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HOUSE JOINT RESOLUTION NO. 614

Offered January 11, 2017

Prefiled January 7, 2017

Directing the Joint Legislative Audit and Review Commission to study the Administrative Process Act exemptions. Report.

Patron—Ransone

Referred to Committee on Rules

WHEREAS, state regulations are rules that have the force of law and impact the conduct and rights of citizens and businesses; and

WHEREAS, regulations are developed by state agency staff and other non-elected officials, and there is a need for public input as well as input from elected officials in the rulemaking process; and

WHEREAS, the Administrative Process Act establishes requirements for public participation in the rulemaking process as well as an economic impact analysis of proposed regulations; and

WHEREAS, the Administrative Process Act exempts certain agencies, boards, commissions, and authorities and certain types of rulemaking actions from the requirements of the Act; and

WHEREAS, the Joint Legislative Audit and Review Commission is directed by statute to conduct a periodic assessment of the Administrative Process Act exemptions and determine which ones should be discontinued or modified, and has completed reviews in 1993 and 2009; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the Administrative Process Act exemptions.

In conducting its study, the Joint Legislative Audit and Review Commission (JLARC) shall (i) assess whether exemptions for agencies, boards, commissions, and authorities are justified or should be discontinued or modified; (ii) assess whether criteria and a process should be established for determining if requests for exemptions should be granted; (iii) assess the extent of public participation and economic impact analysis provided as part of rulemaking conducted by exempt agencies, boards, commissions, and authorities; (iv) review other states' processes and criteria for exempting state agencies, boards, commissions, and authorities from the rulemaking process; and (v) review other issues and make recommendations as appropriate.

All agencies of the Commonwealth, including the Department of Planning and Budget and Virginia Code Commission, shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2017, and for the second year by November 30, 2018, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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