

VIRGINIA CODE COMMISSION

Tuesday, November 21, 2023 - 10:00 a.m.

Senate Committee Room A, Room 305 - General Assembly Building

DRAFT

Meeting Minutes

Members Present: John. S. Edwards, Nicole S. Cheuk, Richard E. Gardner, James Leftwich, Christopher R. Nolan, Malfourd W. Trumbo, Amigo R. Wade, Wren M. Williams

Member Present Electronically: Ward L. Armstrong, Ryan McDougle

Members Absent: Steven G. Pops, Charles S. Sharp

Staff Present: Holly Trice, Anne Bloomsburg, Joanne Frye, Division of Legislative Services; Maryanne Horch, Glenn Robertson, Senate Technology

Others Present: Brian Kennedy, Lexis Nexis

Call to order: Senator Edwards, chair, called the meeting to order at 10:03 a.m. Ward L. Armstrong and Ryan McDougle requested to attend the meeting virtually pursuant to the "Virginia Code Commission Policy for Electronic Meetings Held under § 2.2-3708.3 of the Code of Virginia." That request was granted. A quorum of the commission was present in person.

Review and Approval of June 14, 2023, Meeting Minutes: Chair Edwards asked for a motion to approve the draft June 14, 2023, meeting minutes.

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

Vote to approve the June 14, 2023, meeting minutes.	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			
Richard Gardiner	1			
James Leftwich	1			
Ryan McDougle	1			
Christopher R. Nolan	1			
Steven Pops				1
Charles S. Sharp				1
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Wren Williams	1			
John Edwards	1			

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Total	10			2
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Public Notice Work group, Status Update: Amigo Wade, Director of DLS, presented the recommendations of the Public Notice Work group. Director Wade described the materials provided to the Commission and the objectives and process of the Work group. Chapters 506 and 507 of the 2023 Acts of Assembly reconvened the Work group to finish the work of looking at how entities must provide public notice. Working with standardizing language, the Work group met five times and developed two subgroups. Director Wade reviewed the recommendations of the Work group for the Commission.

Regarding recommendations relating to timing and frequency of notice, Judge Gardner asked for clarification as to whether the recommendations include a minimum time out from a public meeting within which a notice must be published. He stated that there should be a minimum time required before the meeting to allow for proper notice. Director Wade suggested reconvening the Work group to address this issue.

Recommendations relating to amendments to descriptive information required in certain notices in Title 15.2 of the Code of Virginia were provided.

Recommendations relating to SB 859, which removes the requirement for a local public body to publish notice of a RFP on the DGS eVAC (central procurement website) if a local body chose instead to publish the same in a newspaper of general circulation was passed by indefinitely during the 2023 Session of the General Assembly with a request for the Commission to have the Public Notice Work group study the issue. Based on meetings with the locality that had requested the bill, the Work group decided to take no action.

A motion was made to take no action on SB 859. The motion was properly seconded, and a vote was conducted. The motion carried.

Vote to take no action on SB 859	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			
Richard Gardiner	1			
James Leftwich	1			
Ryan McDougle	1			
Christopher R. Nolan			1	
Steven Pops				1
Charles S. Sharp				1
Malfourd W. Trumbo	1			
Amigo R. Wade	1			

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Wren Williams	1			
John Edwards	1			
Total	9		1	2

A motion was made to accept recommendations of the work group (except for the timing issue brought up by Judge Gardiner). It was properly seconded, and a vote was conducted. The motion carried.

Vote to accept Work group recommendations	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			
Richard Gardiner	1			
James Leftwich	1			
Ryan McDougle	1			
Christopher R. Nolan			1	
Steven Pops				1
Charles S. Sharp				1
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Wren Williams	1			
John Edwards	1			
Total	9		1	2

2024 Code of Virginia Pricing and Replacement Volumes: Brian Kennedy, representative of Lexis Nexis, presented Lexis Nexis recommendations for five replacement volumes of the Code of Virginia. Mr. Kennedy also explained a price increase going into effect.

A motion was made to accept Lexis Nexis plan and pricing, properly seconded, and a vote was conducted. The motion carried.

Vote to approve Lexis Nexis recommendations & pricing	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			

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Richard Gardiner	1			
James Leftwich	1			
Ryan McDougle	1			
Christopher R. Nolan			1	
Steven Pops				1
Charles S. Sharp				1
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Wren Williams	1			
John Edwards	1			
Total	9		1	2

Modernization of Chapters 2 and 3 of Title 57 of the Code of Virginia: Joanne Frye, Division of Legislative Services, explained the scope of the project is focused on Code of Virginia provisions for Church Trustees and Cemetery Trustees. Commission Member Ward Armstrong provided background for the project intended to clean up and modernize the language. Mr. Armstrong and Ms. Frye will complete the draft of a bill for session. They will have materials ready for the next Commission meeting.

Recodification Schedule: Director Wade presented the Commission with the recommendation to begin a recodification of Title 30, General Assembly, for next spring at beginning of the 2024 interim. Director Wade provided the general topic of the title and basic scope of the recodification.

Director Wade recommended picking back up the recodification of Title 32.1, Health, at the end of the 2024 interim, that is fall of 2024.

Publication of the Code of Virginia: 2023 Review: Holly Trice, Registrar of Regulations, presented an overview of how the July 1 Code of Virginia update went. July's upload was better than the previous year, but some major errors persisted. These errors included catchlines, sections not being set out twice, dead links in historical notes, the data being provided later than optimal, and differing versions of the TOSA was sent several times. Next year DLS (with help from DLAS) will create one chart of acts of assembly so that both the publishers will use the same chart. All discrepancies will be posted on and discussed and reconciled via the forum.

Director Wade stated that this approach will be an improvement in the process.

Other Business - December Meeting: Ms. Trice began a discussion for a December Commission meeting to allow the Public Notice Work group to meet and present the timing information recommendation to the Commission and cover the modernization of Chapters 2 and 3 of Title 57 of the Code of Virginia. Of the dates provided, Monday December 4, 2023, at 10:00 a.m. was chosen for a vote.

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

Vote to reappoint ALAC memb	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			
Richard Gardiner	1			
James Leftwich	1			
Ryan McDougle	1			
Christopher R. Nolan	1			
Steven Poppo				1
Charles S. Sharp				1
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Wren Williams	1			
John Edwards	1			
Total	10			2

Public comment: Mary Ottinot introduced herself and gave the Commission an overview of her experience with public comment in the Commonwealth. She stated that citizens need to be trained to work with the system of government in the Commonwealth. She also requested that behavioral health care in the Commonwealth align with the Americans with Disabilities Act. She cited § 32.1-127.1:03 of the Code of Virginia as an example of Virginia laws that conflict with the ADA. She also brought her concern with § 54.1-2400.2 of the Code of Virginia, which she says discourages or penalizes a health care provider for reporting unsafe care and other problems in the system. Ms. Ottinot stated there is a serious health care workforce issue in the Commonwealth.

Delegate Wren Williams suggested the witness have her delegate, Delegate Seibold, bring a bill to session. Chris Nolen also suggested that managing the issue with sections of the Code of Virginia that don't align with federal law may be accomplished as part of a recodification of Title 32.1 of the Code of Virginia.

Adjourn: Chair Edwards adjourned the meeting at 11:18 a.m.