

## **Department of Planning and Budget**

### **2016 Fiscal Impact Statement**

**1. Bill Number:** HB644

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Leftwich, J.

**3. Committee:** General Laws

**4. Title:** Administrative Process Act; judicial review of certain regulations.

**5. Summary:** Provides that in any court action brought by a person affected by and claiming the unlawfulness of any regulation on the basis that an agency failed to follow any procedure for the promulgation or adoption of a regulation specified in this chapter or in such agency's basic law, the burden shall be upon the party complaining of the agency action to designate and demonstrate the unlawfulness of the regulation by a preponderance of the evidence. The bill provides that if the court finds in favor of the party complaining of the agency action, the court shall declare the regulation null and void and remand the case to the agency for further proceedings.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** No fiscal impact.

**8. Fiscal Implications:** None.

**9. Specific Agency or Political Subdivisions Affected:** Courts and all state agencies that have regulations which are not exempt from the Administrative Process Act.

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 1/27/16