



Virginia
Regulatory
Town Hall

Proposed Regulation
Agency Background Document

Agency Name:	45
VAC Chapter Number:	10
Regulation Title:	Public Participation Guidelines
Action Title:	Amending
Date:	November 20, 2001

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board for Branch Pilots Public Participation Guidelines (PPGs) mandate public participation in the promulgation process of regulations. The agency will maintain a mailing list to notify persons and organizations of intended regulatory action. The agency will mail such documents as "Notice of Intended Regulatory Actions," "Notice of Comment Period" and a notice that final regulations have been adopted. The PPGs outline the necessary procedures for being placed on or deleted from the mailing list. The Notice of Intended Regulatory Action will provide for a comment period of at least 30 days and will state whether or not a public hearing will be held. The PPGs give specific instances on when the agency must hold a comment period and when the agency must reevaluate the regulations. The PPGs establish the procedures to be taken when substantial changes have been made prior to final adoption of the regulations. The use of and

input from advisory committees to formulate regulations are established in the PPGs. The PPGs specify what meetings and notices will be published in The Virginia Register.

18 VAC 45-10-10, 18 VAC 45-10-20 and 18 VAC 45-10-30 would be modified to allow the Board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Currently, only written requests and mailed notifications are permitted. Other changes which may be necessary will be considered.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

The statutory authority for the Board for Branch Pilots to promulgate the Public Participation Guidelines is found in Sections 2.2-4007 and 54.1-902 of the Code of Virginia. The Board is empowered to promulgate regulations for individuals in Virginia that practice as branch pilots.

The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the Board in soliciting, receiving and considering public comments.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The changes would allow the Board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means which would be a more cost effective and efficient way of interacting with list members and consistent with the effort to make government more accessible. Currently, only written requests and mailed notifications are permitted. The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. Other changes which may be necessary will be considered.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The purpose of the proposal is to make the following changes:

18 VAC 45-10-10, 18 VAC 45-10-20 and 18 VAC 45-10-30 would be modified to allow the Board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Currently, only written requests and mailed notifications are permitted. Other changes which may be necessary will be considered.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage to the public is that the Board would be able to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means which would be a more cost effective and efficient way of interacting with list members. There are no expected disadvantages.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

These changes are not expected to have any fiscal impact on the Board.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by

the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

The purpose of the proposal is to make the following changes:

18 VAC 45-10-10, 18 VAC 45-10-20 and 18 VAC 45-10-30 would be modified to allow the Board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Currently, only written requests and mailed notifications are permitted. Other changes which may be necessary will be considered.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The Public Participation Guidelines meet the statutory mandate set forth in the Administrative Process Act, §§ 2.2-4000, et seq. None of the provisions exceed the mandate. Therefore, the least burdensome alternative is already in place.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No comments were received.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

Based on the fact that no comments have been received regarding this issue, and based on the Board's review, the regulation is clearly written and easily understandable by the affected individuals.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The regulations will be reviewed during the Board's normal course of regulatory review that in no case shall exceed three years from the effective date of these regulations.

The Board's regulations will be evaluated based on comments received in writing and at public hearings scheduled to receive comments on the Board's regulations. Any other items noted by the Board that need to be addressed during the course of the Board conducting its business will be noted and retained on file by staff for consideration by the Board during regulatory review.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The Public Participation Guidelines do not have an impact on the institution of the family and family stability. They do not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; they do not encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse and one's children and/or elderly parents; they do not strengthen or erode the marital commitment; and they do not increase or decrease disposable family income.