

Code Commission Regulations

The Virginia Register Act authorizes the Code Commission to issue "general or special regulations respecting the nature and content of the Virginia Administrative Code, making exceptions thereto, supplementing or limiting the duties of agencies hereunder, and otherwise carrying out the purposes of" the Register Act. (§ 2.2-4104 (3) of the Code of Virginia). The Code Commission's adoption of regulations is exempt from the Administrative Process Act.

Summary of Changes

1. **Title**: Change title from "Regulations of the Virginia Code Commission for Implementing the Virginia Register Act" to "Regulations for Filing and Publishing Agency Regulations."
2. **File by Description**: Eliminate provision that permits an agency to file a regulation by description in lieu of filing full text.
3. **Forms**:
 - Provide agencies ability to update forms associated with a regulation (e.g., licensure applications) without going through the regulatory process.
 - Allow Registrar to publish a list of forms with hyperlinks to the actual forms in lieu of publishing scanned copies of the forms in the Register.
4. **Incorporation by Reference**:
 - Disallow prospective incorporation of a document.
 - Address when an agency may incorporate by reference one of its own documents.
5. **Omission of certain provisions in VAC**: Section 30-150 of the Code of Virginia allows omission of provisions that the Code Commission deems inappropriate in a code, such as (i) effective date clauses and (ii) severability clauses (provided for in § 2.2-4004 of the Code of Virginia).
 - Add ability of Registrar to omit (i) purpose statements, (ii) applicability statements, and (iii) other nonregulatory provisions.
 - Give discretion to Registrar to include material that would otherwise be omitted - for example, SCC may need inclusion of a severability clause because it is exempt from the Administrative Process Act.
6. **Effective date of certain exempt regulations**: Encourage agencies to file exempt regulations that may become effective when "filed" with the Registrar at least three business days before the effective date.
7. **Withdrawal of final regulation**: Provide a mechanism to notify the public that a regulation published in the Register as a final regulation with a specific effective date will not become effective on the specified date because the agency has withdrawn the regulation.
8. **Rules of construction**: Add general rules of construction section addressing headlines of sections, gender, and use of "includes, but not limited to" -- based on similar provisions in the Code of Virginia.
9. **Computation of time**: Clarify computation of time period based on publication in the Virginia Register.
10. **Official version of Virginia Register**: Clarify that the PDF version of the Virginia Register is the official version. The Code Commission must post the Register on its website and may publish in print.
11. **Other miscellaneous changes**: Update to reflect statutory changes, current terminology, and current practices and technology, such as electronic filing and the inclusion of a web address in a regulation.