

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number HB1942

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 Purkey, H.

3. Committee House Committee on General Laws

4. Title Administrative Process Act; economic impact analysis of regulations to members of G.A., report.

5. Summary/Purpose: HB 1942 would amend the *Code of Virginia* at §2.2-4007.H.2 to require that the Department of Planning and Budget (DPB) distribute to members of the General Assembly copies of the Economic Impact Analysis of regulations that are currently provided, via the Regulatory Town Hall website, to:

- (a) The agency that has drafted the regulation
- (b) The public for viewing on the World Wide Web via Virginia's Regulatory Town Hall and
- (c) The Registrar for publication with the proposed regulation in *The Virginia Register*

6. Indeterminate fiscal impact

7. Budget amendment necessary: See Item 8, below.

8. Fiscal implications:

Current General Assembly Access to Economic Impact Analyses (EIAs)

DPB economists prepare Economic Impact Analyses (EIAs) on every non-emergency regulation. In calendar 2006, DPB issued 125 EIAs.

Legislators and their staff can access the EIAs in two ways:

- A one-time search of the Regulatory Town Hall website, found on the World Wide Web at <http://www.townhall.virginia.gov/>.
- An automated notification of EIAs of all or a selected type(s) of regulations. Legislators and staff can register for these notifications as normal public users.

As part of the Executive Branch's efforts to increase government transparency, DPB has designed Virginia's Regulatory Town Hall to allow users to specify targeted types of information that they would like to receive automatically on a quick turnaround

basis. Among the parameters users can specify for automatic notification are the following:

- Secretariat(s)
- Agency(ies)
- Board(s) or chapters of the *Administrative Code*

For the selected areas of interest, users can ask to receive notification about either:

- Regulatory actions or
- Meetings or
- Both regulatory actions and meetings

Unlike websites such as the *Virginia Register* or the Commonwealth Calendar, for example, the Town Hall will then “push” the requested information out to users without the necessity of regular user searches. This feature is available to legislators and their staffs, as well as to the general public.

To access Town Hall documents and set up automatic notifications requires the use to undertake an easy one-time process that generally takes well under five minutes

- Navigate the website via a short series of well-labeled links and
- Click boxes to identify the areas of interest and kinds of actions (meeting or regulatory action or both) for which notification is desired

As part of the routine notification process, Town Hall notifies the user at the point in the regulatory process that the EIA, the agency response to the EIA, and the exact wording of the proposed regulation are submitted to the Registrar for publication in the *Virginia Register*.¹

Whichever of the two access methods is used, the DPB EIA, along with the cognizant agency’s response to the EIA, is available to users ten or more days before their publication in the *Register*.

Direct Distribution of Economic Impact Analyses to Individual Legislators Pursuant to HB 1942

Within its current resources, DPB could distribute either an electronic version of the EIA or a notification of its posting, with appropriate World Wide Web link, to every legislator via

¹ DPB issues Economic Impact Analyses (EIAs) on (a) all Fast Track regulations (highly routine regulations that do not have significant policy impact and therefore do not require public comment) and (b) all other non-emergency regulations during their “proposed stage” prior to publication of the final regulation. Thus, the EIAs are available to policy makers and the public during the comment period on proposed regulations. EIAs are not modified in the “final stage” of issuance in response to changes subsequently made in the proposed regulation when the regulation gets to the final stage of issuance. In addition, no EIAs are done on Emergency Regulations (mandated by the General Assembly) or regulations issued by agencies or about topics exempted in legislation from the full regulatory review process.

electronic mail at the same time that it posts the EIA and the agency response to the Town Hall for public viewing. This distribution would occur after full Executive Branch review of the proposed regulation but before the proposed stage public comment period, possible subsequent revision of the regulation, and submission of the Final Stage regulation to the Registrar.

Key Operational Differences between Current Town Hall System and the Distribution Proposed in HB 1942

There are two key differences between the current Town Hall notification system and the requirements of HB 1942 as introduced:

Variable	Current Regulatory Town Hall Notification System	Requirements of HB 1942
Time required to specify types of regulations desired	Some effort required to set up notifications (usually, two to three minutes)	No time required of legislators or their staff
Volume of notifications and/or text	Related to scope of legislator's interest	All regulations, regardless of interest

Cost of Paper Distribution

Electronic distribution could be absorbed by the current DPB budget. However, if legislators wanted paper copies of the EIA delivered to their offices, some cost would be involved, not only for paper, printing, and mail delivery, but also for personnel to do the copying and distribution. Because HB 1942 does not specify the nature of the delivery, this Fiscal Impact Statement assumes electronic delivery.

9. Specific agency or political subdivisions affected:

Department of Planning and Budget; all members of the General Assembly

10. Technical amendment necessary: No

11. Other comments: None

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cc: Secretary of Finance