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Emergency Regulation and Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of General Services
Virginia Administrative Code (VAC) citation(s)	1VAC-30-105
Regulation title(s)	Regulations Banning Concealed Firearms in Offices Owned or Occupied by Executive Branch Agencies
Action title	Issuance of Regulations Prohibiting Concealed Firearms
Date this document prepared	November 13, 2015

This form is used when an agency wishes to promulgate an emergency regulation (to be effective for up to eighteen months), as well as publish a Notice of Intended Regulatory Action (NOIRA) to begin the process of promulgating a permanent replacement regulation. This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This Regulation implements Executive Order 50 (McAuliffe 2015), which bans firearms in executive branch agency offices. This regulation prohibits concealed firearms in offices and workplace facilities under the ownership, lease, or control of an executive branch agency, and includes a requirement for posting signs to this effect. The Executive Order directs DGS to propose regulations within 30 days of the EO.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

DGS = Department of General Services
EO = Executive Order

Emergency Authority

The APA (Code of Virginia § 2.2-4011) states that agencies may adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of subdivision A. 4. of § 2.2-4006. Please explain why this is an emergency situation as described above, and provide specific citations to the Code of Virginia or the Appropriation Act, if applicable.

Va. Code § 2.2-4011(A) allows emergency regulations where the necessity for the action has been approved by the Governor. Here, the Governor has directed the action through his Executive Order 50.

Legal basis

Other than the emergency authority described above, please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and 2) the promulgating entity, i.e., agency, board, or person.

DGS has been directed by the Governor to issue these regulations. Authority for DGS to issue such regulations exists through Va. Code § 2.2-1100(B) and Va. Code § 2.2-1102(A)(1).

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.

As stated in the EO, it is the Governor’s desire to protect citizens and state employees from gun violence. The purpose of this regulation is to ban concealed firearms from offices owned, leased or controlled by executive branch agencies. While State employees are already prohibited from carrying firearms through State personnel directives, this regulation will extend that prohibition to members of the public and other non-employee individuals who may enter the premises.

Need

Please describe 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.

As stated in the EO, the Governor has determined there is a need to take every precaution to protect citizens and state employees from gun violence. Every day, over 60,000 Virginians report to work in state government buildings across the Commonwealth to provide services to their fellow Virginians. Citizens rely on open access to these facilities to allow citizens to access to government representatives and address personal and professional needs. Allowing the carrying of firearms exposes state employees and citizens to unnecessary risk.

Substance

Please describe any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Set forth the specific reasons the agency has determined that the proposed regulatory action is essential to protect the healthy, safety, or welfare of Virginians.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, and likely impact of proposed requirements

If a new regulation is being promulgated, use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
1VAC30-105-40	Prohibits any concealed firearm in workplace facilities owned, leased or controlled by or for an executive branch agency, other than where the carrier is law enforcement, security, or military personnel		Intent is to ensure that the public is subject to the same restrictions as the office employees; i.e. that concealed firearms will not be brought into a State office facility
1VAC30-105-50	Specifies that leases shall include prohibition		Future leases will make clear that this prohibition will apply, both when the Commonwealth is the Lessor and when the Commonwealth is the Lessee.
1VAC30-105-60	Requires signs to be posted		Intention for posting signs is to make public aware
1VAC30-105-70	Specifies that occupying agency will be responsible for enforcement		Occupying agencies already have a protocol for responding to potential trespassing; this clarifies that the occupying agency, and not DGS, is responsible for following that protocol. No impact is

			anticipated
1VAC30-105-80	Allows Governor to authorize exemptions		Intent is to allow Governor to review requests for exemptions and determine whether they are necessary. Several offices have unique situations, either due to their mission or to their personnel, and it may not be practical for those facilities to follow these regulations.

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 describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

No alternatives have been identified which would carry the same force as the regulation and accomplish the same purpose.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, to include 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 meeting is to be held to receive comments. Please also indicate whether a Regulatory Advisory Panel or a Negotiated Rulemaking Panel has been used in the development of the emergency regulation and whether it will also be used in the development of the permanent regulation.

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the 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 Rhonda Bishton, Department of General Services, 1100 Bank Street, Suite 420, Richmond VA 23219; email: Rhonda.Bishton@dgs.virginia.gov; fax: 804/371-8305. 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

Please assess the impact of this 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.

No family impact

Periodic review/small business impact review announcement

n/a