

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number:** HB1199

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Herring, C.

**3. Committee:** House General Laws

**4. Title:** Administrative Process Act; right to counsel in rule-making proceedings

**5. Summary:** § 2.2-4007.02 of the Administrative Process Act currently states that “In formulating any regulation ... the agency pursuant to its public participation guidelines shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing, to the agency, to include an on-line public comment forum on the Virginia Regulatory Town Hall, or other specially designated subordinate.” HB1199 clarifies that in doing so interested persons may be accompanied by and represented by counsel or other qualified representative. Further, § 2.2-4009 states that concerning evidentiary hearings “where the proposed regulation is to be addressed to named persons, the latter shall also be given ... notice individually by mail or otherwise if acknowledged in writing.” HB1199 additionally clarifies that the named persons are entitled to be accompanied by and represented by counsel or other qualified representative at the evidentiary hearings.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** No fiscal impact

**8. Fiscal Implications:** None

**9. Specific Agency or Political Subdivisions Affected:** The legislation potentially affects all agencies which have regulations.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** 1/23/2012 DPB