



Periodic Review / Retain Regulation Agency Background Document

Agency name	Library of Virginia
Virginia Administrative Code (VAC) citation	<u>17 VAC 15-100</u>
Regulation title	Issuing authority, individuals covered and exempt from regulations.
Document preparation date	

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.

17 VA 15 -100.10 places the responsibility for issuing certificates to those who meet the qualifications outlined in 17 VA 100.20-40. Librarians employed by the State Law Library or law libraries of counties or cities, libraries of colleges and universities, libraries of institutions, and school libraries are exempt.

§ 42.1-15.1. Qualifications required to hold professional librarian position limits the need to be certified by the State Library Board to public libraries serving populations greater than 15,000.

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.

§ 42.1-15.1 Code of Virginia has been amended twice to increase the population threshold required a librarian to be certified by the State Library Board in recognition of the difficulties of smaller localities to recruit and retain a professional librarian.

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

This regulation is a result of a mandate in the Code of Virginia.

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 web site. 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 as mandatory by law. It affects only those localities with a public library serving a population of more than 15,000. It relates to Requirements Which Must Be Met to Received Grants in Aid ([17 VAC 15-110](#)) and in that situation would apply on to those localities applying for a state aid grant. The regulation establishes written and easy to understand requirements

Result

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

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 with public libraries. 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 only affects localities with public libraries.