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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Board for Branch Pilots
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC45-11
<b>Regulation title</b>	Public Participation Guidelines
<b>Date</b>	January 28, 2016

This information is required pursuant to Executive Order 17 (2014).

### 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.*

#### (1) Relevant Laws

##### [§ 2.2-4007.02](#)

Public participation guidelines exist to promote public involvement in the development, amendment, or repeal of an agency's regulations. Under § 2.2-4007.02 of the *Code of Virginia*, every rulemaking body in Virginia is required to adopt public participation guidelines and to use these guidelines in the development of its regulations. Chapter 321 of the 2008 Acts of Assembly (effective July 1, 2008) mandated that, by December 1, 2008, agencies either adopt model public participation guidelines issued by the Department of Planning and Budget, or if they need to make significant changes to the model guidelines, promulgate new public participation guidelines as fast-track regulations.

[§ 54.1-201.5](#) of the *Code of Virginia* states that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ [54.1-100](#) et seq.) and 3 (§ [54.1-300](#) et seq.) of this title.

[§ 54.1-902](#). Regulations; suspension or revocation of license; penalty for violation.

A. The Board is authorized to promulgate regulations necessary for the proper government and regulation of pilots and to prescribe penalties for the violation of regulations in accordance with the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.). Regulations may include the right to suspend or revoke the branch of any pilot. Such suspension or revocation may be in addition to any other penalty imposed by law for the violation.

(2) Promulgating Entity

Board for Branch Pilots.

### 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.*

No viable alternative has been identified. The regulations are necessary for the Board to comply with § 2.2-4007.02 of the *Code of Virginia* and Chapter 321 of the 2008 Acts of Assembly.

### 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.*

No public comments were received. No informal advisory committee was formed.

### Effectiveness

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulations are consistent with the criteria of Executive Order 17 (2014) in that they are written clearly and are easily understandable. Further, they are necessary for the Board to comply with § 2.2-4007.02 of the *Code of Virginia* and Chapter 321 of the 2008 Acts of Assembly.

## Result

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

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The agency recommends that the regulations remain in effect and unchanged.

## 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 basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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1. The current regulations are necessary for the Board to comply with § 2.2-4007.02 of the *Code of Virginia* and Chapter 321 of the 2008 Acts of Assembly.
2. No public comments were received.
3. The regulations are not complex in nature.
4. The regulations do not overlap, duplicate, or conflict with federal or state laws or regulations.
5. The regulations were last effective on December 1, 2012 with the adoption of the Model Public Participation Guidelines pursuant to Chapter 321 of the 2008 Acts of Assembly.

No small business impact has been identified.