

VIRGINIA CODE COMMISSION

Wednesday, October 22, 2025 - 10:00 a.m.

House Committee Room B - General Assembly Building

DRAFT

Meeting Minutes

Members Present: Marcus B. Simon, Katrina E. Callsen, Nicole S. Cheuk, Richard E. Gardiner, Michael P. Mullin, Christopher Nolen, Ryan T. McDougale, Charles S. Sharp, Malfourd W. Trumbo, Amigo R. Wade

Members Present (Virtually): Russet W. Perry

Members Absent: Steven Popp

Staff Present: Holly Trice, Erin Comerford, Meg Lamb, Keelin Cronin, Joanne Frye, Casey Nelson, Division of Legislative Services

Others Present: Justice Stephen McCullough, Supreme Court of Virginia; Brian Kennedy, Lexis

Call to Order: Delegate Simon, chair, called the meeting to order at 10:02 a.m. Ms. Holly Trice, Registrar of Regulations, reminded the public of how to send a public comment via email and called role.

A quorum of the commission was present.

Review and approval of May 19, 2025 minutes: Chair Simon explained that there had been feedback on the minutes, which had been updated. A motion was made to approve the minutes, properly seconded, and passed unanimously.

Report on Access to Justice Commission Terms: Chair Simon introduced the report from the Access to Justice Commission, which included all places in the Code of Virginia where certain legal terms were found. Ms. Trice introduced Justice Stephen McCullough of the Supreme Court of Virginia, who explained the origins of the Access to Justice Commission (AJC) and AJC's wish to replace, on forms used in general district court, terms that may be confusing to pro se litigants with their plain language substitutes.

Justice McCullough acknowledged that replacing the terms overnight may be disruptive, and expressed AJC's willingness to work with the Code Commission on a seamless transition. He delineated several options for approaching this work, including adding the plain language terms next to the original term, or using a delayed effective date. He reiterated the goal of equal access under the law.

Chair Simon expressed an inclination toward adding the plain language terms side by side in the Code and asked about the mechanics of this work. Justice McCullough suggested the use of commas or parentheses. Chair Simon asked whether the forms would eventually use only plain language terms. Justice McCullough explained that this is the eventual goal, and that the updates to the forms go beyond the terms themselves.

Chair Simon pointed out that another option would be not to wait, and Justice McCullough emphasized the desire to build consensus.

Senator Ryan McDougale pointed out that some of the terms included in the report would likely not be used by pro se litigants and expressed that there was not as much value in replacing these terms,

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such as *capias*. Justice McCullough agreed and explained that the Access to Justice Commission preferred to trim the list than add terms later in the process. He passed out a list of replacement terms that he had developed.

Chair Simon proposed the creation of a subcommittee to decide which terms should be included, which replacement terms to use, and which approach to take to amending the Code of Virginia. He explained that the recommendation would likely be approved for the 2027 session, rather than 2026.

Senator McDougle requested that Justice McCullough send a survey to district court judges. Justice McCullough agreed and added that the clerks should also be surveyed.

Director Amigo Wade reminded the commission that there is a general construction section in Chapter 2.1 of the Code of Virginia, which presented another option for adding plain language substitutes in a single place, rather than throughout the Code.

Justice McCullough thanked the commission, and Chair Simon called Mr. Brian Kennedy of Lexis to present.

2026 Code of Virginia Pricing – Brian Kennedy, LexisNexis:

Mr. Brian Kennedy presented LexisNexis' analysis of the Code of Virginia and recommended that Volumes 1, 4, and 5 be replaced this year. Volumes 1 and 4 would each be replaced in two parts. Mr. Kennedy then requested a 5% price increase based on a 12% increase in the cost of production.

Chair Simon asked Mr. Kennedy to clarify how Volume 1 would be split since the volume already has a 1a and 1b. Mr. Kennedy explained that there would be a Part 1 and Part 2, then 1a.

A motion to approve the 5% increase in payment was made and seconded. Mr. Christopher Nolan abstained. The motion was approved by roll call vote.

Motion to Approve 5% increase to LexisNexis	Yea	Nay	Abstain	Absent
Katrina Callsen	1			
Nicole Cheuk	1			
Richard Gardiner	1			
Ryan McDougle	1			
Michael Mullin	1			
Christopher R. Nolen			1	
Russet Perry	1			
Steven Pops				1
Charles S. Sharp	1			
Marcus Simon	1			
Malfourd W. Trumbo	1			

Amigo R. Wade	1			
Total	10		1	1

Chair Simon invited Ms. Meg Lamb to present on the recodification of Title 30.

Recodification of Title 30 – Meg Lamb, Joanne Frye, Casey Nelson, Keelin Cronin, DLS:

Ms. Lamb began by giving context on Title 30, which deals with the General Assembly and currently has 56 active chapters. With assistance from JLARC, DLAS, clerks, and others in the legislative offices, the group proposed a three-part recodification. Subtitle I would focus on the General Assembly and include the Conflicts of Interest Act; Subtitle II focuses on the legislative branch as a whole, including clerks, DLAS, DLS, JLARC, Capitol Police, and auditors; and Subtitle III focuses on the legislative entities and commissions.

Ms. Joanne Frye walked the commission through Subtitle I of the recodification, which only included technical edits. She then turned to Subtitle II, Chapters 3 through 10. Changes to current text included combining the duties of the clerks and operation of the General Assembly in a general section. One substantive change included requiring the Keeper of the Rolls to notify DLS at the end of session of any unmistakable errors that were fixed.

Chair Simon asked Ms. Frye to clarify the difference between the Code Commission and the Keeper of the Rolls in relation to fixing unmistakable errors. Ms. Frye clarified that they have the same authority and the same legal standard.

Next, Ms. Casey Nelson presented and reviewed the remainder of Subtitle II, which included substantive changes to the Auditor of Public Accounts section to reflect modern accounting practices. The new language would include annual audits rather than biannual and using online databases instead of paper. Ms. Nelson reviewed changes to provisions regarding DLAS and DLS to reflect how the agencies currently operate in practice. Regarding JLARC, the changes included budget language proposed for codification relating to the oversight of VITA and development incentives.

Chair Simon asked if there were any questions, and there were none.

Ms. Keelin Cronin presented on Subtitle III, which encompasses legislative entities. She discussed the categorization of these entities and explained that the source of the language throughout Subtitle III included current Code of Virginia language, budget language, and suggested language from the Joint Rules Committee.

Ms. Cronin walked the commission through the general Chapter 11 that applies to all entities unless otherwise specified. Chair Simon clarified that the term "citizens of the Commonwealth" means "residents of the Commonwealth." Senator McDougle noted a deadline change from June 30 to "first day of session" regarding reports of findings. He was concerned that this did not give the General Assembly time to act on these findings. Ms. Lamb clarified that December 1 would be an acceptable alternative, as well.

After some discussion, a motion was made and properly seconded to change this deadline to December 1. The motion passed.

Ms. Cronin pointed out more budget language regarding appointments that the group recommended codifying. Mr. Nolen asked about a deletion of policy language on pages 126-130 of the prepared

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document. Ms. Cronin explained that the statement did not have any legal holding, and that the Code Commission generally removes language that does not have any permanent legal application.

Mr. Nolen encouraged the group to read through the language.

Chair Simon took a motion to unstrike the language. The motion was properly seconded and passed.

Senator McDougle raised concerns about codifying budget language that states that noncitizen members serve at the pleasure of the appointing authority. After some discussion, Chair Simon heard concerns but no consensus and directed Ms. Cronin to continue.

Ms. Cronin turned to the codification of language regarding funding for agencies and a pathway to eliminate entities that do not receive funding. Senator McDougle clarified that this would mean that an entity did not need to receive initial funding to be created. Director Wade explained that this has happened more frequently in the past 5-7 years and that this tact would be a way to clean up unfunded entities. Senator McDougle objected to the idea that an entity may slip through and get a mulligan in the next year. His concern was over spending money that had not been appropriated. After some discussion, Chair Simon heard a motion to change the language to say that an entity may exist unfunded for the first year, but would expire if it remained unfunded in the second year.

Judge Trumbo clarified that by adopting the language, the group was alleviating conflict with internal clerks offices. This was confirmed, and Judge Trumbo seconded the motion.

The motion passed by roll call vote.

Motion to amend Title 30, Subtitle III language regarding entities existing unfunded for first year	Yea	Nay	Abstain	Absent
Katrina Callsen		1		
Nicole Cheuk	1			
Richard Gardiner	1			
Ryan McDougle	1			
Michael Mullin		1		
Christopher R. Nolen	1			
Russet Perry	1			
Steven Popp				1
Charles S. Sharp	1			
Marcus Simon		1		
Malfourd W. Trumbo	1			
Amigo R. Wade	1			

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Ms. Cronin continued to explain the organization of chapters specific to legislative entities. First, Chapter 12 covered standing legislative entities, and was arranged chronologically rather than alphabetically to allow for additions. Chapter 13 contained special advisory legislative entities, including the Small Business Commission. Senator McDougle and Chair Simon asked Ms. Cronin to clarify that neither the membership nor the specific requirements for nonlegislative citizen members had been changed. Ms. Cronin confirmed this and continued.

Chapter 14 covered oversight legislative entities, including the Commission on Unemployment Compensation. Ms. Cronin reviewed similar technical changes to the previous chapters. She then reviewed Chapter 15 on commemorative, education, and memorial entities and Chapter 16 on legislative study entities. Chair Simon requested a minor change in naming convention for consistency, which was accepted by the group. Chair Simon asked if this recodification would appear as a single bill and Ms. Lamb clarified that it would be one bill and appear as all new language.

Chair Simon asked for a motion to adopt the recodification as amended in the meeting. The motion was made and seconded. The motion passed unanimously.

Status update, House Bill 2660 Work Group:

Ms. Trice reminded the group of the scope of the workgroup, looking at Title 15.2 for organization and to clarify processes. She reported that the group met September 25, 2025, but did not reach consensus on certain areas. A subworkgroup met with the Virginia Department of Transportation and a draft was presented October 16, 2025. Another meeting was scheduled for October 30, 2025.

Chair Simon recommended a virtual Code Commission meeting for November 17, 2025, to take up the work that the workgroup has come up with.

Other Business:

No other business was brought to the commission.

Public comment: Chair Simon asked if there were any members of the public who wished to offer comment. No one present at the meeting wished to comment, and no one had commented virtually via the email address provided for comment.

Adjourn: A motion was made for adjournment, seconded, and passed unanimously.

Chair Simon adjourned the meeting at 11:28 a.m.