

VIRGINIA CODE COMMISSION
Tuesday, April 18, 2006 - 1 p.m.
 General Assembly Building, 6th Floor
 Senate Leadership Conference Room
 Richmond, Virginia 23219

MEMBERS PRESENT: William C. Mims; R. Steven Landes; Robert L. Calhoun; Robert Hurt; S. Bernard Goodwyn; Thomas M. Moncure, Jr.; Frank S. Ferguson; E.M. Miller, Jr.

MEMBERS ABSENT: John S. Edwards, Diane Strickland.

STAFF PRESENT: Patricia Davis, Ken Patterson, Jane Chaffin

OTHERS PRESENT: Leigh Trippe, LexisNexis

CALL TO ORDER AND APPROVAL OF MINUTES

Senator Mims called the meeting to order at 1:00 p.m. A motion was made and seconded to approve the minutes of the December meeting as presented and the motion carried.

ELECTION OF CHAIR AND VICE CHAIR

The next order of business was election of chairman and vice chairman. Delegate Landes was nominated by motion to serve as chairman and the motion was seconded. The Commission voted unanimously to instate Delegate Landes as chairman.

Delegate Landes assumed his role as chairman and asked for nominations for vice chairman. A motion was made and seconded to nominate Senator Edwards as vice chairman. The Commission voted unanimously to instate Senator Edwards as vice chairman.

REVISIT 2006 CODE OF VIRGINIA REPLACEMENT VOLUMES PROPOSAL

Leigh Trippe with LexisNexis proposed that the Commission consider replacing a fourth volume of the Code of Virginia this year since it appears that the Commission will not be reprinting the entire Code in 2007 as previously discussed. At the last meeting, the Commission chose to replace volumes 2B, 3 and 5 and Mrs. Trippe is suggesting the Commission consider adding volume 2, 9 or 9a as a fourth replacement volume. By selecting a fourth replacement volume, the price of the supplement will decrease from \$150 to \$128 (state) and from \$187.50 to \$165 (private), and the price of individual volumes will decrease from \$33 to \$32.50 (state) with no change for private purchasers.

	Price with 3 Replacement Volumes		Price with 4 Replacement Volumes	
	State	Private	State	Private
Cumulative Supplements	\$150.00	\$187.50	\$128.00	\$165.00
Index	\$ 64.00	\$ 69.00	\$ 64.00	\$ 69.00
Replacement Volumes (each)	\$ 33.00	\$ 41.00	\$ 32.50	\$ 41.00
Volume 11	\$ 25.00	\$ 32.00	\$ 25.00	\$ 32.00
Volume 11 Supplement	\$ 7.00	\$ 7.00	\$ 7.00	\$ 7.00
Advanced Code Service		\$ 48.00		\$ 48.00
TOTAL	\$345.00	\$466.50	\$354.00	\$485.00

A motion was made and seconded to replace volume 9 in addition to volumes 2B, 3 and 5, and to approve the pricing proposal. The motion was approved.

2006 LEGISLATIVE UPDATE

Jane Chaffin updated the members on the status of Code Commission-sponsored legislation and other action taken by the 2006 General Assembly affecting the Code Commission. Although the majority of bills recommended by the Code Commission passed, three bills that were part of the

1 2007 Code of Virginia reorganization project did not pass. House Bill 740, which provided savings
2 and transition provisions when the Code of Virginia is renumbered, was passed by indefinitely,
3 effectively terminating the 2007 Code of Virginia reorganization project. House Bill 1200, which
4 replaces population brackets with locality names, was continued to 2007 to give localities more
5 time to review, and Senate Bill 20, also part of the 2007 Code of Virginia reorganization project,
6 failed to pass.

7 Senate Joint Resolution 74, which was sponsored by Senator Chichester and directed the Code
8 Commission to study the use of enactment clauses, failed, but Senator Calhoun suggested
9 including the issue on the Commission's work plan. A number of bills passed with contingency
10 enactments that provide that the legislation will become effective only if funds are appropriated.
11 The Commission discourages the use of these contingency clauses and will include the issue in
12 its work plan. Leigh Trippe offered to gather legislation from other states showing how they
13 handle contingent effective date legislation.

14 **2006 WORK PLAN**

15 A motion was made and seconded to approve the Commission's work plan for 2006 as follows:

- 16 1. Complete the Title 3.1 recodification by the end of 2006.
- 17 2. Finalize a long-range plan for the Code of Virginia reorganization. Last year the
18 Commission approved outlines for the reorganization of 44 titles. The Commission plans
19 to review and approve outlines for the 22 remaining titles. Once all titles are approved,
20 the Commission intends to adopt the outline as its long-range strategic plan for future
21 recodification assignments.
- 22 3. Finalize Tax Preferences study report (SJR 308, 2005), which is due December 1, 2006.
- 23 4. Review the common uses of enactment clauses in legislation, including contingency
24 clauses.
- 25 5. Continue with the obsolete laws project required by § 30-151.
 - 26 a. Review city and town charters and determine if any are obsolete.
 - 27 b. Consider introducing legislation to remove the annual reporting requirement.
- 28 6. Receive and consider feedback from localities regarding the population brackets
29 legislation (House Bill 1200) that was carried over from the 2006 session.
- 30 7. Review the Rules of Evidence drafted by the Boyd-Graves Conference and, pursuant to
31 §§ 8.01-3 and 30-153, consider introducing legislation to codify the rules.

32 The motion was approved.

33 **OTHER BUSINESS AND PUBLIC COMMENT**

34 The Commission agreed to the following meeting schedule for 2006:

35 Wednesday, June 14
36 Wednesday, July 19
37 Wednesday August 23
38 Wednesday, September 20
39 Wednesday, October 18
40 Thursday, November 9 (Scheduled to coincide with the November 8th Administrative Law
41 Conference)

42 No one came forward during the designated public comment period.

43 **ADJOURNMENT**

44 There being no further business, the meeting adjourned at 2:05 p.m.