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## SENATE JOINT RESOLUTION NO. 285

Offered January 17, 1997

*Establishing a joint subcommittee to conduct a comprehensive study of the efficacy of the Administrative Process Act.*

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Patron—Wampler

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Referred to the Committee on Rules

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WHEREAS, the Administrative Process Act was enacted in 1975 as a generally applicable law to govern agencies in the promulgation of regulations and the application of regulations to the citizens of the Commonwealth; and

WHEREAS, the Administrative Process Act is intended to encourage public participation during agencies' rule-making processes, ensure due process in the application of agency actions to the citizenry, and provide for an efficient, effective and equitable means for agencies to develop and apply public policy, and

WHEREAS, the number of amendments to the Administrative Process Act proposed and enacted has increased during each recent General Assembly Session; and

WHEREAS, the number of agency exemptions from the Administrative Process Act proposed and enacted has increased during each recent General Assembly Session, and

WHEREAS, several measures have been enacted in recent years which specify regulatory processes within the basic laws of agencies that differ from the provisions of the Administrative Process Act; and

WHEREAS, the majority of agency regulations published in the Virginia Register are exempt from the provisions of the Administrative Process Act; and

WHEREAS, the various amendments proposed to the Administrative Process Act in recent years may have a far-reaching and cumulative effect upon the administration of government and the rights of citizens; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to conduct a comprehensive study of the efficacy of the Administrative Process Act. The joint subcommittee shall consider the number, breadth, and rationale for exemptions from the Administrative Process Act, the efficiency, effectiveness and equity of the regulatory and case decision processes, the hearing-officer system, and executive and legislative oversight.

The joint subcommittee shall be composed of seven members to be appointed as follows: three members of the Senate to be appointed by the Senate Committee on Privileges and Elections and four members of the House of Delegates to be appointed by the Speaker of the House. The Administrative Law Advisory Committee shall provide staff to the joint subcommittee. Upon request, all agencies of the Commonwealth shall provide assistance to the study.

The direct costs of this study shall not exceed \$10,800.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

INTRODUCED

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