advisory Board on Radiologic Technology
Nursing, Board of
Technology and Science, Joint Commission on

September 23

Conservation and Recreation, Department of
- Virginia Scenic River Board
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants
Nursing, Board of
† Outdoors Foundation, Virginia
Public Guardian and Conservator Advisory Board, Virginia

September 24

† Accountancy, Board of
† Agriculture and Consumer Services, Board of
Environmental Quality, Department of
† Medicine, Board of
Mental Health, Mental Retardation and Substance Abuse
Services, Department of

September 27

Alcoholic Beverage Control Board
Barbers and Cosmetology, Board for
Veterans Services, Board of

September 28

† Marine Resources Commission

September 29

† Air Pollution Control Board, State

September 30

† Asbestos, Lead, and Home Inspectors, Virginia Board for
† Public Guardian and Conservator Advisory Board, Virginia
Veterans Services, Department of
† Water Control Board, State

October 1

Art and Architectural Review Board
† Dentistry, Board of

October 4

Nursing, Board of

October 5

Funeral Directors and Embalmers, Board of
Museum of Fine Arts, Virginia
Technology and Science, Joint Commission on

October 6

Conservation and Recreation, Department of
Jamestown-Yorktown Foundation
Retirement System, Virginia
Technology and Science, Joint Commission on

October 7

† Real Estate Board
Retirement System, Virginia

October 8

† Accountancy, Board of
Health Professions, Department of

October 12

Nursing, Board of

Psychology, Board of

October 13

Geology, Board for
Nursing, Board of
Nursing Home Administrators, Board of

October 14

Medicine, Board of
Nursing, Board of

October 15

† Dentistry, Board of
Medicine, Board of
† Opticians, Board for

October 16

Medicine, Board of

October 18

Old Dominion University
† Workforce Council, Virginia

October 19

Contractors, Board for
Nursing, Board of
Technology and Science, Joint Commission on

October 20

Code Commission, Virginia
Nursing and Medicine, Joint Boards of
Technology and Science, Joint Commission on

October 21

Design-Build/Construction Management Review Board
Health, Department of

October 22

Health, Department of

October 26

† Marine Resources Commission
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Nursing, Board of

October 27

Education, Board of

October 29

Medicine, Board of

November 2

Museum of Fine Arts, Virginia

November 3

Air Pollution Control Board, State
Asbestos, Lead, and Home Inspectors, Board for

November 4

Medical Assistance Services, Department of
- Drug Utilization Review Board
Counseling, Board of

November 5

Art and Architectural Review Board
Counseling, Board of
† Dentistry, Board of

November 8

Hearing Aid Specialists, Board for

November 9

Real Estate Appraiser Board

November 11

† Audiology and Speech-Language Pathology, Board of
† Medical Assistance Services, Department of
- Pharmacy Liaison Committee

November 12

† Dentistry, Board of

November 15

- † Jamestown-Yorktown Foundation
- † Library Board, State
- † Nursing, Board of
- † Old Dominion University
- † Professional and Occupational Regulation, Board for

November 16

- † Community Colleges, State Board for
- † Jamestown-Yorktown Foundation
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- † Nursing, Board of
- † Retirement System, Virginia

November 17

- Code Commission, Virginia
- † Community Colleges, State Board for
- † Education, Board of
- † Medical Assistance Services, Department of - Medicaid Transportation Advisory Committee
- † Nursing, Board of
- † Retirement System, Virginia

November 18

- † Community Colleges, State Board for
- † Design-Build/Construction Management Review Board
- † Nursing, Board of

November 19

- † Dentistry, Board of
- † Medicine, Board of

November 24

- † Retirement System, Virginia

December 15

- † Code Commission, Virginia

PUBLIC HEARINGS

August 23

- † Air Pollution Control Board, State

August 24

- Mental Health, Mental Retardation and Substance Abuse Services, Department of

August 25

- Contractors, Board for

August 26

- Water Control Board, State

September 9

- Air Pollution Control Board, State
- Criminal Justice Services Board
- Juvenile Justice, State Board of

September 21

- Nursing and Medicine, Joint Boards of

September 22

- Education, Board of

September 23

- † Air Pollution Board, State
- Geology, Board for

September 24

- Opticians, Board for

September 27

- Alcoholic Beverage Control Board

October 6

- † Fair Housing Board

October 7

- † Veterinary Medicine, Board of

October 14

- Pesticide Control Board

Calendar of Events
