



OPPOSE EFFORTS TO UNDERMINE RESPONSIBLE GOVERNMENT

The following bills undermine and circumvent Virginia's Administrative Process and, if passed, would create significant new administrative burdens, undermine executive branch authority, result in regulations inconsistent with General Assembly intent, and hamper the ability of state agencies to protect and promote Virginians' health, safety, education, and natural and historic resources.

- **HB 23 (Webert)** and **SB 20 (Chase)** would create a Commission that would establish an arbitrary regulation limit for each administrative agency and for the overall Commonwealth and utilize this baseline to prevent new regulations unless they replace or repeal at least two existing regulations. These bills then would circumvent the administrative process, allowing the Commission to bypass agencies with expertise in designated subject matter areas to make recommendations on current regulations and to provide prior approval of any new regulations.
- **HB 549 (Freitas)** would require any bill that prompts a state agency to adopt a new regulation or amend an existing one that is likely to cost \$500 or more to comply with to contain two enactment clauses: 1) requiring the state agency to create the regulations and 2) stating the regulations will not become effective unless reenacted by the General Assembly in the following session, significantly impeding the ability to respond to issues facing the Commonwealth. It would also require JLARC to review any bills that might meet the \$500 compliance threshold.
- **HB 801 (O'Quinn)** and **HB 1082 (Yancey)**. HB 801 would curtail the State Water Control Board's authority by prohibiting any regulatory action that is inconsistent with or more restrictive than federal law. HB 1082 would go even farther, prohibiting the Department of Environmental Quality, the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board from adopting any rule, regulation, or standard that is inconsistent with or exceeds the requirements of any relevant federal environmental statute, regulation, standard, criterion, or guidance document. These bills risk preventing the adoption of provisions consistent with the General Assembly's legislative intent and provisions necessary to protect public health and safety, and they would replace Virginia's judgment on appropriate measures with the federal government's.
- **HB 883 (Webert)** would require the Department of Planning and Budget to establish and maintain an arbitrary regulation limit for each agency and for the Commonwealth as a whole, and it would prevent new regulations unless they replace or repeal at least two existing regulations.
- **HB 1192 (Cline)** would require all administrative agencies to develop regulations in the least burdensome and intrusive manner possible and provides guiding principles for the development, adoption, and repeal of regulations. The bill also requires each agency to establish a schedule for the review of all regulations for which the agency is the primary responsible agency.
- **HB 1213 (Head)** and **HJ 111 (Head)** would provide for a referendum on a constitutional amendment regarding the General Assembly's ability to suspend or nullify any or all portions of any administrative rule or regulation by a joint resolution. The amendment would also enable the General Assembly to authorize a legislative committee or a legislative commission to suspend any or all portions of any administrative rule or regulation while the Assembly is not in a regular session. Such suspension would continue until the end of the next regular session.
- **SB 826 (Vogel)** and **SJ 69 (Vogel)** would provide for a referendum on a constitutional amendment to grant the General Assembly authority to review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. The amendment provides that after such review, the General Assembly may approve or reject, in whole or in part, any rule as provided by law and that the approval or rejection of a rule by the Assembly shall not be subject to veto by the Governor.

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