

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB372

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

2. Patron: Hackworth

3. Committee: Finance and Appropriations

4. Title: Regulatory Budget Program; Department of Planning and Budget (DPB) to establish a continuous Program, report.

5. Summary: Directs DPB, under the direction of the Secretary of Finance, to establish a continuous Regulatory Budget Program with the goal of setting a target for each executive branch agency subject to the Administrative Process Act (APA) to (i) reduce regulations and regulatory requirements, (ii) maintain the current number of regulations and regulatory requirements, or (iii) allow regulations and regulatory requirements to increase by a specific amount over a two-year period. The bill requires the Secretary of Finance to report to the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules on the status of the Program no later than October 1 of each odd-numbered year. Finally, the bill provides that DPB, in consultation with the Office of the Attorney General, shall, by October 1, 2024, issue guidance regarding which agencies are subject to the APA, and how an agency can comply with the requirements of the Program.

6. Budget Amendment Necessary: Preliminary - Indeterminate, see Item 8

7. Fiscal Impact Estimates: Preliminary - Indeterminate, see Item 8.

8. Fiscal Implications: The bill as drafted does not have a specific date by when the Program will take effect, but it is assumed to be FY 2024, which would correspond to the first July 1 of an odd-numbered year (lines 34-35). The Departments of Education, Emergency Management, and Transportation reported no impact from the bill.

The Department of Health Professions reports an indeterminate impact, depending on whether any regulatory reductions limit fees; the Department also notes that regulatory decisions are made by board members, so there may be an increase in board-related costs to the extent that the Program alters the typical number of regulatory changes. The Department of Professional and Occupational Regulation notes that there would likely be a need for one position at pay band 5 (\$ 48,391 to \$ 124,434) or above to ensure the applicable experience and expertise needed to handle the regulatory process as well as assisting policy boards with data and information. The Department of Criminal Justice Services reports that two full-time equivalent positions would be required, of which one may serve as the agency's regulatory

coordinator. The Department of Medical Assistance Services reports that at least one full-time position would be required, and notes that any limitation on the number of regulations may result in costs if the agency loses appeals, to the extent that the regulations were required to implement changes directed by statutory law or the Appropriations Act. The Department of Social Services anticipates the need for a partial FTE at pay band 5, at an annual cost of \$16,300 (\$8,150 general funds and \$8,150 non-general funds). DPB may have an impact if implementation of the Program increases the agency's existing regulatory review responsibilities.

- 9. Specific Agency or Political Subdivisions Affected:** Board of Accountancy; the Departments for Aging and Rehabilitative Services, Blind and Vision Impaired, Deaf and Hard-of-Hearing; the Departments of Agriculture and Consumer Services, Aviation, Behavioral Health and Developmental Services, Conservation and Recreation, Corrections, Criminal Justice Services, Education, Elections, Energy, Environmental Quality, Fire Programs, Forensic Science, Forestry, General Services, Health, Health Professions, Historic Resources, Housing and Community Development, Human Resource Management, Juvenile Justice, Labor and Industry, Medical Assistance Services, Motor Vehicles, Planning and Budget, Professional and Occupational Regulation, Social Services, State Police, Taxation, Transportation, Treasury, and Wildlife Resources; Motor Vehicle Dealer Board, Office of the State Inspector General, State Council of Higher Education for Virginia, Virginia Birth-Related Neurological Injury Compensation Program, Virginia Employment Commission, Virginia Racing Commission.

The bill would not affect the 21 executive branch agencies who promulgate regulations but are exempt from the APA, and 11 non-executive agencies with regulations.

10. Technical Amendment Necessary:

- 11. Other Comments:** This bill is identical to HB 244 except that this bill allows the Secretary of Finance to exempt an agency from this Program for no longer than one year (lines 61-65).