

Department of Professional and Occupational Regulation (DPOR)

Polygraph Examiners Public Participation Guidelines (PPG)

Statement of Basis, Purpose, Substance, Issues and Economic Impact

This statement is prepared and submitted in compliance with the Virginia Administrative Process Act, specifically § 9-6.14:7.1 H of the *Code of Virginia*.

Basis:

Chapter 8.1 of Title 54.1 of the *Code of Virginia* creates the statutory authority for the professional boxing and wrestling events regulatory program and gives the Director of DPOR the powers of a regulatory board as found in § 54.1-201 of the *Code of Virginia*. Chapter 18 of Title 54.1 of the *Code of Virginia* creates the statutory authority for the polygraph examiners regulatory program. Both chapters mandate the Director of DPOR to promulgate regulations.

The Director of DPOR is, additionally, mandated by Chapter 1.1:1 of Title 9 of the *Code of Virginia* (Chapter 895 of the 1998 Session of the General Assembly effective July 1, 1998) to promulgate public participation guidelines.

The basis for the Director to promulgate public participation guidelines for the polygraph examiners and professional boxing and wrestling events regulatory programs is found under §§ 54.1- 201 (5), 831 and 1802 of the *Code of Virginia*.

The imperative form of the verb (shall) is used in all *Code of Virginia* sections cited, making the rulemaking provisions mandatory rather than discretionary.

Purpose:

The amendments to the regulations implement the new Professional Boxing and Wrestling Events regulatory program by revising the existing Polygraph Examiner Public Participation Guidelines to cover all regulatory programs that are currently under the authority of the Director of DPOR rather than a regulatory board. The resulting regulations will apply to any future regulatory programs that may be assigned to the Director rather than to a regulatory board. The Office of the Registrar of Regulations specifically suggested the amendments.

The purpose of the regulations is to assure that the public is provided adequate notice concerning each opportunity for participation in the regulation development and promulgation process.

Substance:

The key provisions of the proposed regulations that make changes to the current status of law are identified and explained as follows:

The name of the regulation was changed by deleting “Polygraph Examiners,” thus allowing the PPG to apply to Polygraph Examiners, Professional Boxing and Wrestling, and any future regulatory program which might be enacted to empower the Director of DPOR with regulatory board authority.

Section 18 VAC 120-10-170 was revised to add “or task force (“committees”)” as one of the instruments the agency may use provide adequate participation by the public in the regulation formation, promulgation, adoption and review process. The words “advisory committee” were deleted and replaced by the word “committees” to reflect the provisions of proposed Professional Boxing and Wrestling Events Regulations section 18 VAC 120-40-60 that empowers the appointment of an advisory group called the Professional Boxing and Wrestling Task Force.

No other amendments to the existing regulation are contemplated.

Issues:

The primary advantage to the public is a mechanism implemented by the agency that assures timely notification of regulation promulgation activity. No disadvantage to the public has been identified.

Economic Impact:

The regulations’ anticipated impacts are indistinguishable from the impacts of the regulatory programs they serve. A copy of the anticipated regulatory impacts of the Professional Boxing and Wrestling Regulations, which necessitated the amendments to the PPG, is attached.