

VIRGINIA CODE COMMISSION

Monday, December 7, 2020 - 10:00 a.m.

Electronic Meeting

Approved May 17, 2021

Meeting Minutes

Members Present: John S. Edwards; Marcus B. Simon; Ward L. Armstrong; Nicole S. Cheuk; Rita Davis; Leslie L. Lilley; Don L. Scott, Jr.; Samuel T. Towell

Members Absent: Jennifer L. McClellan; Christopher R. Nolen; Charles S. Sharp; Malfourd W. Trumbo

Staff Present: Amigo Wade, Scott Meacham, Anne Bloomsburg, Nikki Clemons, Karen Perrine, Stephanie Kerns, Division of Legislative Services (DLS); Maryann Horch, Senate Technology

Others Present: Michael Skiffington, Director of Policy and Planning, Department of Mines, Minerals and Energy

Call to order: Senator Edwards, chair, called the meeting to order at 10:05 a.m. Pursuant to Item 4-0.01 of Chapter 56 of the 2020 Acts of Assembly, Special Session I, and due to the COVID-19 pandemic state of emergency, the meeting was held electronically via Zoom. Senator Edwards explained the procedures for voting for the meeting.

Approval of minutes: The minutes of the November 16, 2020, meeting of the Commission, as distributed to the members, were approved without objection.

Recodification of Title 45.1, Mines and Mining: Mr. Meacham, from the Division of Legislative Services (DLS) recodification team, presented the draft bill for introduction into the 2021 Session of the General Assembly. He stated that the changes enact new Title 45.2, Mines, Minerals, and Energy; move sections from Title 67, Virginia Energy Plan, into proposed Title 45.2 or other Code of Virginia titles; and repeal Title 45.1 as well as the sections from Title 67 that were not moved into other Code titles. The sections from Title 67 that were moved into other Code of Virginia titles are included in the bill. Mr. Meacham reviewed the structure and subtitles of Title 45.2 and noted the inclusion of the necessary enactment clauses, including the clause establishing the effective date as October 1, 2021. Delegate Scott moved to present the bill to the General Assembly in the 2021 Session as a recommendation of the Commission. The motion was seconded and passed unanimously.

Other business:

- Select patron for recodification of Title 45.1 bill. Senator Edwards will carry the recodification bill with Senator McClellan. Delegate Simon and Delegate Scott will handle the bill before the House of Delegates.

- Select patron for repeal of a not set out section, § 5.1-178 of the Code of Virginia. Senator Edwards will carry this bill with Senator McClellan. Delegate Simon and Delegate Scott will handle the bill before the House of Delegates.

- Renumbering of a Code of Virginia section. Ms. Perrine stated that a section 1 bill codified in 2019 was not placed in the optimal place in the Code of Virginia. The bill required the State Board of Behavioral Health and Developmental Services to amend regulations regarding licensed providers. The section should have been placed in Title 37.2, the title for Behavioral Health and Developmental Services. Instead, the section was placed in Chapter 10 of Title 32.1, Health, which is the chapter

regarding the Department of Medical Assistance Services. Staff recommends that the Code section be renumbered as § 37.2-203.1. The Department of Behavioral Health and Developmental Services fully supports the change, and the Department of Medical Assistance Services has no objections. Delegate Simon moved to renumber the section under the Commission's statutory authority as presented by Ms. Perrine. The motion was seconded and passed unanimously.

- Statistics regarding viewership of Commission meetings. Ms. Perrine stated that in a previous meeting, Mr. Armstrong asked how many viewers there were for Commission meetings. Senate Information Systems provided an estimate of 30 to 50 viewers on average. Ms. Perrine thanked Maryann Horsch, Glenn Robertson, Kyle Blankenship and the rest of the Senate Information Services staff for their support, assistance, and guidance in the sudden change to electronic meetings. Senator Edwards expressed appreciation for their expertise and professionalism.

- Mr. Wade thanked Mr. Meacham and David Barry for their hard work and efforts on the recodification of Title 45.1, especially pivoting to all electronic work group and Commission meetings. Senator Edwards expressed appreciation for their hard work, expertise, and dedication.

- Delegate Simon inquired as to the next title for recodification. Ms. Perrine explained that the Commission had approved Title 32.1, Health; however, given the circumstances of 2020, it may not be possible to begin the recodification as planned. Instead, the proposal may be to restart the obsolete title review project. In that project, DLS staff reviews various titles of the Code for obsolete sections or language to update and presents findings to the Commission for its approval and recommendation to the General Assembly for appropriate updates through legislation. Review of the titles for obsolete language is a statutory obligation of the Commission. Mr. Wade stated that staff will present a recommendation to the Commission next year regarding recodification and obsolete law review.

- Senator Edwards thanked the Commission members for their participation and staff for their hard work and expertise.

Public comment; adjournment: Senator Edwards opened the floor for public comment. As there was no public comment and no further business to discuss, the meeting was adjourned at 10:20 a.m.

Next meeting: Next year's meeting schedule will be established in early 2021.