

## Department of Planning and Budget

### 2017 Fiscal Impact Statement

**1. Bill Number:** HB2370

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:** Head

**3. Committee:** General Laws

**4. Title:** Administrative Process Act; reconsideration of an agency's final decision; intermediate relief.

**5. Summary:** Provides if a petition for reconsideration is timely filed, the final decision shall be suspended and the time for filing a notice of appeal under Rule 2A:2 of the Rules of Supreme Court of Virginia shall be tolled. Under current law, the final decision is not suspended and the time for filing the notice is not tolled unless the agency provides for the suspension of its decision when it grants a petition for reconsideration. When judicial review is instituted or is about to be, the bill also requires the agency to postpone the effective date of the regulation or decision involved pending conclusion of the review proceedings.

**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 at this time. Depending on the number of additional petitions filed, state agencies may need additional staffing to address the workload. The proposed legislation expands the scope of potential petitions for reconsideration from just formal hearings to include reconsiderations of informational fact-findings under Virginia Code § 2.2-4019. Many administrative agencies hold informational fact-findings under § 2.2-4019. The expansion of the scope of petitions to include informational fact-findings will likely increase the number of petitions and, therefore, the amount of time and resources agencies need to respond to these petitions.

In addition to staffing resources, the proposed legislation also may have a fiscal impact on state agencies with laws or regulations that impose fines, penalties, and/or interest from the date of the charged violation. Typically, these fines, penalties, and/or interest continue to accrue until a final case decision is made. The proposed legislation states that a timely filed petition for reconsideration shall suspend the execution of any decision and toll the time for filing a notice of appeal under Rule 2A:2 of the Rules of Supreme Court of Virginia. In this instance, it is unclear as to whether the imposed fines, penalties, and/or interest also would be tolled until the reconsideration is final. If they are, the result could have an additional financial impact on the aggrieved individual, the complaining party, and/or the state account into which the money would otherwise be deposited.

**9. Specific Agency or Political Subdivisions Affected:** Department of Planning and Budget, courts, and state agencies that have regulations that are not exempt from the Administrative Process Act.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.