

VIRGINIA REGISTER NEWS

NEWS YOU CAN USE

VOLUME 1, ISSUE 4 JANUARY 2009

IMPORTANT DATES

Virginia Register Deadlines and Publication Dates:

- Documents filed by noon on **January 14** will be published **February 2**
- Documents filed by noon on **January 28** will be published **February 16**

2009 Session of the Virginia General Assembly:

- Convenes **January 14, 2009**

2009 marks the 25th anniversary of the *Virginia Register of Regulations*.

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MY REGULATION IS PUBLISHED! NOW WHAT?

After publication of a submission to the Register, be sure to review the published copy against the agency copy to ensure accuracy. If any errors are found, notify the Registrar's office in writing (email varegs@dls.virginia.gov) with the following information as soon as possible (if your submission doesn't appear in the Register as expected, call the Registrar's office immediately):



1. Name of the agency;
2. Volume, issue, and date of the Virginia Register and the page numbers where the error appears (e.g., 25:2 VA.R. 119-121 September 29, 2008);
3. The section of the Virginia Register where the error occurred (e.g., NOIRAs, Regulations, General Notices);
4. If the error is in a regulation, the type of regulation (i.e., proposed, final, fast-track, or emergency) and the VAC number and chapter title; and
5. The nature of the error, including page numbers.

REGULATION DRAFTING TIPS

Gender-Neutral Drafting

Avoid using pronouns that indicate gender. When possible, use the noun that the pronoun would replace, such as person, applicant, licensee, etc.

DO NOT SAY:	SAY:
A person shall receive an exemption if <u>he</u> submits the application.	A person shall receive an exemption if <u>the person</u> submits the application.

If pronoun gender must be indicated, use "his" instead of "her" or "his/her" and "he" instead of "she," "he/she" or "(s)he." The use of the masculine gender is addressed in § [1-216](#) of the Code of Virginia. Never use "they" or "their" with a singular subject.



The Virginia Register of Regulations is published biweekly under the authority of the Virginia Code Commission.

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For comments and questions,
please contact Terri Edwards at
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BASIS, PURPOSE, SUBSTANCE, ISSUES STATEMENTS

A basis, purpose, substance and issues statement is required by the Administrative Process Act (§ [2.2-4007.05](#) of the Code of Virginia) to be filed as part of proposed and fast-track regulatory submissions for publication in the *Virginia Register of Regulations*. This month's article provides a brief description of each component that makes up this statement.

Basis: Include a listing of the state and federal laws that authorize the regulation or listing of the laws that the regulation implements. Along with the citations, briefly describe the content of those laws.

(Example: Section 45.1-161.3 of the Code of Virginia authorizes the Department of Mines, Minerals and Energy to promulgate regulations necessary to carry out its duties under Title 45.1 of the Code of Virginia. Sections 45.1-161.294 and 45.1-161.305 require the director of the department to promulgate regulations to ensure safe working conditions and practices at underground and surface mineral mines, respectively.)

Purpose: Explain why you are submitting the regulatory action. Include a statement justifying the amendments from the standpoint of the public's health, safety or welfare.

(Example: Chapter 683 of the 2006 Acts of Assembly mandates that the board implement a continuing education program for the renewal and reinstatement of architect, professional engineer, and land surveyor licenses. This regulatory action is intended to fulfill the requirements as established by Chapter 683. Such a program should lead to better educated practitioners, which should, thereby, increase the protection of the health, safety and welfare of the public.)

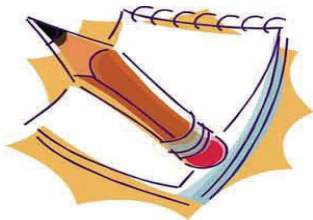
Substance: Identify and explain the key provisions of the regulation that make changes to the current status of the law.

(Example: The proposed amendments expand the present acceptance of credit or debit cards at government stores to include purchases by mixed beverage restaurant licensees.

Issues: Include the primary advantages and disadvantages of implementing the new regulatory provisions for the public and the Commonwealth. Include BOTH advantages and disadvantages for BOTH the public and the Commonwealth. If there are no disadvantages for the public or the Commonwealth, include a sentence stating this information.

(Example: The public will benefit as these amendments will result in the discharge of reduced amounts of nitrogen and phosphorus in the Chesapeake Bay watershed. This, in turn, will aid water quality restoration in the Bay and its tributary rivers, and assist in meeting the water quality standards necessary for protection of the living resources that inhabit the Bay. There are no known disadvantages to the agency or the Commonwealth that will result from the adoption of these amendments.)

STYLE TIPS



Capitalization

- Lowercase words such as “board,” “department,” “director,” “commission,” etc., unless the word is used as a proper noun (e.g., “Board of Education” or “Department of Health”).

Writing Numbers

- Use Arabic numerals for numbers greater than nine (e.g., 10, 11, 23, and 400). Numbers from one to nine are spelled out, except for proper names such as “Chapter 1,” not “Chapter One.” Zero is written “0.”