

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB1790

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

2. Patron: Lingamfelter

3. Committee: General Laws

4. Title: Administrative Process Act; development and periodic review of regulations; report.

5. Summary: Requires agencies to develop regulations in the least burdensome and intrusive manner possible and provides guiding principles for the development, adoption, and repeal of regulations. The bill also requires each agency to establish a schedule over a ten-year period for the review of all regulations for which the agency is the primary responsible agency. The schedule shall provide for the annual review of at least 10 percent of an agency's regulations by July 1 of each year. Under the bill, the Governor will submit an annual report containing the findings of the regulation reviews by August 1 of each year to the chairmen of the standing committees of the House of Delegates and the Senate.

6. Budget Amendment Necessary: Indeterminate – see Item 8.

7. Fiscal Impact Estimates: Indeterminate – see Item 8.

8. Fiscal Implications: The fiscal impact of the proposed legislation is indeterminate and may vary for each state agency. House Bill 1790 eliminates the current requirement that all regulations be reviewed every four years and requires each agency to establish a schedule over a ten-year period for the review of all regulations for which the agency is the primary responsible agency, with 10 percent of the agency's regulations reviewed annually by July 1. The proposed legislation also establishes new principles for state agencies to follow in the development and adoption of all regulations that pertain to citizens engaged in otherwise constitutional and lawful activities. Any additional staffing needed to develop regulations as required by House Bill 1790 is indeterminate.

The Department of Planning and Budget is required to ensure that each proposed schedule complies with the requirements and to consolidate the agency review schedules for submission to the Governor no later than August 1, which is one month after submission from agencies. This short timeframe for preparing the report could have a fiscal impact.

9. Specific Agency or Political Subdivisions Affected: Department of Planning and Budget and all state agencies with regulatory authority.

10. Technical Amendment Necessary: No.

11. Other Comments: The proposed legislation requires DPB to consolidate a report by August 1 of all of the agency regulations submitted by July 1. Based on the number of regulations statewide, the proposed timeframe does not provide DPB sufficient time to generate the consolidated report.