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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department (Board) of Juvenile Justice
Virginia Administrative Code (VAC) Chapter citation(s)	6VAC35-11
VAC Chapter title(s)	Public Participation Guidelines
Date this document prepared	November 29, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

No acronyms or technical terms are used in this report.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating entity is the Board of Juvenile Justice (the board). Code of Virginia § 2.2-4007.02 requires state agencies to develop, adopt, and use public participation guidelines in order to ensure the involvement of interested parties in the formation and development of the agency's regulations.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no viable alternatives to accomplishing the objective of this regulation as § 2.2-4007.02 of the Code of Virginia requires agencies to develop, adopt, and use public participation guidelines.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The department did not receive public comments regarding this chapter, nor did the department convene an informal advisory group to assist in this periodic review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is required by § 2.2-4007.02 of the Code of Virginia and establishes the provisions by which agencies will ensure the general public's access to the regulatory development, repeal, and amendment process. Public participation in the regulatory process provides the public the opportunity to bring any concerns related to the protection of public health, safety, and welfare to the attention of the board and the department. In this way, these regulations are essential to protecting the public's welfare. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

As part of the statutory mandate set out in Code of Virginia § 2.2-4007.1, the department considered whether this regulation should be amended, repealed, or retained as is. The department concluded that the regulation should be retained as is without making any changes.

Repealing the regulation would violate the statutory provision set out in subsection A of § 2.2-4007.02 mandating that agencies develop, adopt, and use public participation guidelines. The text of the current

regulation is consistent with the Model Public Participation Guidelines established by the Department of Planning and Budget in 2016. The regulation has been effective for its stated purpose, so the department believes changes are unnecessary.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

Continued need for the regulation: This regulation continues to be necessary to comply with the statutory mandates set out in § 2.2-4007.02 of the Code of Virginia.

Nature of complaints or comments received concerning the regulation: The department did not receive any public comments either in support of or in opposition to the existing regulation.

Complexity of the regulation: The existing regulation conforms to the Model Public Participation Guidelines established by the Department of Planning and Budget. The regulation clearly outlines the requirements for notice and timelines for public comments, is written clearly, and is easy to understand.

Extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation: The regulation does not overlap with or duplicate federal or state law.

The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation: The department last conducted a periodic review of the regulation in 2019 and made one amendment to conform the regulation to legislation passed by the General Assembly in 2012 requiring nonexempt agencies to afford interested parties an opportunity to be represented by counsel or another representative. No economic, technological, or other changes have created a need to amend the regulation since that time.

Inasmuch as small businesses are members of the general public and are afforded the opportunity to be involved in the development, amendment, and repeal of regulations, this chapter serves to benefit such businesses.