

**Code Commission Authority and Responsibilities related to the  
Virginia Register Act and Administrative Process Act**

<b>Code Commission basic law</b>	
§ 30-146	<p><b>Publish and maintain the Virginia Administrative Code (VAC) and the Virginia Register of Regulations</b> (as provided for in § 2.2-4031)</p> <ul style="list-style-type: none"> <li>• Fix the number of volumes.</li> <li>• Decide all questions of form, makeup, and arrangement -- including title pages, prefaces, annotations, indices, tables of contents and reference etc.</li> </ul>
§ 30-150	<p><b>Make minor changes to VAC</b></p> <ul style="list-style-type: none"> <li>• Correct unmistakable printer's errors, misspellings, and other unmistakable errors.</li> <li>• Make consequential changes in titles of officers and agencies, and other consequential changes to terminology and references, or other language no longer appropriate.</li> <li>• Correct unmistakable errors in cross-references to COV or VAC sections and change cross-references to sections that are outdated or incorrect.</li> <li>• Renumber, rename, and rearrange titles, sections, or other divisions within the regulations and make corresponding changes in lists of subject and section headings, catchlines, and tables, when deemed necessary by the Commission.</li> <li>• Omit provisions the Commission deems inappropriate in a code, including severability clauses, which are provided for under § 2.2-4004, and effective date clauses.</li> </ul>
§ 30-155	<p><b>Monitor Administrative Process Act and Virginia Register Act</b></p> <ul style="list-style-type: none"> <li>• Monitor to ensure these laws provide the most practical means for agencies to promulgate, amend, and repeal "administrative law," and to recommend from time to time such changes as Commission deems appropriate.</li> <li>• May appoint an Administrative Law Advisory Committee (ALAC) to assist the Commission in fulfilling this responsibility.</li> <li>• May authorize ALAC to undertake research projects, hire consultants, sponsor conferences, hold public hearings, conduct surveys, and engage in other efforts consistent with assisting the Commission in fulfilling this responsibility.</li> </ul>
<b>Virginia Register Act</b>	
§ 2.2-4100	<p><b>Purpose of Act; policy of Commonwealth</b></p> <ul style="list-style-type: none"> <li>• Satisfy the need for public availability of information respecting state agency regulations.</li> <li>• Encourage, facilitate, and assist agencies in developing regulations that will inform the public of the requirements, policies, and procedures of agencies.</li> </ul>
§ 2.2-4103	<p><b>Guidance document list</b></p> <ul style="list-style-type: none"> <li>• Publish list of agency guidance documents (annually).</li> <li>• Develop format for filing of guidance document list.</li> </ul>
§ 2.2-4104	<p><b>Central repository for currently operative state agency regulations</b></p> <ul style="list-style-type: none"> <li>• Call upon all agencies to submit to the Registrar copies of all existing regulations and subsequent amendments, repeals, additions, or new regulations.</li> <li>• Advise agencies as to the form and style of regulations as well as codification thereof.</li> </ul> <p><b>Issue Code Commission regulations</b></p> <ul style="list-style-type: none"> <li>• Formulate and issue, without reference to or limitation by the Administrative Process Act, general or special regulations respecting (i) the nature and content of VAC and making exceptions thereto, (ii) supplementing or limiting the duties of agencies under the Register Act, and (iii) otherwise carrying out the purposes of the Register Act.</li> </ul>

<b>Administrative Process Act</b>	
§ 2.2-4006	<p><b>Exemption</b></p> <ul style="list-style-type: none"> <li>Registrar determines applicability of exemption to APA in § 2.2-4006 A 4 c regarding regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation.</li> </ul>
§ 2.2-4007.05	<p><b>Regulation submission package</b></p> <ul style="list-style-type: none"> <li>Code Commission staff must review package to verify that the requirements of § 2.2-4007.05 are met prior to publication of the proposed regulation. The package consists of the proposed regulation; a summary of the regulation; a statement of the basis, purpose, substance, and issue; and the agency's response to economic impact analysis.</li> </ul>
§ 2.2-4008	<p><b>Guidance document list</b></p> <ul style="list-style-type: none"> <li>Publish list of agency guidance documents (annually).</li> <li>Develop format for filing of guidance document list.</li> </ul>
§ 2.2-4012	<p><b>Central repository for proposed and final regulations and related information</b></p> <ul style="list-style-type: none"> <li>Registrar must retain (i) proposed regulation; (ii) summary of regulation; (iii) statement of basis, purpose, substance, and issue; and (iv) agency's response to economic impact analysis.</li> <li>Registrar must retain (i) copy of the final regulation; (ii) current summary, (iii) current statement as to the basis, purpose, substance, issues; (iv) Department of Planning and Budget's economic impact estimate; and (iv) the agency's summary description of the nature of the oral and written data, views, or arguments presented during the public proceedings and the agency's comments thereon. These documents are permanent records and are available to the public.</li> </ul> <p><b>Statutory authority</b> - All regulations adopted pursuant to APA must contain a citation to the section of the Code of Virginia that authorizes or requires the regulations and, where the regulations are required to conform to federal law or regulation in order to be valid, a citation to the specific federal law or regulation to which conformity is required.</p>
§ 2.2-4031	<p><b>Virginia Register of Regulations</b></p> <ul style="list-style-type: none"> <li>Publish Virginia Register of Regulations every two weeks, which includes (i) proposed and final regulations; (ii) emergency regulations; (iii) executive orders; (iv) notices of all public hearings on regulations; and (v) petitions for rulemaking made in accordance with § 2.2-4007.</li> <li>Publish forms that the agency anticipates will be incorporated into or be used in administering the regulation with the proposed and final regulation.</li> <li>Publish the Register by posting on the Code Commission's website. May also arrange for printing of the Register.</li> </ul> <p><b>Summary</b> - Registrar approves a summary of the regulation prior to publication.</p> <p><b>Format</b> - Develop standardized format for proposed regulations.</p>