

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: SB207

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

2. Patron: Edwards, J.

3. Committee: Passed Both Houses

4. Title: Administrative Process Act; reconsideration of formal hearings.

5. Summary: Provides a procedure for a party to file a petition for reconsideration of an agency's decision from a formal hearing under the Administrative Process Act (APA). The bill requires the agency to render a written decision on a party's timely petition for reconsideration within 30 days and may deny the petition, modify the decision, or vacate the decision and set a new hearing for further proceedings. The agency shall state the reasons for its action. The bill also provides for the reconsideration of other decisions of a policy-making board of a state agency. If reconsideration is sought for the decision of a board, the board may (i) consider the petition for reconsideration at its next regularly scheduled meeting, (ii) schedule a special meeting to consider and decide upon the petition within 30 days of receipt, or (iii) delegate authority to consider the petition to either the board chairman, a subcommittee of the board, or the director of the state agency that provides administrative support to the board. The bill is the recommendation of the Administrative Law Advisory Committee and has been approved by the Virginia Code Commission.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No fiscal impact.

8. Fiscal Implications: The prior version of this bill had a fiscal impact on the Department of Medical Assistance Services. House amendments, agreed to by the Senate, removed the fiscal impact. The amendments provide authority for agencies to promulgate regulations that specify the scope of evidence that may be considered by such agency in support of any petition for reconsideration.

9. Specific Agency or Political Subdivisions Affected: All state agencies that are not exempt from the Administrative Process Act.

10. Technical Amendment Necessary: None.

11. Other Comments: Senate amendments added the following: "2. That the Department of Human Resource Management shall submit a report by November 1 of each year to the Senate Committee on General Laws and Technology and the House Committee on General Laws detailing (i) the number of employee grievance hearings held pursuant to the

Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and (ii) the number of decisions from such hearings that were rendered in favor of employees.”

Date: 3/1/16