

VIRGINIA REGISTER NEWS

NEWS YOU CAN USE

VOLUME 1, ISSUE 12 SEPTEMBER 2009

REGISTRAR'S CORNER



The *Virginia Register of Regulations* observes its 25th anniversary this September. The *Virginia Register of Regulations* has provided the public with a biweekly snapshot of regulatory activity in Virginia for the past 25 years. I'd like to take this occasion to thank all of the dedicated state agency staff involved in the rulemaking process who have worked with us over the years to provide the public with the most current regulatory information.

This month's newsletter takes a look back with highlights of the history of the regulatory process since the *Virginia Register of Regulations* began and notes from an interview with Joan Smith, the Registrar of Regulations who worked to create the current *Virginia Register of Regulations*.

We look forward to continuing to work with all of you on behalf of the citizens of Virginia for another 25 years.

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JOB POSTING-OFFICE OF REGISTRAR OF REGULATIONS

Regulations Analyst

The Virginia Code Commission is seeking a professional to analyze and edit state regulations filed with the Registrar of Regulations for official publication in the Virginia Register of Regulations and compilation in the Virginia Administrative Code. Duties include training state agency regulation writers on the regulation drafting and filing system, writing and explaining regulatory policies and procedures, and assisting with maintaining the Virginia Administrative Code. Solid research and technical writing skills; analytical ability; editorial judgment; and computer proficiency, including Microsoft Word, required. Desirable qualifications include knowledge of Virginia's regulatory processes and state government organization. Undergraduate degree required; graduate degree preferred.

Salary range: \$38,000 - \$47,500.

Submit a letter of application and a resume to Jane Chaffin, Registrar of Regulations, Division of Legislative Services, 910 Capitol St., 2nd Fl., Richmond, VA 23219, no later than **Friday, September 18, 2009**.



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Virginia Register of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219, (804) 786-3591.

For comments and questions contact Terri Edwards at tedwards@dls.virginia.gov.

VIRGINIA REGISTER PUBLICATION SCHEDULE

Documents Filed by Noon on	Will be Published on
September 9	September 28
September 23	October 12

A LOOK BACK

Six people have served as Registrar of Regulations in Virginia: (i) Philip LaMar (1973-1976), (ii) Edward Tosh (1976-1979), (iii) John Broadway (1979-1982), (iv) Joan Smith (1982-1995), (v) E.M. Miller (1995-1998 acting), and (vi) Jane Chaffin (1998-present).

Virginia Register staff recently had the opportunity to visit with Joan Smith, the fourth Registrar of Regulations and the woman who worked with the Virginia Code Commission to create the *Virginia Register of Regulations* and the Virginia Administrative Code.

Joan came to work for the Division of Statutory Research and Drafting (now the Division of Legislative Services) and wore many different hats within the small Division. She worked as office manager, helped with redistricting, set up the legislative reference center, and worked with the Virginia Code Commission.

Part of her duties involved maintaining a file of the regulations that agencies filed with the Division of Statutory Research and Drafting. In the early 1970s, the Code Commission considered the publication of a Code of Administrative Laws to provide better notice to the public, but decided that the cost of an administrative code at that time would be prohibitive. Joan then worked with the Code Commission to establish a pamphlet known as the *Register of Regulations of the Agencies of the Commonwealth* (1975-1984), which was published yearly as a part of the Code of Virginia and contained a description of the agency and the titles of the regulations.

In the 1980s, the General Assembly enacted major regulatory reform based on recommendations of the Governor's Regulatory Reform Advisory Board, which included a determination that the text of the regulations should be published in a single publication - the *Virginia Register of Regulations*. This was truly a monumental task as each agency had its own numbering system for regulations. Joan's work with the Code of Virginia had given her some knowledge of numbering systems. She worked to create a new numbering system and helped the agencies move their regulations through the Administrative Process Act.

Liaisons from each state agency, the modern-day agency regulatory coordinators, were appointed to represent their agency with the Registrar's office. A Virginia Register Advisory Committee composed of designated state agency liaisons was formed to assist Joan with developing the Register format and procedures for filing and publication. The first *Virginia Register of Regulations* was published on October 15, 1984.

Approximately 10 years after the *Virginia Register of Regulations* was established, the Code Commission determined that a compilation of the regulations into the Virginia Administrative Code should be accomplished. Joan's experience with putting together the *Virginia Register of Regulations* was put to use in overseeing another huge task.

Twenty-five years later, the hard work of Joan, her staff, the agency staff involved, and the Virginia Code Commission continues to provide the citizens of Virginia with up-to-date regulatory information.

Then

- No underscoring or italics to note changes to text of regulations.
- Agencies submitted 40 copies of each regulation for distribution to members of applicable legislative standing committees.
- Virginia Register of Regulations staff had no database of the text of administrative regulations.
- The online version of the Virginia Administrative Code was updated quarterly.

Now

- Use of underscoring and brackets to indicate changes in text of regulations.
- Agencies submit 2 copies of their regulations to the Registrar's office.
- Virginia Register of Regulations staff and agency staff use the Regulation Information System to ensure the text of administrative regulations is up-to-date and accurate.
- The online Virginia Administrative Code is updated daily.



L. to r., Jane Chaffin, Joan Smith, E.M. Miller

Virginia Register History Highlights

1970s

- 1973 - The Virginia Register Act called for the establishment of a Register of Regulations.
- 1975 - The Administrative Process Act (APA) established the process an agency must follow during the development, promulgation, and application of the regulatory authority granted to it by the legislature.

1980s

- Major regulatory reform took place in the 1980s, resulting in the creation of the current *Virginia Register of Regulations*.
- Changes to the APA included the adoption of public participation guidelines by state agencies; requirements for periodic reviews of regulations; and the revision of the system of executive and legislative oversight of the regulatory process.

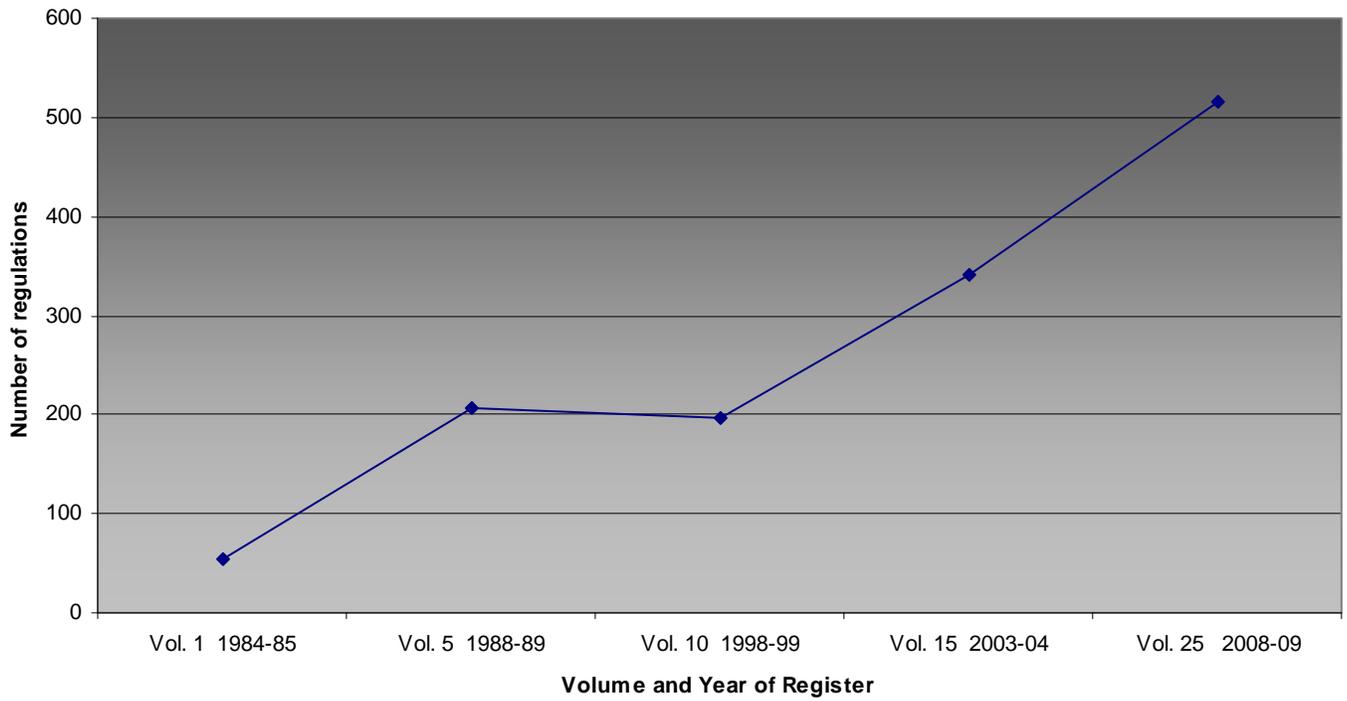
1990s

- 1993 - The General Assembly authorized the codification and publication of a "Code of Administrative Regulations" for Virginia, now known as the Virginia Administrative Code. In the same year, the Joint Legislative Audit and Review Commission suggested limiting the use of emergency regulations and providing for greater public input into the development of agencies' public participation guidelines.
- 1994 - The Department of Planning and Budget began conducting economic impact analyses of any proposed regulation promulgated under the APA, with the analysis to be published in the *Virginia Register of Regulations*.
- 1996 - The first print edition of the Virginia Administrative Code was published. The Virginia Administrative Code was also published online for the first time.
- 1997 - The General Assembly mandated the annual publication of agency guidance document lists in the *Virginia Register of Regulations*.
- 1998 - The *Virginia Register of Regulations* went online.

2000-present

- 2002 - The General Assembly established the Joint Commission on Administrative Rules, a legislative commission, to review existing agency regulations and proposed regulations going through the Administrative Process Act.
- 2003 - A fast-track rulemaking process exempting agency regulation deemed by the Governor to be noncontroversial was established.
- 2007 - The Regulation Information System (RIS) rolled out for use by *Virginia Register* staff and agency regulatory personnel. The development of RIS enables the citizens of Virginia to view a daily updated Virginia Administrative Code online.

Over the Years: Number of Regulations that Became Final



Regulation Breakdown-August 2009

