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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Professional and Occupational Regulation
<b>Virginia Administrative Code (VAC) citation(s)</b>	18 VAC 120-30-100
<b>Regulation title(s)</b>	Regulations Governing Polygraph Examiners
<b>Action title</b>	Temporary Reduction of Renewal Fees
<b>Final agency action date</b>	March 4, 2020
<b>Date this document prepared</b>	March 12, 2020

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Director adopted a temporary reduction in renewal fees for polygraph examiner licenses received on or before June 30, 2022, in order to remain in compliance with the Callahan Act (§ 54.1-113 of the Code of Virginia).

This regulatory action is exempt from the Administrative Process Act pursuant to § 2.2-4006(A)(6).

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

In 2018, the Director promulgated a temporary fee decrease recommended by the Polygraph Examiners Advisory Board to ensure compliance with § 54.1-113 of the Code of Virginia. At the close of each biennium, the Department of Professional and Occupational Regulation is required to review each board's financial position to determine whether fees need to be adjusted to ensure that revenues are sufficient, but not excessive, to cover the board's operating expenses.

This regulatory change will extend the temporary fee decrease for another two years to allow the Department to remain in compliance with the statutory requirement. This regulatory action is exempt from the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(6).

## Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

The Director of the Department of Professional and Occupational Regulation, acting under the authority of § 54.1-1802 of the Code of Virginia, authorized an exempt action for the Regulations Governing Polygraph Examiners on March 4, 2020.