

Chapter 14 Adding Stages to Other Regulatory Actions

This chapter contains detailed instructions that are intended for state agency users.

Adding and Managing Stages in a Regulatory Action

After following the steps outlined in chapter 12, *Creating Regulatory Actions*, you will need to add one or more stages to the action. At this point, you need to determine the type of action you will use: non-exempt (standard, emergency, fast-track) or exempt. This chapter provides detailed instructions on how to add stages to Fast-Track, Emergency, and exempt actions. Chapter 13 provides instructions on how to add stages to standard actions.

Once the appropriate type of action has been determined, use the corresponding instructions below and in the previous chapter to add a stage(s) and submit it for further review and publication.

The process for adding a new stage depends on whether you just created a new action or are returning to one you previously created:

- If you just created a new action by following the process in Chapter 12, the Town Hall will automatically take you to the newly created Action Information page where you can add the first stage to your new action.
- As discussed in the instructions below, if you previously created an action you can add a stage by clicking the My Current Actions link under the Agency Functions dropdown list. This will take you to the Current Actions page that lists your agency's actions, where you can select the correct action.

Before creating another stage to add to an action on the Town Hall, you must ensure any previous stage filed has been published in *Register*.

Note: Some documents can be uploaded in either Microsoft Word or Adobe PDF format. However, other documents, including Agency Background Documents and the Agency Response to an Economic Impact Analysis (EIA), must be uploaded in Microsoft Word format; they will be converted and displayed in Adobe PDF format. All Agency Background Documents can be found at <https://townhall.virginia.gov/um/forms.cfm>.

Fast-Track Actions

A fast-track action has only one stage, and is used for changes that are non-controversial. However, if objections are received to the use of the fast-track process, then the agency has to use a standard action; in that case, the fast-track stage will serve as the Notice of Intended Regulatory Action stage.

Creating and Submitting a Fast-Track Stage for Executive Branch Review

1. To begin, ensure you've selected the correct action:

- a. If you're already on the Action page, look for the Stages section. From the pull-down menu, select Fast-Track and then click the CREATE STAGE button.
 - b. Otherwise, use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the correct action. On the Action page, look for the Stages section. From the pull-down menu, select Fast-Track and then click the CREATE STAGE button.
2. On the Edit Fast-Track Stage page, enter the appropriate information:
 - a. **Incorporation by reference:** If your proposed text references any separate publication or document that the agency wishes to make a part of the regulation (known as a Document Incorporated by Reference or DIBR), then answer YES. For more information, see the [regulations](#) of the Virginia Code Commission. Otherwise answer NO.
 - b. **Date Governor's Review Needed By (optional):** You may enter a date if the Governor's review is needed before a deadline.
 - c. Click the SAVE button and you will go to the stage page.
3. Next, on the stage information page:
 - a. **Proposed Text:** If your action is already linked to an RIS project, click on SYNC TEXT WITH RIS to display the RIS project text on the Town Hall. If your RIS project has not already been connected to the Action on the Town Hall, browse to the Action page, select Edit Action, and establish this connection now.
 - b. **Agency Background Document (ABD):** Upload the completed [Fast-Track Regulation ABD](#), which is also known as a TH-04 form.
4. Once the stage is ready to be submitted for executive branch review, click on the SUBMIT TO AG button to initiate the review process. You will be notified by email once the Attorney General's Office has completed its certification.
5. After certification, use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the stage you want to submit.
6. Next, on the Stage page, click the SUBMIT TO DPB button. *At this point the stage becomes viewable by the public on the Town Hall and can be found via a search.* After DPB's review is complete, the stage is automatically forwarded to the next executive branch reviewer; you will be notified by email after each executive branch reviewer completes their review.

After executive branch review is complete, you can submit the stage to the Registrar's office for publication in the *Register*.

Note: The Agency Response to EIA document must be uploaded to the Town Hall before the Fast-Track stage can be submitted to the Registrar's office. To save time, you may wish to complete that document once the Department of Planning and Budget's (DPB) review is complete.

Submitting a Fast-Track Stage to the Registrar for Publication

1. Use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the correct stage.
2. On the Stage page, upload your **Agency Response to EIA document**. Here are some possible responses: "The agency/board concurs with the EIA," or "The agency/board concurs with the EIA, however, wishes to express the following reservations: ..."
3. Next, click the SUBMIT TO REGISTRAR button and enter the appropriate information:
 - a. **The Virginia Register:** The Town Hall will retrieve publication information for the next available issue of the *Register*. If you wish to choose a later publication date, you can use the dropdown menu to select another issue.

- b. **Comment End Date:** The public comment forum will begin the date this stage is published. If you leave the comment end date blank, the Town Hall will automatically apply the standard length of 30 days. You can extend the comment period by entering a later date, but you cannot shorten it.
- a. **Effective Date:** The Town Hall will suggest an effective date that is 30 days from the current day, or you can pick a later date if you wish.
- c. **House and Senate Committee Notifications:** In accordance with § 2.2-4012.1 of the Code of Virginia, the Town Hall will automatically notify several legislative committees of the Fast-Track submission. The clerks of the House and Senate, along with the Joint Committee on Administrative Rulemaking will always be notified. *You need to select the House and Senate committee(s) that are appropriate for this stage before you complete your submission.*

Contact each Clerk to describe what the action is about (and also provide a link to the stage on the Town Hall) and ask them which legislative committee should receive the Fast-Track notification. The contact information is:

- House of Delegates
 - Hon. G. Paul Nardo, Clerk, (gpnardo@house.virginia.gov)
 - cc: Cathy Hooe, Committee Operations Director, (chooe@house.virginia.gov)
- Senate
 - Hon. Susan C. Schaar, Clerk, (sschaar@senate.virginia.gov)
 - cc: Nathan Hatfield, Assistant Clerk (nhatfield@senate.virginia.gov)

If this information is not current, you can also obtain the contact information for each Clerk at the following:

- House: go to <https://vga.virginia.gov/about/house/house-clerks-office/> and select “House Clerk’s Office Staff” from the right-side menu.
- Senate: go to <https://vga.virginia.gov/about/senate/senate-clerks-office-staff/>

4. Once you have entered at least one House and Senate committee, you can click on the SUBMIT TO REGISTRAR button at the bottom of the page to complete your submission. Once this occurs, two items will be created that may be useful for reference:
 - a. A confirmation screen will appear showing that the submission was successful and who was notified by email about the submission.
 - b. On the Stage page, under the Documents section, a new document will be added. This is a copy of the transmittal sheet generated by the Town Hall when notifying the Registrar’s office. This may be useful for reference if further communication with the Registrar’s office is required.

Public notification: Five days before the stage is published in the *Register*, automatic email notifications about the stage are sent to the Town Hall’s registered public users.

Indicating that a Fast-Track has Received Objections

Pursuant to [Code § 2.2-4012.1](#), if an objection to the use of the fast-track process is received within the public comment period from (a) 10 or more persons or (b) any member of the applicable standing committee of either house of the General Assembly, or of the Joint Commission on Administrative Rules, then the standard three-stage process will be needed to continue promulgating the action; in that case, the fast-track stage will serve as the Notice of Intended Regulatory Action (NOIRA) stage.

1. Use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the correct stage.
2. On the Stage page, click on the EDIT STAGE link.
3. Under **Objections?** select *10 or more objections from public, or a legislative objection received*. After that selection, a new box will appear where you can enter a summary of the objections that were filed. Click the SAVE button to finish.

Emergency Actions

An emergency action is also a one-stage action, but it can take effect immediately upon submission to the Registrar (before public comment is received). Emergency regulations are temporary and are initially effective for 18 months. Pursuant to [Code § 2.2-4011 \(D\)](#), if a permanent replacement regulation cannot be adopted before the 18-month period expires, the agency can request a six-month extension from the Governor provided that a “request [is] submitted to the Governor **at least 30 days prior** to the scheduled expiration of the emergency regulation.”

Note: If your agency intends to replace the emergency regulation with a permanent regulation, file an Emergency/NOIRA stage as covered in the instructions below. This combined stage will save time and maximize the chance that the permanent replacement regulation will be in effect by the time the emergency regulation expires. If you are not going to make the emergency regulation permanent, select the Emergency stage instead.

Creating and Submitting an Emergency or Emergency/NOIRA Stage for Executive Branch Review

1. To begin, ensure you’ve selected the correct action:
 - a. If you’re already on the Action page, look for the Stages section. From the pull-down menu, select Emergency (or Emergency/NOIRA) and then click the CREATE STAGE button.
 - b. Otherwise, use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the correct action. On the Action page, look for the Stages section. From the pull-down menu, select Emergency (or Emergency/NOIRA) and then click the CREATE STAGE button.
2. On the Edit Emergency (or Edit Emergency/NOIRA) page, ensure all information is correct:
 - a. **Permanent?** This option is pre-selected based on the stage type you chose, but verify this is what you intend. If you answer YES to the question indicating that you intend for this regulation to become permanent, then this stage will be a combined Emergency/NOIRA.
 - b. **Do you intend to hold a public hearing following the publication of the proposed stage?** Indicate whether you intend to hold a public hearing following publication of the Proposed stage (not this NOIRA stage). Consider this matter carefully, because if the answer is YES and a public hearing will be held, it will be published in the *Register* and

you cannot change your mind later. You will need to schedule a public hearing before you can submit the Proposed stage for publication; the public hearing will occur during the 60-day public comment period following publication of the Proposed stage. For more information, see the section below on Submitting a Proposed Stage to the Registrar for publication.

- c. **Incorporation by reference:** If your proposed text references any separate publication or document that the agency wishes to make a part of the regulation (known as a Document Incorporated by Reference or DIBR), then answer YES. For more information, see the [regulations](#) of the Virginia Code Commission. Otherwise answer NO.
 - d. **Emergency Authority:** Enter the citation(s) from the Code as well as Chapter/Bill number for the legislative action that authorizes this emergency regulation.
 - e. **Date Governor's Review Needed By (optional):** You may enter a date if the Governor's review is needed before a deadline.
 - f. Click the SAVE button and you will go to the stage page.
3. Next, on the stage page:
 - a. **Emergency Text:** If your action is already linked to an RIS project, click on SYNC TEXT WITH RIS to display the RIS project text on the Town Hall. If your RIS project has not already been connected to the Action on the Town Hall, browse to the Action page, select Edit Action, and establish this connection now.
 - b. **Agency Background Document (ABD):** Upload the completed [Emergency ABD](#) or [Emergency/NOIRA ABD](#), which are also known as TH-06 or TH-05 forms.
 4. Once the stage is ready to be submitted for executive branch review, click on the SUBMIT TO AG button to initiate the review process. You will be notified by email once the Attorney General's Office has completed its certification.
 5. After certification, use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the stage you want to submit.
 6. Next, on the Stage page, click the SUBMIT TO DPB button. *At this point the stage becomes viewable by the public on the Town Hall and can be found via a search.* After DPB's review is complete, the stage is automatically forwarded to the next executive branch reviewer; you will be notified by email after each executive branch reviewer completes their review.

After executive branch review is complete, you can submit the stage to the Registrar's office for publication in the *Register*.

Submitting an Emergency or Emergency/NOIRA Stage to the Registrar's office

1. Use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the correct stage.
2. Next, click the SUBMIT TO REGISTRAR button and enter the appropriate information, which will vary depending on whether you are using an Emergency or Emergency/NOIRA Stage:
 - a. **The Virginia Register:** The Town Hall will retrieve publication information for the next available issue of the *Register*. If you wish to choose a later publication date, you can use the dropdown menu to select another issue.
 - b. **Comment End Date (for Emergency/NOIRA):** The public comment forum will begin the date this stage is published. If you leave the comment end date blank, the Town Hall will automatically apply the standard length of 30 days. You can extend the comment period by entering a later date, but you cannot shorten it.

- c. **Effective Date:** You must enter the date this stage will become effective. The effective date can be the date the emergency regulation is submitted to the Registrar, or a subsequent date.
 - d. **Expiration date:** You must enter the date this stage will expire. The expiration date must be 18 months from the effective date. If you need help determining the date, consult the Registrar’s Timeframe Calculator, which is available in the Regulation Information System (RIS).
 - e. **Periodic review announcement** (for Emergency/NOIRA): If you are using this action to conduct a new periodic review, you should answer YES here (and on the Edit Action page). Ensure you also completed the Periodic Review Announcement section of the Agency Background Document.
3. Now click on the SUBMIT TO REGISTRAR button at the bottom of the page to complete your submission. Once this occurs, two items will be created that may be useful for reference:
 - a. A confirmation screen will appear showing that the submission was successful and who was notified by email about the submission.
 - b. On the Stage page, under the Documents section, a new document will be added. This is a copy of the transmittal sheet generated by the Town Hall when notifying the Registrar’s office. This may be useful for reference if further communication with the Registrar’s office is required.

Public notification: Five days before the stage is published in the *Register*, automatic email notifications about the stage are sent to the Town Hall’s registered public users.

Requesting an Extension of an Emergency Regulation

Pursuant to Code § 2.2-4011 (D), if a permanent replacement regulation cannot be adopted before the 18-month period expires, the agency can request a six-month extension from the Governor provided that a “request [is] submitted to the Governor **at least 30 days prior** to the scheduled expiration of the emergency regulation.” If granted, the emergency regulation would be in effect for a total of two years.

1. Use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the correct stage.
2. On the Stage page, if an emergency is in effect you will see the REQUEST EMERGENCY EXTENSION link.
3. After clicking the link, enter the appropriate information.
4. Now click on the SUBMIT button.

Public notification: Automatic email notifications about the extension of the emergency regulation are sent to the Town Hall’s registered public users the day the request is approved by the Governor’s Office.

Exempt Regulatory Actions

As described in Chapter 12, a regulatory action may be exempt from the Administrative Process Act (APA) and executive branch review. The instructions below address the creation and submission of a Final stage only; for questions on how to file other types of stages contact DPB.

To start an exempt action on the Town Hall, see the instructions in Chapter 12 on creating a regulatory action. Ensure you select YES when asked if this regulatory action is exempt from the APA.

Creating and Submitting a Final Exempt Action to the Registrar for Publication

1. To begin, ensure you've selected the correct action:
 - a. If you're already on the Action page, look for the Stages section. From the pull-down menu, select Final and then click the CREATE STAGE button.
 - b. Otherwise, use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the correct action. On the Action page, look for the Stages section. From the pull-down menu, select Final and then click the CREATE STAGE button.
2. On the Edit Final Stage page, ensure all information is correct:
 - a. **Does this stage require Attorney General certification?** Because the action was not previously submitted to the OAG for certification, click YES to submit this Final stage to the OAG.
 - b. **Incorporation by reference:** If your proposed text references any separate publication or document that the agency wishes to make a part of the regulation (known as a Document Incorporated by Reference or DIBR), then answer YES. For more information, see the [regulations](#) of the Virginia Code Commission. Otherwise answer NO.
 - c. **Date Governor's Review Needed By (optional):** You may enter a date if the Governor's review is needed before a deadline. This only applies for exempt actions that would be reviewed by the Governor.
 - d. Click the SAVE button and you will go to the stage page.
3. Next, on the stage page:
 - a. **Final Text:** If your action is already linked to an RIS project, click on SYNC TEXT WITH RIS to display the RIS project text on the Town Hall. If your RIS project has not already been connected to the Action on the Town Hall, browse to the Action page, select Edit Action, and establish this connection now.
 - b. **Agency Background Document (ABD):** Upload the completed [Exempt Action – Final ABD](#), also known as a TH-09 form.
4. Once the stage is ready to be submitted, click on the SUBMIT TO AG button to initiate the review process. You will be notified by email once the Attorney General's Office has completed its certification.
5. After certification, use the Agency Functions menu to select MY CURRENT ACTIONS, and then click the stage you want to submit.
6. Next, click the SUBMIT TO REGISTRAR button and enter the appropriate information:
 - a. **The Virginia Register:** The Town Hall will retrieve publication information for the next available issue of the *Register*. If you wish to choose a later publication date, you can use the dropdown menu to select another issue.

- b. **Comment End Date:** A public comment forum is generally not required for an exempt action. If you do not enter a date then no forum will be held. If you want to hold a comment forum, you can enter a specific date in the Comment End Date box.
 - c. **Final Effective Date:** Enter the date this regulatory change will become effective.
- 7. Now click on the SUBMIT TO REGISTRAR button at the bottom of the page to complete your submission. Once this occurs, two items will be created that may be useful for reference:
 - a. A confirmation screen will appear showing that the submission was successful and who was notified by email about the submission.
 - b. On the Stage page, under the Documents section, a new document will be added. This is a copy of the transmittal sheet generated by the Town Hall when notifying the Registrar's office. This may be useful for reference if further communication with the Registrar's office is required.

After an exempt stage is submitted to the *Register*, it becomes viewable by the public on the Town Hall website.

Public notification: Five days before the stage is published in the *Register*, automatic email notifications about the stage are sent to Town Hall registered public users.

The next chapter contains detailed instructions on how to delete, withdraw, and suspend stages and actions.