



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Cemetery Board
VAC Chapter Number:	18 VAC 47-10-10
Regulation Title:	Public Participation Guidelines
Action Title:	Promulgation of Public Participation Guidelines
Date:	01/28/00

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The proposed regulations have been developed to assure that the public is provided adequate notice concerning each opportunity for participation in the development, promulgation, and review of regulations affecting the operation of licensed cemeteries and registered sales personnel in the Commonwealth of Virginia.

The proposed regulations outline requirements made on the Cemetery Board concerning proper notification of the public of certain regulatory actions, including the development and maintenance of a mailing list, establishment of public comment periods and public hearings, and the notice requirements of meetings.

These regulations are, in substance, nearly identical to the Public Participation Guidelines already in place for all other regulatory boards under the authority of the Department of

Professional and Occupational Regulation. Additionally, these proposed regulations are original, and, subsequently, do not contain any changes or amendments to existing regulations.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

No changes have been made to the proposed text.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On January 19, 2000, the Cemetery Board adopted a final regulation entitled "Cemetery Board Public Participation Guidelines", 18 VAC 47-10-10, et seq.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law

Chapter 23.1 of Title 54.1 of the Code of Virginia creates the statutory authority for the regulation of Cemetery Operators, Perpetual Care Trust Funds and Preneed Burial Contracts and gives the Cemetery Board certain powers and duties as found in § 54.1-201 of the Code of Virginia. These statutes mandate the Cemetery Board to promulgate regulations.

Additionally, the Board is, mandated by Chapter 1.1:1 of Title 9 of the Code of Virginia to promulgate public participation guidelines. The basis for this authority is found under § 54.1-201.5 and § 54.1-2313.D & E 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

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The purpose of these regulations are to assure that the public is provided adequate notice concerning each opportunity for participation in the development, promulgation, and review of regulations affecting the operation of licensed cemeteries in the Commonwealth of Virginia.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

These proposed Public Participation Guidelines are the result of the addition of the Cemetery Board and its authority to the Department of Professional and Occupational Regulation as mandated in Chapter 21.3 of Title 54.1 of the Code of Virginia (Chapter 721 of the 1998 Session of the General Assembly effective July 1, 1998). These regulations are original and, therefore, do not contain any changes or amendments to existing regulations.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage to the public is a mechanism implemented by the agency that assures timely notification of changes or amendments to regulations. No disadvantage to the public has been identified.

The notification to the public of changes and amendments to regulations encourages public comment, providing the agency with a broader view of public opinions concerning regulatory issues. Increased public participation provides for the possibility of increased expertise from those not affiliated with the agency. No disadvantage to the agency has been identified.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No public comment was received.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

No changes have been made to the proposed text.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.

No impact on families has been identified.