



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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**11 VAC 5-11 – Public Participation Guidelines**  
**State Lottery Department**  
September 21, 2011

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### **Summary of the Proposed Amendments to Regulation**

The State Lottery Department (Lottery) proposes to adopt the model public participation guidelines developed by the Department of Planning and Budget in consultation with the Office of the Attorney General (as required by Chapter 321 of the 2008 Acts of Assembly).

### **Result of Analysis**

The benefits likely exceed the costs for all proposed changes.

### **Estimated Economic Impact**

Pursuant to Chapter 321 of the 2008 Acts of Assembly, the Department of Planning and Budget, in consultation with the Office of the Attorney General, (i) developed model public participation guidelines (PPGs) and (ii) provided these model PPGs to each agency that has the authority to promulgate regulations. The purpose of the model PPG legislation is threefold: first, to ensure that each agency or board has a current set of PPGs in place.<sup>1</sup> Second, to ensure that each agency or board's PPGs incorporate the use of technology such as the Virginia Regulatory Town Hall, email to the extent possible, and the use of electronic mailing lists. Last, but perhaps most importantly, to have uniform guidelines in place to facilitate citizen participation in rulemaking and to make those guidelines consistent, to the extent possible, among boards and agencies.

As described above, promulgating the model PPGs will be beneficial in that the Lottery PPGs will: 1) reflect current information, 2) incorporate the use of technology such as the

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<sup>1</sup> Some agencies and boards have not updated their PPGs since the mid-late 1980's.

Virginia Regulatory Town Hall, email to the extent possible, and the use of electronic mailing lists, and 3) be largely consistent with other agency PPGs which will facilitate citizen participation in rulemaking.

### **Businesses and Entities Affected**

All businesses, other entities, or individuals interested in participating in the regulatory process as it relates to Lottery's regulations are potentially affected by the agency's public participation guidelines.

### **Localities Particularly Affected**

The proposed regulations do not disproportionately affect particular localities.

### **Projected Impact on Employment**

The proposal amendments do not directly affect employment.

### **Effects on the Use and Value of Private Property**

The proposal amendments do not directly affect the use and value of private property.

### **Small Businesses: Costs and Other Effects**

The proposed amendments do not directly affect small businesses.

### **Small Businesses: Alternative Method that Minimizes Adverse Impact**

The proposed amendments do not adversely affect small businesses.

### **Real Estate Development Costs**

The proposed amendments do not directly affect real estate development costs.

### **Legal Mandate**

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the

regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.