

Commonwealth of Virginia



Report to the General Assembly

October 1, 2019

Commonwealth of Virginia

October 1, 2019

The Honorable M. Kirkland Cox
Speaker of the House
House of Delegates
Pocahontas Building
900 East Main Street
Richmond, Virginia 23219

The Honorable Ryan T. McDougle
Chair, Senate Rules Committee
Senate of Virginia
Pocahontas Building
900 East Main Street
Richmond, Virginia 23219

Dear Speaker Cox and Senator McDougle:

Chapters 444 and 445 of the 2018 *Acts of Assembly* directed the Department of Planning and Budget (DPB), under the direction of the Secretary of Finance, to “administer a three-year regulatory reduction pilot program beginning July 1, 2018, and ending July 1, 2021.”

To address the requirements in the Acts, DPB developed a pilot program with a primary objective of reducing the discretionary regulatory requirements in the two pilot agencies, the Department of Occupational Regulation (DPOR), and the Department of Criminal Justice Services (DCJS). Each pilot agency exceeded the first year reduction objective of 7.5 percent. DCJS reported a reduction of 10.14 percent, which it achieved primarily by streamlining the application process for licenses, registration, or certifications. The regulatory boards supported by DPOR reported an overall reduction of 9.78 percent, which they primarily achieved by lowering barriers to entry into affected professions and improving regulatory clarity.

As part of this program, the Secretary of Finance is required to report annually to the Speaker of the House and the Chairman of the Senate Rules Committee no later than October 1 of each year “on the progress of the regulatory reduction pilot program established pursuant to this act.” This report is submitted in satisfaction of the Act.

Executive Summary

Chapters 444 and 445 of the 2018 *Acts of Assembly* create a regulatory reduction pilot program to be administered by the Department of Planning and Budget (DPB), under the direction of the Secretary of Finance. The pilot program focuses on two pilot agencies, the Department of Criminal Justice Services (DCJS), and the Department of Professional and Occupational Regulation (DPOR). Each pilot agency was directed to submit a “regulatory catalog” listing each regulatory requirement, and then to reduce these requirements by 25 percent over a three-year period ending July 1, 2021.

The initial results of the pilot program indicate that each pilot agency exceeded the first year reduction objective of 7.5 percent. DCJS reported a reduction of 10.14 percent, which it achieved primarily by streamlining the application process for licenses, registration, or certifications. The regulatory boards supported by DPOR reported an overall reduction of 9.78 percent, which they primarily achieved by lowering barriers to entry into affected professions and improving regulatory clarity. DPOR reflects the most common form of regulatory activity in Virginia, in which regulations are promulgated by regulatory boards and the agencies primarily provide staff support.

The remaining executive branch agencies subject to the Virginia *Administrative Process Act* (APA) are required to submit a regulatory catalog by July 1, 2020. In Virginia, regulations are developed in accordance with the APA. In some cases, however, a regulation may be promulgated without adhering to the APA because a statutory exemption applies. Overall, about half of all regulations promulgated in the last 15 years have been exempt from the APA and executive branch review. DPB has identified 41 additional executive agencies that are expected to submit a regulatory catalog, plus another 30 agencies that are exempt from the pilot program because they have a statutory exemption from the APA.

Introduction

Chapters 444 and 445 of the 2018 *Acts of Assembly* created a regulatory reduction pilot program that, among other requirements, directs the Secretary of Finance to report to the Speaker of the House and the Chairman of the Senate Rules Committee by October 1, 2019, on the progress of the pilot program.

This three-year pilot program, which is administered by the Department of Planning and Budget (DPB), directs the two pilot agencies – the Department of Professional and Occupational Regulation (DPOR), and the Department of Criminal Justice Services (DCJS) – to create “baseline regulatory catalogs” which contain an initial count of regulatory requirements for each agency. These catalogs were submitted to DPB on October 1, 2018, and are posted on DPB’s Regulatory Town Hall website. As discussed below, other executive branch agencies are directed to submit regulatory catalogs to DPB by July 1, 2020.

The pilot program also directs DPOR and DCJS to reduce their discretionary regulatory requirements by 25 percent, which may be done by amending, eliminating, or streamlining (improving the efficiency of) regulatory requirements. (Discretionary requirements are those which are not required by law.) The pilot agencies are required to achieve an initial reduction of 7.5 percent by July 1, 2019. This is followed by another 7.5 percent reduction by July 1, 2020, and an additional 10 percent by July 1, 2021. Progress toward these objectives is to be addressed in annual reports by the Secretary of Finance.

As indicated in this first of three annual reports, progress on the Commonwealth’s regulatory reform effort is proceeding on schedule and has reduced the regulatory burden on Virginians. The progress

made by the two pilot agencies is discussed below, along with background information on the regulatory process and the expected participation in this effort by other executive branch agencies next year.

Agencies and Boards Promulgate Regulations in Accordance with the Virginia Administrative Process Act

Virginia was the first state to regulate a profession, when the General Assembly passed a law in 1639, “for the regulating [of] phisitians and chirurgeons.” Under this act, the physician or surgeon had to declare under oath before the county court the true value of the medicines they had prescribed. This requirement was intended to address complaints made to the Assembly about the “imoderate and excessive rates and prices exacted by practitioners” (Hening’s *Statutes at Large*, Vol. 1, p. 316). Virginia then created the State Board of Medical Examiners in 1884 to regulate the practice of medicine, and authorized it to collect fees and issue licenses (Chp. 6).

Unlike statutory law, which is enacted by the General Assembly, regulations are laws promulgated by agencies and regulatory boards. Almost all agencies and regulatory boards are in the executive branch, but regulations also are promulgated by legislative, judicial, and independent agencies. Presently, 73 agencies have regulations, of which 62 are executive branch agencies.

Generally speaking, the majority of regulations are promulgated by regulatory boards. In these cases, the associated agency provides staff support. Examples include the Boards of Education, Health, Medical Assistance Services, and Social Services. In some cases, an agency supports more than one regulatory board. In addition to DPOR, other such agencies include the Departments of Environmental Quality, Health Professions, and Labor and Industry. Although some of these agencies also may have limited regulatory authority, almost all regulatory activity is conducted by the boards they support.

Regulations are developed in accordance with the *Virginia Administrative Process Act* (APA) and then published in the *Virginia Administrative Code* (VAC). The APA, which was enacted in 1975, replaced the General Administrative Agencies Act of 1952 (Chp. 703). As noted by legislative studies at that time, policymakers had, “come to understand that some delegation of legislative and judicial functions to administrative agencies is unavoidable” (SD 7, 1951). The APA therefore represents the current framework by which the, “delegation of the legislative function by the General Assembly” to regulatory agencies and boards occurs (HD 5, 1944).

In many cases, however, a regulation may be promulgated without adhering to all of the APA’s rule-making requirements. This can occur if regulations pertaining to an agency or board, a topic or subject matter, or an activity or function have been statutorily exempted from the APA. These “exempt” regulations may then be adopted without going through the typical promulgation and review process outlined in the APA and the Executive Order on rulemaking. As noted below, only those executive branch agencies whose regulations are subject to the APA (those without an exemption) are in-scope to the requirements of Chapters 444 and 445.

Department of Professional and Occupational Regulation (DPOR) Created in 1948 to Perform Administrative Functions for Certain Regulatory Boards

DPOR was initially created in 1948 and charged with performing the administrative and financial functions of several pre-existing regulatory boards (*Reorganization Provisions of the Code of Virginia*,

1948, pp. 231-233). As noted in the state reorganization report that led to DPOR’s creation, the agency was formed to reduce costs by consolidating the, “purely administrative functions (as distinguished from the examining and regulating functions)” of the regulatory boards (H.D 19, 1948). Since that time, the name of the agency and the boards it supports have changed, but DPOR continues to serve a primarily administrative function (Chp. 640, 1977; Chp. 499, 1993).

DPOR is located in the Secretariat of Commerce and Trade. Both the agency itself and its 18 associated boards regulate over 300,000 professionals. As shown in Table 1 below, the number of regulants governed by each board ranges from zero (Natural Gas Automobile Mechanics and Technicians) to 86,489 (Contractors). Because of this range, four boards account for over 90 percent of DPOR’s total number of regulants.

Table 1 Regulants and Requirements by DPOR Board			
Board	Regulants	Mandatory Requirements	Discretionary Requirements
Contractors	86,489	37	129
Barbers and Cosmetology	73,570	23	436
Real Estate Board	74,044	109	81
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects	44,275	31	104
Common Interest Community Board	7,369	85	327
Asbestos, Lead, and Home Inspectors	6,298	173	123
Real Estate Appraiser Board	4,079	81	43
Hearing Aid Specialists and Opticians	2,602	20	81
Fair Housing Board	2,183	14	16
Auctioneers Board	1,404	18	53
Cemetery Board	1,161	33	43
Professional Soil Scientists, Wetland Professionals, and Geologists	1,213	34	51
Boxing, Martial Arts, and Professional Wrestling	870	30	209
Waste Management Facility Operators	668	14	29
Polygraph Examiners	296	0	54
Branch Pilots	44	16	47
Natural Gas Automobile Mechanics and Technicians	0	0	36
Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals	5,835	14	120
Source: DPB analysis of regulant population (July 1, 2019) and catalog data submitted by DPOR.			

Regulatory Authority Primarily Rests with DPOR’s Boards, Not the Agency

Of the 18 boards currently supported by DPOR, 15 have independent regulatory authority. These regulatory boards are responsible for establishing entry requirements, issuing licenses and other credentials, making enforcement decisions, and promulgating changes to regulations or fees. For these 15 regulatory boards, the DPOR director is the “secretary of each board” and the “administrative officer” (§ 54.1-304) but only the boards are given authority to promulgate regulations.

In contrast, three boards are advisory and DPOR has been directed by statute to promulgate regulations in those areas: Boxing, Martial Arts, and Professional Wrestling; Natural Gas Automobile Mechanics and Technicians; and Polygraph Examiners. As noted in DPOR’s strategic plan, these advisory boards, “are responsible for advising the DPOR director on core aspects of regulation, but the authority for making decisions regarding regulatory changes, fees, and credentialing and enforcement rests with the director.” These three areas account for 12 percent of DPOR’s regulatory requirements.

The policy of granting regulatory authority directly to boards, and not to an agency, reflects the Commonwealth’s history. The first legal authority for a profession regulated by a DPOR board was enacted in 1661, in response to a, “gennerall complaint made by master of shipps that wee had neither pilotte nor beacons to direct them in their bringing their shipps upwards.” In response, the General Assembly required all ships to use a river or harbor pilot, and established a fee of thirty shillings (\$196 in 2019) to ensure an adequate supply of river beacons (Hening’s *Statutes*, Vol. 2, p. 35). A commission was established to examine pilots in 1755 (Chp. 11), and in 1866 the first Acts were passed that required stricter licensure of all pilots and regulated the pilotage profession and its rates (Chps. 47 and 48).

Other regulatory boards supported by DPOR were created before the agency itself, including the

- Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA), which dates to 1920 (Chp. 328);
- Real Estate Board, which was established by the General Assembly in 1924 (Chp. 461); and
- Board for Contractors, created in 1938 (Chp. 431).

In the early 1970s, the legislature re-affirmed that the authority to promulgate regulations should rest with regulatory boards. The Virginia Advisory Legislative Council recommended, “allocation of broader rule making powers to the individual regulatory boards” (H.D. 31, 1974), and the 1974 recodification of Title 54 of the *Code of Virginia* reflected the Council’s recommendations (Chp. 534).

DPOR’s Boards Exceeded the Initial Reduction Target Primarily by Lowering Barriers to Entry Into Professions and Improving Regulatory Clarity

Presently, DPOR and its regulatory boards have 50 Chapters in the VAC, which contain a total of 2,730 requirements. Of this amount, DPOR reports that 1,984 are discretionary. DPOR’s boards exceeded the July 2019 target by streamlining and eliminating a total of 194 requirements, which equates to a reduction of 9.78 percent of all requirements in DPOR’s baseline regulatory catalog. These requirements primarily relate to regulations promulgated by the Boards of Barbers and Cosmetology (89), APELSCIDLA (70), and Common Interest Community (21).

For almost all of the requirements, the regulatory burden was reduced by amending existing requirements (79 percent). DPOR reports that the boards primarily achieved this in two ways. First, barriers to entry were lowered or removed by adding new educational options, removing restrictive language, making on-the-job experience requirements less onerous, reducing required training, and limiting mandatory disclosures. Second, technical changes were made to increase clarity, streamline procedures, consolidate reporting requirements, and align with industry practices.

Four regulatory actions also were pursued to eliminate requirements. According to DPOR,

- APELSCIDLA eliminated 21 discretionary requirements by repealing an entire section to streamline the business registration process.

- The Board for Barbers and Cosmetology eliminated 13 discretionary requirements, primarily affecting tattooing, by repealing some requirements and consolidating others into different sections.
- The Common Interest Community Board eliminated four discretionary requirements primarily affecting the Common Interest Community Board Management Information Fund by repealing some requirements and consolidating others into a new section.
- The Virginia Board for Asbestos, Lead, and Home Inspectors eliminated one discretionary requirement by striking unnecessary language requiring adherence to standards of conduct.

DPOR notes that several deregulatory bills were introduced in the 2019 Session which were based on recent recommendations by the Joint Legislative Audit and Review Commission. In addition, DPOR proposed eliminating the certification program for natural gas automobile mechanics and technicians through an agency bill (HB 2353). None of the proposed legislation passed. Had these bills passed, the statutory changes would have removed mandated regulations and allowed the agency and its boards to achieve an overall regulatory reduction of 18.6 percent.

In addition to the steps reported above, DPOR reports that it launched a separate streamlining improvement in March of this year. The “guest pay” option eliminated the need to create a registered user profile before making online payments. Since its implementation, more than 10,000 licensees have paid their renewal fees and approximately 40 percent of payments used the guest pay option.

Department of Criminal Justice Services (DCJS) Created in 1981 to Consolidate Administration and Planning Activities

In 1981, the Department of Criminal Justice Services (DCJS) and the Criminal Justice Services Board (CJSB) were created as the successors to law enforcement agencies originally established in 1968. In that year, Governor Mills Godwin issued an executive order establishing the State Law Enforcement Planning Council as a policy-making body, and also creating the State Law Enforcement Administration to administer the Council’s policies and programs. The Council’s primary duty was development and implementation of a comprehensive statewide law enforcement plan. In 1970, these agencies were codified and renamed as the Council on Criminal Justice and the Division of Justice and Crime Prevention (Chp. 759). 1968 legislation also created the Law Enforcement Officers Training Standards Commission to promulgate regulations for compulsory minimum curricula (Chp. 740). In 1976, this body was renamed the Criminal Justice Services Commission (Chp. 771).

Subsequently, the creation of DCJS was recommended in 1978 by the Commission on State Governmental Management (also known as the Hopkins Commission) in order to reduce costs and improve coordination. The Commission noted that,

“The structure the Commission proposes is very similar to the present make-up of the Department of Professional and Occupational Regulation. This approach, which is a model for the nation, allows administrative costs for operating the Department to be kept at an absolute minimum, while each independent occupational and licensing board carries out its statutorily mandated responsibilities. The new Department would also reduce the number of small, independent agencies reporting to the Secretary of Public Safety... allow[ing] the Secretary to function more effectively....” (SD 21, 1978).

Legislation to create DCJS and the CJSB was passed in 1981 (Chp. 632), and the entities became operational in 1982. DCJS and the CJSB are part of the Secretariat of Public Safety and Homeland Security, and are charged with planning and implementing programs to improve the effectiveness of the criminal justice system. In addition, DCJS administers and distributes federal and state grant funding, and provides information and technical assistance to all segments of the criminal justice system. According to the agency's 2018-2020 Strategic Plan, DCJS trains, certifies, or regulates over 120,000 law enforcement professionals, training academies, private security businesses, bail bondsmen, and other trades and commercial enterprises.

Regulatory Authority Is Assigned to DCJS, but the Agency Acts under the Direction of the Board on Regulatory Matters

The CJSB has 29 members, of which 25 voting members represent various criminal justice stakeholder groups, including state agencies and local governments, and four non-voting members are legislators. Although the authority to adopt regulations rests with DCJS (§ 9.1-102), the agency reports that for regulatory matters it operates under the direction of the CJSB, which is established as a policy board. As a result, DCJS submits all proposed regulatory actions to the CJSB for approval.

DCJS Exceeded the Initial Reduction Target Primarily by Streamlining the Application Process

DCJS has 23 Chapters in the VAC, which contain a total of 3,507 requirements. Of this amount, DCJS reports that 2,977 are discretionary. DCJS exceeded the July 2019 target by streamlining the application process and eliminating a total of 302 requirements, which equates to 10.14 percent.

The requirements addressed by DCJS are found in seven chapters, and primarily relate to regulations governing private security personnel. For almost all of the requirements, the regulatory burden was reduced by streamlining the application process (96 percent). DCJS reports that:

"Regulatory requirements associated with the submission, receipt, and applications for licenses, registration, or certifications by DCJS have been streamlined through the creation and deployment of a new electronic application system. In excess of 55,000 regulants are licensed, registered, or certified by the Department's Division of Licensure and Regulatory Services (Division). The Division previously received and processed paper applications from its regulants.

Processing paper applications was a time-intensive process which necessarily slowed the capacity to issue licenses, registrations, or certifications and included turnaround times of several months for certain categories of applications. In order to shorten the wait time for regulants to obtain their licenses, registrations, or certifications, the Division developed and deployed an internet-based, electronic application system to receive and process applications.

Beginning in 2019, all applications must be submitted to the Division electronically through this electronic system. As a result of the Division's transition to an electronic application system, the time it takes the Division to process an application, and, consequently, the time it takes a regulant to receive a license, registration, or certification, has been reduced dramatically when compared to the turnaround time for manually processing paper applications in prior years. In the first quarter of 2016, the Division

manually processed 10,320 paper applications. The average turnaround time to process a paper application in the first quarter 2016 was 44.4 days across all categories of applications. In the first quarter of 2019, the Division processed 12,363 electronic applications. The average turnaround time to process an electronic application in the first quarter of 2019 was 7.6 days across all categories of applications, i.e., a reduction in turnaround time of more than 30 days as compared to the same quarter in 2016. The implementation of the electronic application system has significantly reduced the regulatory burden on the Department's regulants by streamlining the process for the submission and processing of applications."

Two exempt regulatory actions also were pursued, eliminating 11 requirements. According to DCJS,

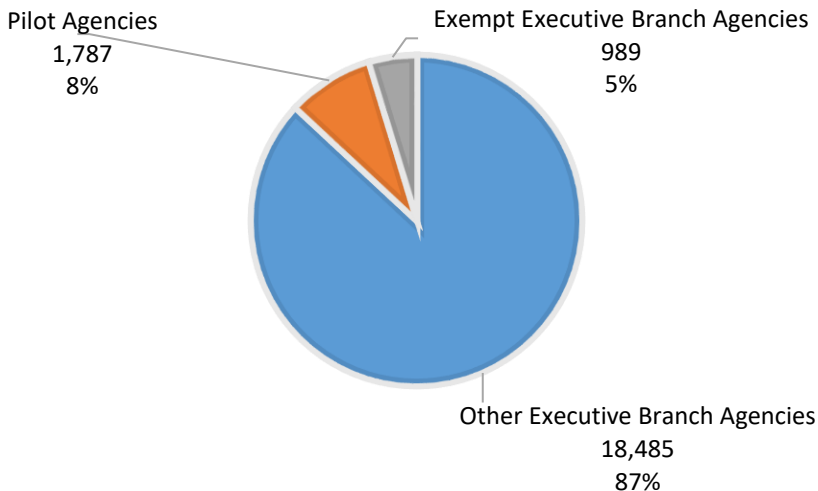
- Ten discretionary requirements were eliminated that involved monitoring of firearms dealers requests for criminal history record checks; and
- One discretionary requirement was eliminated that involved use of the term “police” by special conservators of the peace.

Number of Regulations, and Use of APA Exemptions, Varies Widely by Agency

In addition to the two pilot agencies, several other executive branch agencies also promulgate regulations. Regulations also are promulgated by legislative, judicial, and independent agencies. Each chapter in the VAC is generally considered to be an individual regulation, and each chapter contains one or more sections. Because no information is currently available on the number of requirements in each section (except for the two pilot agencies), the most detailed information available for analysis is the number of sections.

In total, executive branch agencies have promulgated 21,258 VAC sections. As shown in Figure 1 (below), the two pilot agencies have a total of 1,787 sections in the VAC. This equates to eight percent of the total number of VAC sections promulgated by executive branch agencies.

Figure 1: Number of VAC Sections by Type (Executive Branch Agencies)

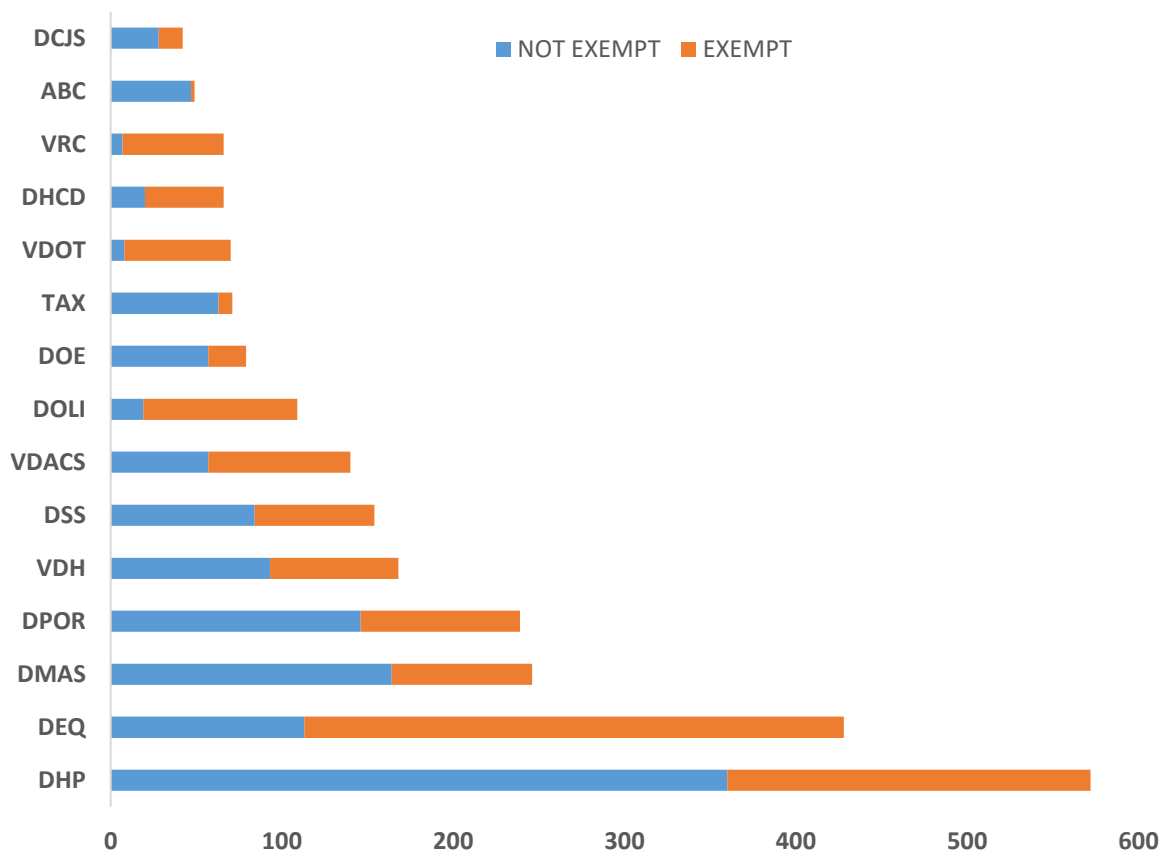


Source: DPB analysis of *Virginia Administrative Code* and Regulatory Town Hall data.

The 19 executive branch agencies that are exempt from the regulatory reform pilot program have a total of 989 sections, which represents another 5 percent that are not being addressed by the regulatory reform efforts directed by Chapters 444 and 445. The number of requirements for these exempt agencies that will not be identified as part of regulatory reform are not likely to represent a significant proportion of the total. The remaining 87 percent of VAC sections are attributed to 41 executive branch agencies, who are expected to submit regulatory catalogs by July 1, 2020 (Table 2).

Every regulation is promulgated via a regulatory “action.” The bar chart in Figure 2 (below) illustrates the 15 agencies with the highest number of regulatory actions in the 15-year period beginning on July 1, 2005. Over this period, the Department of Health Professions (DHP) and its 13 health regulatory boards promulgated 572 actions, of which 212 (37 percent) were exempt from the APA and thus not subject to the executive branch review process.

Figure 2: Fifteen Agencies with the Highest Number of Regulatory Actions Since Fiscal Year 2005



Source: DPB analysis of *Virginia Administrative Code* and Regulatory Town Hall data.¹

¹ Other agencies in Figure 2 are the Departments of Environmental Quality (DEQ), Medical Assistance Services (DMAS), Health (VDH), Social Services (DSS), Agriculture and Consumer Services (VDACS), Labor and Industry (DOLI), Education (DOE), Taxation (TAX), Transportation (VDOT), Housing and Community Development (DHCD), Virginia Racing Commission (VRC), and the Virginia Alcoholic Beverage Control Authority (ABC).

This percentage is similar to that of the pilot agencies over the fifteen-year period, although they had fewer total actions in this time period. DPOR promulgated 239 actions of which 93 (39 percent) were exempt; DCJS had 42 actions, of which 33 percent were exempt. Overall, about 50 percent of the 2,899 regulatory actions promulgated by all executive branch in this period were exempt. It should be noted, however, that exempt actions may be under-reported because they may be adopted without submitting them to the Regulatory Town Hall.

Regulatory Catalogs Are Expected from an Additional 41 Agencies by July 1, 2020

Chapters 444 and 445 require, “all executive branch agencies subject to the Administrative Process Act” to develop a baseline regulatory catalog. For context, 73 agencies (in all branches) have regulations in the VAC. Of the total of 73 agencies, 30 agencies (including 11 non-executive branch agencies) are exempt from this requirement. In addition to the two pilot agencies, which already submitted catalogs in October, 2018, DPB has identified another 41 executive branch agencies that need to submit a regulatory catalog by July 1, 2020 (Table 2).

Table 2	
Forty-One Executive Branch Agencies Expected to Submit Regulatory Catalogs by July 1, 2020	
Alcoholic Beverage Control Authority	Department of Housing & Community Development
Board of Accountancy	Department of Human Resource Management
Department for Aging and Rehabilitative Services	Department of Juvenile Justice
Department for the Blind and Vision Impaired	Department of Labor and Industry
Department for the Deaf and Hard-Of-Hearing	Department of Medical Assistance Services
Department of Aviation	Department of Mines, Minerals and Energy
Department of Agriculture & Consumer Services	Department of Motor Vehicles
Department of Behavioral Health and Developmental Services	Department of Social Services
Department of Conservation and Recreation	Department of Taxation
Department of Corrections	Department of the Treasury
Department of Education	Department of State Police
Department of Elections	Department of Transportation
Department of Environmental Quality	Department of Veterans Services
Department of Fire Programs	Motor Vehicle Dealer Board
Department of Forensic Science	Office of the State Inspector General
Department of Forestry	State Council of Higher Education for Virginia
Department of Game and Inland Fisheries *	Virginia Birth-Related Neurological Injury Compensation Program
Department of General Services	Virginia Community College System
Department of Health	Virginia Employment Commission
Department of Health Professions	Virginia Racing Commission
Department of Historic Resources	
* DGIF submitted documentation of a partial exemption from the pilot program and reports it will only submit a regulatory catalog for its watercraft regulations.	

Although some of these agencies have an APA exemption that applies to particular topics or actions, they lack an agency-wide exemption and thus the agency is subject to the APA. DPB gave each agency a customized catalog template and provided that if the agency wished to assert an exemption from the pilot program, documentation of the rationale had to be submitted.

As shown in Table 3, 19 executive branch agencies appear to be exempt from the pilot program and thus will not submit regulatory catalogs. Two agencies, the Department of Rail and Public Transportation, and the Virginia Department of Emergency Management, submitted documentation indicating their exemption from the pilot program. Although both agencies have regulations in the VAC in the form of Public Participation Guidelines, which apply when an agency develops or amends regulations, both agencies report they lack statutory authority to promulgate regulations and are exempt from the regulatory reform program on that basis. In addition, 17 executive branch agencies are exempt from the APA and thus are not in scope to Chapters 444 and 445. All but two of these agencies appear to be exempt as an “educational institution” per § 2.2-4002 (A)(6) of the *Code of Virginia*.

Table 3 Nineteen Executive Branch Agencies Not Expected to Submit Regulatory Catalogs	
Department of Rail and Public Transportation	The Library Of Virginia
Department of Small Business & Supplier Diversity	University of Mary Washington
George Mason University	University of Virginia
James Madison University	Virginia Commonwealth University
Longwood University	Virginia Dept. of Emergency Management
Marine Resources Commission	Virginia Military Institute
Norfolk State University	Virginia Museum of Fine Arts
Old Dominion University	Virginia Polytechnic Institute & State University
Radford University	Virginia State University
The College of William and Mary in Virginia	

Finally, 11 other agencies will not be required to submit catalogs because they are not executive branch agencies (Table 4). These agencies account for eight percent of the 23,124 sections in the VAC.

Table 4 Eleven Non-Executive Branch Agencies Not Required to Submit Regulatory Catalogs	
Agency Name	Type
Attorney General and Department of Law	Independent/Other
Board of Bar Examiners	Judicial
Commission on the Virginia Alcohol Safety Action Program	Legislative
Indigent Defense Commission	Judicial
Judicial Inquiry and Review Commission	Judicial
State Corporation Commission	Independent/Other
Virginia Code Commission	Legislative
Virginia Lottery	Independent/Other
Virginia Housing Development Authority	Independent/Other
Virginia State Bar	Judicial
Virginia Workers' Compensation Commission	Independent/Other