



Virginia Code Commission

October 21, 2019, at 10:00 a.m.

Pocahontas Building, Speaker's Conference Room

codecommission.dls.virginia.gov/

The Virginia Code Commission (the Commission) met in Richmond with Senator John Edwards, chair, presiding.¹ The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#).

Title 55.1 Technical Corrections Bill

Amigo Wade, Deputy Director; Kristen Walsh, Assistant Section Manager; Britt Olwine, Senior Attorney, Division of Legislative Services (DLS)

Amigo Wade reviewed the Title 55.1 draft technical corrections bill, a typical part of a recodification process. The draft bill corrects typographical errors and makes other technical amendments, such as to remove unintended redundancies, relating to the revision and recodification of Title 55. The changes in the bill fall into 10 different categories, and each category of change was discussed when initially encountered in the bill. The Commission approved all changes in the technical corrections bill except the change on line 254 in § 55.1-1833 regarding placement of the phrase "once perfected."

2020 Code of Virginia Replacement Volumes/Supplements and Pricing of Replacement Volumes/Supplements Proposal

Brian Kennedy, LexisNexis

Brian Kennedy presented the annual report from LexisNexis regarding the proposal for pricing and replacement volumes and supplements for 2020. The proposed volumes for replacement are 3B (Titles 16.1-17.1 Courts), 6A (Title 38.2 Insurance), 7A (Titles 47.1-53.1 Notaries - Prisons), and Constitution. LexisNexis uses the consumer price index to guide its price increase, and from September 2018 to September 2019 the index increase was 9%. The proposed price increase is 5.0% to 5.3% based on four replacement volumes, as follows:

	2020 Prices with Four Replacement Volumes	
	State Government	Private
Supplement	\$242.00	\$322.35
Index	\$106.50	\$112.75
Volumes (each)	\$57.35	\$71.35
Volume 11	\$43.60	\$57.35
Volume 11 supplement	\$14.70	\$14.70
Advance Code Service	N/A	\$86.65
Total	\$636.20	\$879.20

¹ **Members Present:** Senator John S. Edwards, chair; Delegate James A. Leftwich, Jr., vice-chair; Senator Ryan T. McDougle; Nicole S. Cheuk; Thomas M. Moncure, Jr; Chris Nolen; Samuel T. Towell; Malfourd W. Trumbo; Mark Vucci

Members Absent: Rita Davis; Leslie L. Lilley; Charles S. Sharp

In response to questions from the Commission, Mr. Kennedy stated that the price reflects a discount for more supplements and only affects the print versions of the Code of Virginia. The Commission approved replacing Volumes 3B (Titles 16.1-17.1 Courts), 6A (Title 38.2 Insurance), 7A (Titles 47.1-53.1 Notaries - Prisons), and Constitution and the proposed pricing for 2020. Chris Nolen abstained from the vote because his firm represents the parent company of LexisNexis, although he does not do any work for the parent company.

Restructuring of § 54.1-3408 of the Code of Virginia and Related Sections

Sarah Stanton, Section Manager, DLS

Sarah Stanton briefly reviewed the staff proposal for reorganizing § 54.1-3408 of the Drug Control Act of the Code of Virginia, which lists the individuals who may administer controlled substances other than prescribers, that was presented at the Commission's June meeting. Since that time, Ms. Stanton met with various stakeholders and prepared a draft bill. The proposal generally received positive feedback; however, given the scope of the bill and federal requirements overlay, staff requested that the Commission defer consideration of this item until next year. Staff will address the changes with each health care professional board, regulatory and advisory, in the Department of Health Professions. The Commission approved deferring this item until 2020.

Recodification of Title 45.1, Mines and Mining

Scott Meacham, Senior Attorney, and David Barry, Attorney, DLS

The DLS recodification team, Scott Meacham and David Barry, presented this item. Mr. Meacham reviewed items raised at the September meeting:

- Chapter 5: The recommendation is to eliminate the 15-day grace period, which is also done in mineral mining. As this change is substantive, the change will be highlighted in the executive summary in the recodification report. Mr. Meacham stated that stakeholders are already operating as if the grace period does not exist.
- Chapter 6: The phrase "at least" is replaced with "more than."
- Chapter 9: The question was whether to use "daily" or "every day," and the determination was to use "each day."

Mr. Meacham presented staff's recommended amendments to Chapter 14.3 of Title 55, which will become Chapter 7 of Title 55.1. The Commission requested that staff clarify the following items and consult with the recodification work group as appropriate:

- Article 4, lines 260-261 - Deletion of the grandfather clause; is this change substantive? Michael Skiffington of the Department of Mines, Minerals and Energy stated that roof control plans must be approved by the Chief of Mines, and each change to the plan must be reapproved by the Chief.
- Article 6, line 634 - Removal of date "July 1, 1999" regarding mine openings; verify that this provision is no longer necessary.
- Article 7, line 141 - Use of "miner" instead of "person." Mr. Meacham is confident this was vetted with the work group, but he will confirm.



- Article 7, line 186 - Addition of "piece"; is there a better way to express a unit of equipment? Mr. Meacham stated that under the rules of construction, "piece" includes several pieces as well. The Commission discussed whether "piece" excludes other types of equipment because "piece" may be construed to be a part of listed types of hoisting equipment. Mr. Meacham explained that "piece of equipment" means a unit of equipment, not a part of a complicated mechanism.
- Article 8, lines 465 and 471 - Overhead clearance and where limits of speed begin; is the new language using "more than 18 inches" on line 471 consistent with the reference to 18 inches on line 465?

Other Business

Karen Perrine reviewed the list and content of bills being requested by the Commission for the 2020 Session of the General Assembly and the need for a patron for each bill. The Commission took the matter under advisement and will select patrons at its December meeting.

Next Meeting

The next meeting is December 16, 2019, at 10:00 a.m.

For more information, see the [*Commission's website*](#) or contact the Division of Legislative Services staff:

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