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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Department of General Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	1 VAC 30-11
<b>VAC Chapter title(s)</b>	Public Participation Guidelines
<b>Date this document prepared</b>	January 6, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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.*

N/A

## 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 Department of General Services amends this chapter pursuant to §2.2-1102.1(A)(1) of the Code of Virginia which authorizes the Department of General Services to "prescribe regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter" with the Director's approval.

In addition, §2.2-4007.02(B) of the Administrative Process Act requires of an agency, “pursuant to its public participation guidelines shall afford interested persons an opportunity to...be accompanied by and represented by counsel or other representative” when these persons present their views on a regulation.

**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.*

NA

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency 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.*

None

Commenter	Comment	Agency response

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This regulatory change is necessary for the Department of General Services to comply with §2.2-4007.02(B) of the Administrative Process Act which requires of an agency, “pursuant to its public participation guidelines shall afford interested persons an opportunity to...be accompanied by and represented by counsel or other representative” when an agency formulates a regulation. This regulatory change is essential to protect the health, safety or welfare of citizens by requiring the Department to provide an opportunity for the public to be represented by counsel or other representatives when the Department promulgates a regulatory action.

**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).*

DGS amends this chapter to conform with 1 VAC 30-11 Public Participation Guidelines to Chapter 795 of the 2012 Acts of Assembly, which amended subsection B of §2.2-4007.02 on public participation guidelines.

### 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.*

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None

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