



Periodic Review / Retain Regulation Agency Background Document

Agency name	Library of Virginia
Virginia Administrative Code (VAC) citation	17 VAC 15-90
Regulation title	Requirements Which Must be Met By Libraries Serving a Population of Less than 5,000 in Order to Receive State Grants-in-Aid
Document preparation date	February 21, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 42.1-1 (8) of the Code of Virginia give the Library of Virginia the authority to:
(8) To administer and distribute state and federal library funds in accordance with law and its own regulations to the city, county, town and regional libraries of the Commonwealth; and (9) To enter into contracts with other states or regions or districts for the purpose of providing cooperative library services.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

The regulation provides less stringent requirements for smaller localities to receive state aid grants to support a public library. As part of the requirements, the Library of Virginia Board has

the ability to grant waivers due to extenuating circumstances. Without such requirements proper oversight of the funds would not be possible.

Based on public input received during the Governor’s Task Force for Local Mandates Review and scrutiny by staff, the Library has determined that there is no need to modify the regulation at this time.

Repeal of the regulation is not a viable option based on the legal mandate set forth in the Code of Virginia and because the regulation is effective in meeting its goals and satisfies those mandates.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No public comments were received on the Virginia Regulatory Town Hall website. This is likely the result of this requirement being reviewed recently by the Governor’s Task Force for Local Mandates Review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation meets the criteria set out in Executive Order 14 (2010) and is necessary is mandatory by law. It affects only those localities that choose to apply for a state aid grant by establishing written and easy to understand requirements. The regulations sets minimum standards that are necessary to ensure that funds are administered properly and a certain level of service is provided.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

This regulation provides the minimum requirements to comply with the mandate of Code of Virginia per Section 42-1-1 (8) and should remain in effect as currently written. The regulation has been effective in

ensuring that funds are administered properly and a certain level of service is provided. The agency is recommending that the regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The regulation affects only localities that choose to apply for state aid grants. There is no impact on small businesses.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation assist in providing a minimum level of public library services that impacts the learning needs of the entire families by providing early literacy skill development, support for formal education, support for home schoolers and distance education students, workforce development, assistance with job applications and resumes, and assistance in using e-government resources.