

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB734

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Ralph K. Smith

3. Committee: Passed Both Houses

4. Title: Administrative Process Act (APA); public participation guidelines (PPGs)

5. Summary: SB 734, enrolled, requires that, on or before July 1, 2008, the Department of Planning and Budget, in consultation with the Office of the Attorney General, shall (i) develop model public participation guidelines and (ii) provide these model public participation guidelines (PPGs) to each agency that has the authority to promulgate regulations.

By December 1, 2008, each such regulatory agency shall either (a) adopt the model public participation guidelines or (b) if significant additions or changes are proposed, promulgate the model public participation guidelines with the proposed changes as fast-track regulations pursuant to § 2.2-4012.1. Agency action in adopting the model public participation guidelines in accordance with clause (a) shall be exempt from the APA.

If commenced on or after January 1, 2009, any regulatory action to modify the public participation guidelines must be done in accordance with the APA, and any other regulations for which a NOIRA is filed after that date must be processed according to the PPGs required by this bill.

6. Fiscal Impact Estimates: Final

7. Budget Amendment Necessary: No.

8. Fiscal Implications: The Department of Planning and Budget, the Attorney General's Office, the Code Commission, and state regulatory agencies should be able to absorb the expense of this activity in their normal operating budgets.

The Registrar of Regulations indicates that it will cost the Code Commission \$10,000 to hire one part-time clerk for three months or two part-time clerks for six weeks, depending on the timing of new regulatory submissions pursuant to SB 734 requirements. At present, it appears that this expenditure can probably be absorbed in the Code Commission's ongoing budget. The Registrar observes that 1993 legislation [based on a study by the Joint Legislative Audit and Review Commission (JLARC)] generated an increased volume of public participation guidelines regulations and that part-time staff had to be hired to meet the legislative mandate.

9. Specific Agency or Political Subdivisions Affected: All state regulatory agencies.

10. Technical Amendment Necessary: No

11. Other Comments: HB 1167, the companion to SB 734, has been enrolled.

Date: 3/10/2008 dpb/rmc

Document: SB734ER.doc

cc: Secretary of Finance