



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	The Library of Virginia
Virginia Administrative Code (VAC) citation	17 VAC 15-61
Regulation title	Standards for Recorded Permanent Instruments
Action title	Regulatory Reform: Legible and Reproducible Documents Acceptable for Permanent Recordation
Date this document prepared	April 25, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

In response to the Governor's Regulatory Reform initiative the Library of Virginia seeks to simplify and reduce unnecessary regulatory burdens on regulated groups. The proposed regulatory action simplifies the rules in that they would be combined into one regulation. Currently, they are spread out over three regulations, which will be repealed. The language in the planned regulation would be simplified, the organization would be improved, and obsolete sections would be removed.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Under Code of Virginia (42.1-82) one of the duties and powers of the Library Board is to issue regulations designed to facilitate the creation, preservation, storage, filing, reformatting, management, and destruction of public records by agencies." Per the Virginia Public Records Act 42.1-77, an agency is defined as "...all boards, commissions, departments, divisions, institutions, authorities, or parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers."

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

This regulatory action is needed to provide a standard to which all circuit court clerks' offices will compare the medium, inscription, and format of paper instruments presented for recording and filing, when such instruments will become records with a disposition of permanent retention. Without this standard, instruments submitted to record may be of such quality that reformatting them to the copy of record, via electronic image or microfilm, for the purpose of producing copies indefinitely, can be significantly hindered. Records with an inferior ability to be read or copied leave the rights of citizens and property holders in jeopardy.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

The Library would repeal 17 VAC 15-60-10 et seq. Standards for Plats. 17 VAC 15-70-10 et seq. Standards for Recorded Instruments, and 17 VAC 15-80-10 et seq., Paper Used in Permanent Court Records, and enact a new regulation that combines, simplifies, and better organizes the essential parts of the current regulations, as well as omits obsolete sections.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

There are no viable alternatives to the proposed regulatory action. The Library of Virginia previously explored alternatives with the Virginia Court Clerks' Association, but the association could find no legitimate mechanism for managing the regulations. At that time the Library worked with a Recording Standards Committee of four circuit court clerks, two professional surveyors, and four members of the Library of Virginia staff. That committee created this proposed regulatory action. The majority of the clerks, as well as other impacted parties, will see this overhauled regulation as significantly improved and more effective to apply over the current regulations.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Please also indicate pursuant to your Public Participation Guidelines whether a panel will be appointed to assist in the development of the proposed regulation. Please state one of the following: 1) a panel will be appointed and the agency’s contact if you’re interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including, but not limited to, 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives, and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping, and other administrative costs, 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

A panel will not be used in the further development of this proposed regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to **Glenn Smith, Library of Virginia, 800 East Broad Street, Richmond, VA 23219; 804-692-3604; 804-692-3585; glenn.smith@lva.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation protects citizens and property holders by helping to ensure that instruments submitted to record by them and on their behalf in the offices of the circuit court clerks are accurately reproducible, in its original and all reformatted copies, for all research, legal, and land titling purposes.