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SENATE BILL NO. 1292

Offered January 20, 2005

A BILL to amend and reenact § 30-73.3 of the Code of Virginia, relating to suspension of a final rule or regulation.

Patron—Wagner

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:**1. That § 30-73.3 of the Code of Virginia is amended and reenacted as follows:**

§ 30-73.3. Powers and duties of Commission.

A. The Commission shall have the powers and duties to:

1. Review proposed rules and regulations of any agency during the promulgation or final adoption process and determine whether or not the rule or regulation is authorized by statute and complies with legislative intent.

2. Review the impact of the rule or regulation on the economy, protection of the Commonwealth's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia, government operations of the State and localities, and affected persons.

3. File with the Registrar and the agency promulgating the regulation an objection to a proposed or final adopted regulation.

4. Suspend the effective date of any portion or all of a final regulation with the concurrence of the Governor as provided in subsection B of § 2.2-4014.

5. Make recommendations to the Governor and General Assembly for action based on its review of any proposed rule or regulation.

6. Review any existing agency rule, regulation, practice or the failure of an agency to adopt a rule and recommend to the Governor and the General Assembly that a rule be modified, repealed or adopted.

B. If the Commission decides to seek suspension of a final rule or regulation, it shall deliver a statement to the Governor, signed by a majority of the members of the Commission, asking the Governor to concur in delaying the effective date of a portion or all of the final regulation until the end of the next regular legislative session as provided in §§ 2.2-4014 and 2.2-4015.

C. *Notwithstanding the provisions of subsection B and §§ 2.2-4014 and 2.2-4015, if the Commission makes a determination to suspend a final rule or regulation within 30 days of the beginning of the regular legislative session, the suspension shall run until the end of the second succeeding regular legislative session.*

D. Based upon its review of (i) any final rule or regulation during the promulgation or final adoption process or (ii) any existing agency rule, regulation, practice or failure to adopt a rule or regulation, the Commission may prepare and arrange for the introduction of a bill to clarify the intent of the General Assembly when it enacted a law or to correct any misapplication of a law by an agency.

INTRODUCED

SB1292