

PUBLIC PARTICIPATION GUIDELINES
16 VAC 20-10-10 et seq.

PART I.

DEFINITIONS.

16 VAC 20-10-10 Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Ad hoc advisory group" means a task force to develop a new regulation, or review current regulations, or revise current regulations, or advise the council on particular issues under consideration for regulation.

"Administrative Process Act" means Chapter ~~1.1:1~~ (~~§ 9-6.14:1 et seq.~~) of Title ~~9~~ 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Commissioner" means the Commissioner of Labor and Industry or his designee.

"Council" means the Virginia Apprenticeship Council.

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"Department" means the Virginia Department of Labor and Industry.

"Open meeting" means an informal meeting to provide an opportunity for the council or their designee(s) to hear information, receive views and comments, and to answer questions presented by the public on a particular issue or regulation under consideration by the council. It is a meeting to facilitate the informal exchange of information and may be held prior to or during the regulation promulgation process.

"Public hearing" means an informational proceeding conducted pursuant to § ~~9-6.14:7.1~~ 2.2-4007 of the Code of Virginia.

"Regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by the council with the authority conferred upon it by applicable basic law.

"Secretary" means the Secretary of Commerce and Trade or his designee.

PART II.

GENERAL INFORMATION.

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16 VAC 20-10-20. Applicability.

These guidelines shall apply to all regulations subject to the Administrative Process Act which are adopted by the Apprenticeship Council and administered by the Commissioner of Labor and Industry. They shall not apply to regulations adopted on an emergency basis. This chapter shall not apply to regulations exempted from the provisions of the Administrative Process Act (§ ~~9-6.14:4.1 A and B~~ 2.2-4002) or excluded from the operation of Article 2 of the Administrative Process Act (§ ~~9-6.14:4.1 C~~ 2.2-4006).

16 VAC 20-10-40 Identification of interested groups.

The major groups interested in the regulatory process of the council are:

1. Business and labor associations and organizations such as the Virginia Manufacturers Association and the Virginia State AFL-CIO;
2. Persons, groups, businesses, industries, and employees affected by the specific regulation who have previously expressed an interest by writing or participating in public hearings; and
3. Persons or groups who have asked to be placed on a mailing an electronic

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or mail notification list.

16 VAC 20-10-50 Public involvement with formulation of regulations.

A. The council shall accept petitions to develop a new regulation or amend an existing regulation from any member of the public. The council shall consider the petition and ~~provide a response within 180 days.~~ respond in accordance with the Administrative Process Act.

- B. The petition, at a minimum, shall contain the following information:
1. Name, mailing address and telephone number of petitioner;
 2. E-mail address of petitioner, if applicable;
 2. 3. Petitioner's interest in the proposed action;
 3. 4. Substance and purpose of the requested rulemaking including
recommended regulation or addition, deletion or amendment to a
specific regulation;
 4. 5. Statement of need and justification for the proposed action;
 5. 6. Statement of impact on the petitioner and other affected persons;
- and

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7. Reference to the legal authority of the agency to take the action requested; and

~~6- 8.~~ Supporting documents, as applicable.

PART III.

PUBLIC PARTICIPATION PROCEDURES.

16 VAC 20-10-80 Notice of Intended Regulatory Action (NOIRA).

~~A. The department will identify parties as referred to in 16 VAC 20-10-40 interested in the development of the regulation and assemble the appropriate mailing list.~~

~~B. A.~~ The council shall issue a NOIRA whenever it ~~considers the adoption, amendment~~ intends to develop, amend or repeal of any regulation subject to the Administrative Process Act (APA). The NOIRA will include all of the information which is required by the APA.

~~C. B.~~ The council will appoint advisory or consultation groups in accordance with 16 VAC 20-10-60, if appropriate.

~~D. C.~~ The NOIRA will be disseminated to the public via:

1. Distribution by mail , facsimile, e-mail or other appropriate method to persons on appropriate mailing list, including publications of interested groups. interested in the Council's regulatory process;

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2. Publication in the Virginia Register of Regulations;
- ~~3. Publication in newspaper of state-wide circulation and in specific affected areas of the state, if applicable.~~
3. Publication on the Regulatory Town Hall website; and
4. Posting on agency website.

16 VAC 20-10-90. Proposed regulations.

A. After consideration of public comment, the council may prepare a proposed draft regulation and any necessary documentation required for review. If an ad hoc advisory group has been established, the draft regulation shall be developed in consultation with such group.

B. The council will submit the proposed regulation to a 60-day public hearing/ comment period by forwarding the proposed regulation and all Administrative Process Act required documents as stated in § 2.2-4007 of the Code of Virginia, to the Registrar of Regulations and the Regulatory Town Hall by the established submission date for the desired date of publication in the Virginia Register and the beginning of the 60-day comment period. The proposed regulation will also be posted on the agency's web site and distributed by mail, facsimile or e-mail to persons on the appropriate notification list.

~~C. Concurrently with the preceding step, the council will submit required~~

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~~documentation and the proposed regulation for review by other agencies as required by Governor's directive.~~

~~D. Upon receipt of the proposed regulation and appropriate documentation, the Registrar of Regulations will publish the summary of the regulation and the public hearing notice in the Virginia Register and in the Richmond area newspaper of general circulation. If requested, the Registrar will publish the notice in other selected areas of the state. A copy of the notice shall also be mailed to persons on the appropriate mailing list.~~

16 VAC 20-10-100 Completion of the adoption process.

A. The council shall prepare a summary of the oral and written comments received during the 60-day public comment period and the council's response to the comments. A draft of the council's summary shall be sent to all parties who commented on the proposed regulation. The summary shall be sent at least five days before final adoption of the regulation.

B. At the end of the 60-day public comment period, the council shall prepare the final proposed regulation.

C. The final regulation shall be submitted to the council for adoption.

D. The council shall submit the final regulation with the Administrative Process Act required documentation as stated in § 2.2-4012 of the Code of Virginia, to the

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Registrar of Regulations and the Regulatory Town Hall for publication in the Virginia Register at least 30 days prior to the effective date of the regulation. ~~Concurrently, the final regulation and any required documentation will be submitted for review by other agencies as required by Governor's directive.~~ The final regulation will also be posted on the agency's web site and distributed by mail, facsimile or e-mail to persons on the appropriate notification list.

E. The remaining steps in the adoption process shall be carried out in accordance with the provisions of the Administrative Process Act and the Governor's Executive Order for review of proposed regulations.