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HOUSE BILL NO. 1799

Offered January 19, 1995

A BILL to amend and reenact § 9-6.14:9.1 of the Code of Virginia, relating to the Governor's review of proposed regulations.

Patrons—Murphy and Cohen; Senators: Gartlan and Reasor

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 9-6.14:9.1 of the Code of Virginia is amended and reenacted as follows:

§ 9-6.14:9.1. Executive review of proposed and final regulations; changes with substantial impact.

A. The Governor shall adopt and publish procedures by executive order for review of all proposed regulations governed by this chapter by June 30 of the year in which the Governor takes office. The procedures shall include (i) review by the Attorney General to ensure statutory authority for the proposed regulations; (ii) examination by the Governor to determine if the proposed regulations are necessary to protect the public health, safety and welfare; and (iii) examination by the Governor to determine if the proposed regulations are clearly written and easily understandable. The procedures may also include review of the proposed regulation by the appropriate Cabinet Secretary.

~~The Governor's review of a proposed regulation shall begin upon the publication of that proposed regulation in the Register.~~ The Governor shall transmit his comments, *if any*, on ~~that a~~ proposed regulation to the Registrar and the agency prior to the completion of the public comment period provided for in § 9-6.14:7.1. The Governor may recommend amendments or modifications to any regulation which would bring that regulation into conformity with statutory authority or state or federal laws, regulations or judicial decisions.

~~Upon receipt of the Governor's comments on the proposed regulation the completion of the public comment period provided for in § 9-6.14:7.1,~~ the agency (i) may adopt the proposed regulation if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's objections or suggestions, *if any*; or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

B. Upon final adoption of the regulation, the agency shall forward a copy of the regulation to the Registrar of Regulations for publication as soon as practicable in the Register. All changes to the proposed regulation shall be highlighted in the final regulation, and substantial changes to the proposed regulation shall be explained in the final regulation.

C. If the Governor finds that one or more changes with substantial impact have been made to the proposed regulation, he may require the agency to provide an additional thirty days to solicit additional public comment on the changes.

D. A thirty-day final adoption period for regulations shall commence upon the publication of the final regulation in the Register. The Governor ~~shall~~ *may* review the final regulation during this thirty-day final adoption period and if he objects to any portion or all of a regulation, the Governor may file a formal objection to the regulation, suspend the effective date of the regulation in accordance with subsection B of § 9-6.14:9.2, or both.

If the Governor files a formal objection to the regulation, he shall forward his objections to the Registrar and agency prior to the conclusion of the thirty-day final adoption period. The Governor shall be deemed to have acquiesced to a promulgated regulation if he fails to object to it or if he fails to suspend the effective date of the regulation in accordance with subsection B of § 9-6.14:9.2 during the thirty-day final adoption period. The Governor's objection, or the suspension of the regulation, or both if applicable, shall be published in the Register.

A regulation shall become effective as provided in § 9-6.14:9.3.

E. This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations.

INTRODUCED

HB1799