

VIRGINIA CODE COMMISSION

Monday, May 6, 2024 - 10:00 a.m.

Senate Committee Room A, Room 305 - General Assembly Building

**Approved
August 28, 2024**

Meeting Minutes

Members Present: Katrina E Callsen, Nicole Cheuk, Richard Gardiner, Ryan McDougale, Marcus Simon, Malfourd W. Trumbo, Amigo R. Wade

Members Absent: Ward L. Armstrong, Christopher R. Nolan, Russet Perry, Steven Popp, Charles S. Sharp

Staff Present: Holly Trice, Anne Bloomsburg, Meg Lamb, Division of Legislative Services; Maryanne Horch, Glenn Robertson, Senate Technology

Others Present (Virtually): Steve Praska, Thomson-Reuters West

Call to order: Ms. Holly Trice, Registrar of Regulations, called the meeting to order at 10:13 a.m. At 10:18 a quorum of the commission was present in person.

Workplan for 2024: A quorum of the commission was not present in person, therefore the Commission moved ahead with Agenda Item 5. Ms. Trice presented the 2024 Work Plan.

The work plan includes the following:

Recodification - The Code Commission intends to complete one entire recodification and begin a second in 2024. The first will be the recodification of Title 30 (General Assembly). Given the unique nature of Title 30, the Commission should be able to complete the recodification of this title by late October, early November. Then the Commission will return to its recodification of Titles 32.1 and 35.1, which the Commission previously approved with an initial start date of 2020. The recodification will resume in the second half of the 2024 interim.

Code of Virginia; pricing and replacement volumes - Lexis will present for the Commission's approval a recommendation regarding which volumes of the Code of Virginia should be replaced in 2024 and the cost of volumes/supplements.

Administrative Law Advisory Committee - ALAC was established to assist the Code Commission with oversight authority over the operation and effectiveness of the regulation promulgation process pursuant to the Virginia Administrative Process Act and Virginia Register Act. The Commission appoints the members of ALAC and makes reappointments as necessary.

Rules of evidence - Staff monitors updates to Virginia Supreme Court Rules of Evidence for modification of Code of Virginia catchlines when necessary to include in the catchline of a Code section from which a rule in the Rules of Evidence has been derived a notation specifying that rule (per enactment clause 6 of c. 688 (2012 Acts)).

Election of Chair of Commission:

DLS Director, Amigo Wade, joined the meeting, providing a quorum in person. The Commission moved forward with Agenda Item 1.

Delegate Marcus Simon was nominated for Chair of the Commission. A motion was made; it was properly seconded, and a voice call vote was conducted. The motion carried unanimously.

Election of Vice Chair:

Senator Russet Perry was nominated as Vice Chair of the Commission. A motion was made, properly seconded, and a voice call vote was conducted. The motion carried unanimously.

Proposed Recodification Schedule for Title 30:

The Commission took up Agenda Item 6. Ms. Meg Lamb, DLS, presented the agency plan for recodifying Title 30 of the Code of Virginia. Ms. Lamb provided the following overview:

Title 30 now consists of 75 chapters, 11 of which are repealed in their entirety and 12 of which are expired. 32 sections are repealed and two sections are reserved. One chapter includes several articles, one of which contains 24 sections and the others containing 4 or fewer. No other chapters are divided into articles. 28 chapters consist of five or fewer sections, with two of those chapters having only one section. The Commission was provided a proposed list of chapters, a list of repealed and expired chapters and sections and a list of reserved sections. Finally, a summary of proposed chapter contents was provided. Chair Simon asked what the recodified title will be numbered. Ms. Lamb responded it will be Title 30.1.

At this point, Senator Ryan McDougle joined the meeting.

Review and Approval of December 4, 2023, Meeting Minutes: Chair Simon asked if the members had any questions on the December 4, 2023, meeting minutes. There was no discussion. A motion was made; it was properly seconded, and a voice call vote was conducted. The motion carried unanimously.

Amendments and Renewal of Virginia Administrative Code Contract:

Mr. Steve Praska, Managing Editor of Thomson Reuters (TR), presented amendments to the Virginia Administrative Code Contract as follows:

1. Section III, Pricing Agreement, delete Subsection F and replace it with, "Beginning May 1, 2024, and on May 1st each year following for the remainder of the term of the Contract, the annual price of printed sets and volumes may be increased by West by an amount no greater than the change in the Producer Price Index for Book Publishing - Industry Code 513130 (PPI) for the previous year or 9%, whichever is less. For an increase greater than 9%, West must obtain approval of the Commission."
2. In Section V, Specifications, delete Subsection B entitled "CD-ROM Version" in its entirety. As well as removing all other references and language in the contract relating to the CD-ROM requirements.
3. In Section VII, Editorial Enhancements, delete Subsection A 6 in its entirety, as well as language referring to such cross-references throughout the Contract.
4. In Section IX, Replacement Volumes, amend Subsection A to read, "The Publisher and the Commission shall agree on the appropriate number of replacement volumes to be published each year covering the specific volumes agreed upon by the Commission, but which shall not exceed four replacement volumes per year."
5. In Section XIII, Special Terms and Conditions, remove Subsection A 2 relating to Bar Meetings.

Judge Malfourd Trumbo asked Mr. Praska why TR doesn't want to supply a representative for a State Bar meeting. Mr. Praska emphasized that TR always has representatives available, but would

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prefer to not have physical attendance at Bar Association meeting as a hard requirement. From a business perspective, in case future meetings were less attended or TR received no questions, physically sending a representative could be expensive. Judge Trumbo asked the Commission consider Amendments 1 through 4, and further discuss Amendment 5. A motion was made to accept Amendments 1 through 4; it was properly seconded, and a voice call vote was conducted. The motion carried unanimously.

The discussion about Amendment 5 to the contract continued. Judge Gardiner asked Mr. Praska how many questions the TR representative typically got at the Bar Association meeting. Mr. Praska answered very few questions and that the representative typically had minimal contact with attendees at the meeting. Chair Simon asked Ms. Trice how onerous changing the amendments to the contract would be. Ms. Trice answered that she could present the requested change to TR, and Ms. Trice added a clarification that this is the contract to publish the administrative code (not the Code of Virginia). At this point Judge Trumbo withdrew his concern. A motion was made to accept Amendment 5 to the contract; it was properly seconded, and a voice call vote was conducted. The motion carried unanimously.

Report on Outcome of 2024 Code Commission Bill:

Mr. Amigo Wade, Director of DLS, presented the results of Code Commission legislation from the 2024 General Assembly Session. Chapters 225 (House Bill 1488) and Chapter 242 (Senate Bill 413) of the 2024 Acts of Assembly put in place standardization of public notice requirements for certain meetings, hearings, or intended actions for local governments. This legislation was product of the Public Notice Requirement Work Group, convened pursuant to Chapters 129 and 130 of the 2022 Acts of Assembly. Director Wade gave an overview of the adoption process for Chapters 225 and 242 and said that the work group is still available to answer questions and adjust language as necessary for the Commission.

Other Business: Chair Simon requested each member to introduce himself or herself. Each did.

Public comment: No public comment.

Adjourn: Chair Simon adjourned the meeting at 10:42 a.m. A motion was made to adjourn the meeting; it was properly seconded, and a voice call vote was conducted. The motion carried unanimously.