

VIRGINIA CODE COMMISSION

Monday, October 3, 2022 - 10:00 a.m.

Senate Room A - Pocahontas Building

DRAFT

Meeting Minutes

Members Present: John S. Edwards, Ward L. Armstrong; Nicole S. Cheuk, Steven Popps, Don L. Scott, Jr., Amigo R. Wade, Malfourd W. Trumbo, Charles S. Sharp

Members Absent: Leslie L. Lilley, Wren M. Williams, Christopher R. Nolen, Jennifer L. McClellan

Staff Present: Holly Trice, Anne Bloomsburg, Meg Lamb, Nikki Clemons, Stephanie Kerns, Division of Legislative Services; Brian Kennedy, LexisNexis

Call to order: Senator Edwards, chair, called the meeting to order at 10:03 a.m. Pursuant to the Commission's electronic meetings policy under § 2.2-3708.3 of the Code of Virginia, the meeting was held entirely electronically over Zoom.

Review and approval of September 19, 2022, meeting minutes: Chair Edwards asked for a motion to approve the draft September 2022 meeting minutes. A motion was made, properly seconded, and a voice vote was conducted. The motion carried.

Publication of the Code of Virginia: 2022 Review: *Brian Kennedy, LexisNexis*

LexisNexis has worked with the Division of Legislative Automated Services (DLAS) over the years to ensure that the data populating the online Code of Virginia is accurate. This year, LexisNexis ran into two major issues: timing and data quality issues. These issues resulted in a significant delay in getting the online Law Portal updated with the necessary legislative updates.

Mr. Kennedy stated that the data for the digital upload was prepared for the contract date of June 23, 2022. LexisNexis attempted to deliver the information to DLAS via the ftp site they usually use, but discovered that DLAS's ftp site no longer existed, and suggested it was due to the malware attack in 2021. LexisNexis communicated with DLAS over many days, and DLS finally received useable data the check on July 11, 2022. However, it was discovered the data was still riddled with errors.

Mr. Kennedy explained that LexisNexis implemented a number of upgrades to their editorial system to allow for more efficient updates. The electronic data that was sent to DLAS had coding issues that were not caught during preliminary testing of this new editorial system. DLAS alerted LexisNexis to these issues. LexisNexis implemented a manually fixed the data with the help of experienced editors. This manual fix did not account for some of the XML markup that needed to be amended, and this resulted in more issues. LexisNexis then implemented a programmatic fix to solve the problems.

Mr. Kennedy stated there were also issues with the Table of Sections Affected (TOSA) and data maintenance and documentation. Experienced members of LexisNexis's editorial team that worked with the Code of Virginia for years had retired. A new data analyst, who was familiar with TOSA but did not have experience with Virginia's TOSA, resulted in an inaccurate TOSA being delivered to DLS. Mr. Kennedy proposed running a test run in the spring to ensure that programmatic fixes from this year were made and are working, so that the same issues would not occur in future years. LexisNexis would use the same data that there were issues with this year and work with DLAS to ensure that the data transfer would work properly the next time it was used.

Mr. Wade emphasized that the testing would need to be thorough. Division of Legislative Services staff had to do a chapter by chapter review to ensure that the TOSA and online Code of Virginia were correct, which took days and was a heavy drain on DLS staff. Mr. Wade stressed the importance that these issues were resolved so this does not happen again in the future. Mr. Kennedy agreed and said that timing and details for running tests could be worked out offline. Senator Edwards asked if testing had to wait until the spring or if testing could begin sooner. Mr. Kennedy said that it did not have to wait until the spring, but waiting until the spring would give LexisNexis new data to work with to ensure the fixes are functional.

Ms. Lamb expressed concern with the volume of errors in the data LexisNexis provided. Ms. Lamb stated that there were times when the Acts of Assembly were noted in Editor's Notes, but the actual language wasn't reflected in the law text. Ms. Lamb explained that DLS provides LexisNexis requests of how sections should be blended and noted, and that those requests were not reflected in what LexisNexis sent. Ms. Lamb asked what editorial missteps would lead to these issues. Mr. Kennedy shared that staff turnover resulted in some lost knowledge, but stated that he would also talk to his team about other factors that would have caused the problem to share with DLS at a later date.

Ms. Trice stated that when DLS did the act by act review, LexisNexis was sent an email with all of the changes made to the Law Portal. Ms. Trice asked if those changes were then implemented on the LexisNexis website. Mr. Kennedy said they should be reflected. Ms. Lamb stated that DLS also found issues in the print materials of the Code of Virginia. Ms. Lamb asked if LexisNexis would be supplying new pocket cards and supplements to address the changes. Mr. Kennedy said that errata would be sent out. Senator Edwards asked how quickly corrections would be sent out and Mr. Kennedy said it would take a couple weeks once they received the list of the issues. Ms. Lamb stated that the list was provided at the beginning of August. Ms. Trice resent the list during the meeting.

Mr. Kennedy said that the database would be updated the day of the meeting to reflect the changes in the list, but stated that getting the errata printed and sent would take a few weeks depending on the manufacturer's schedule. Senator Edwards requested that that timeline be pushed up due to the urgency of the matter. Mr. Kennedy agreed and will update Ms. Lamb and Ms. Trice on the progress. Mr. Popps suggested that a representative from LexisNexis be present at the next commission meeting to give a status report.

Status update; Public Notice Work Group: *Amigo Wade, DLS*

Mr. Wade gave the commission an update on the public notice work group, and provided recommendations, a working document showing the scope of the project to standardize public notices, and discussion drafts with recommended changes to standardize public notice language and notices that are required to be published.

Mr. Wade informed the commission that the work group was established to look through the Code of Virginia for requirements about public notices in printed media. The overall objective was to make recommendations to make public notices more uniform and efficient, and the work group included stakeholders including school boards and the press association.

The work group's first recommendation was to group notice provisions related to intended actions or hearings in three groups. Group 1 would be publications of notice that run at least seven days

before the meeting or intended action. Group 2 would be publications of notice that run for two successive weeks with the first notice appearing no more than 14 days before the meeting or intended action. Group 3 would be publications of notice that run three successive weeks with the first notice appearing no more than 21 days before the meeting or intended action.

The work group's second recommendation was that terms and conditions of the notices included in the established groups be standardized to fit the language of the groupings.

The work group's third recommendation was to amend §§ 15.2-2204 and 15.2-2285 of the Code of Virginia. The work group created a sub workgroup to examine the code sections and recommend that these sections be amended to require the notice to identify the place within the locality where copies of proposed plans, ordinances, or amendments may be examined.

The work group's fourth recommendation was to allow the work group to continue their work in the next interim. Mr. Wade suggested the commission approve the recommendations made by the work group.

A motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

Motion to Adopt the Public Notice Work Group's recommendations	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan				1
Christopher R. Nolen				1
Steven Popps	1			
Don L. Scott Jr.	1			
Charles S. Sharp	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Wren Williams				1
John Edwards	1			
Total	8			4

Other business:

Mr. Wade commended Ms. Trice, Ms. Lamb, and Stephanie Kerns for their work on the LexisNexis situation. Mr. Wade shared that a team of attorneys went through each chapter to compare the law portal to what was actually passed; the process took days. Mr. Armstrong asked if any other states had this issue, and Mr. Wade said DLS had not had time to reach out to other states about it. Mr. Armstrong asked if it was a systemic problem or an anomaly, and Mr. Wade said it was likely systemic.

Ms. Trice brought up an issue with Special Session, and whether or not it adjourned. Ms. Trice stated that because it was unclear, as a stop gap, that the Code Commission instruct the publishers to put a notation in the catchline of the sections amended by the Special Session stating, "The law shall take effect on the first day of the fourth month following the month of adjournment of the Special Session."

A motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

Motion to add language from the VA constitution to catchline of sections amended by Special Session	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan				1
Christopher R. Nolen				1
Steven Pops	1			
Don L. Scott Jr.	1			
Charles S. Sharp	1			
Malfourd W. Trumbo				1
Amigo R. Wade	1			
Wren Williams	1			
John Edwards	1			
Total	8			4

Public comment, adjournment: Senator Edwards opened the floor for public comment. There was no public comment.

Adjourn: Chair Edwards asked for a motion to adjourn the meeting. The motion was made, properly seconded, and a voice vote was conducted. The motion carried.

Chair Edwards adjourned the meeting adjourned at 10:56 a.m.

Next meeting: November 21, 2022, 10:00 am.