

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB154

House of Origin	<input type="checkbox"/> Introduced	<input 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; hearing officers; timely decisions.

5. Summary: Current statute provides that a hearing officer conducting a formal hearing on behalf of an agency shall render a recommendation or conclusion within 90 days from the date of the case decision proceeding, or from a later date agreed to by the named party and the agency. If the hearing officer does not render a decision within that time, then the named party to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

The bill provides that if an agency has written regulations or procedures that require the hearing officer to render a recommendation or conclusion within a specified time period, the hearing officer shall render the recommendation or conclusion on or before the expiration of the specified period; and in all other cases, the hearing officer shall render the recommendation or conclusion within 90 days.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No fiscal impact.

8. Fiscal Implications: None.

9. Specific Agency or Political Subdivisions Affected: Any agency that has now or in the future creates written regulations or procedures that require hearing officers to render a recommendation or conclusion within a specified time period.

10. Technical Amendment Necessary: No.

11. Other Comments: The bill is the recommendation of the Administrative Law Advisory Committee and has been approved by the Virginia Code Commission.