


<b>Commonwealth of Virginia</b>		
Thomas A. Lisk, Chair <hr/> Andrew Kubincanek, Program Coordinator		Pocahontas Building 900 E. Main St. Eighth Floor Richmond, Virginia 23219 (Phone) 804-786-3591 (Fax) 804-692-0625 akubincanek@dls.virginia.gov <a href="http://codecommission.dls.virginia.gov/alac/alac.shtml">http://codecommission.dls.virginia.gov/alac/alac.shtml</a>
<b>Administrative Law Advisory Committee</b>		

**2023 Work Plan Draft  
 Administrative Law Advisory Committee**

**Executive Review Process**

ALAC will continue to monitor changes to the executive review process for rules and regulations.


**Hearing Officer Deskbook**

ALAC will form a work group to update the Hearing Officer Deskbook to account for any recent changes. ALAC conducts this review every two years on behalf of the Office of the Executive Secretary of the Supreme Court.

Thomas A. Lisk, Chair  
 John Daniel  
 Michelle Gowdy  
 Paul Kugelman

Eric M. Page  
 Jeffrey S. Palmore  
 Mike Quinan  
 Alexander F. Skirpan, Jr.

Brooks Smith  
 Holly Trice  
 Jennifer Williamson  
 Kristi S. Wright

<b>Commonwealth of Virginia</b>		
Thomas A. Lisk, Chair		Pocahontas Building 900 E. Main St. Eighth Floor Richmond, Virginia 23219 (Phone) 804-786-3591 (Fax) 804-692-0625 akubincanek@dls.virginia.gov <a href="http://codecommission.dls.virginia.gov/alac/alac.shtml">http://codecommission.dls.virginia.gov/alac/alac.shtml</a>
Andrew Kubincanek, Program Coordinator		
<b>Administrative Law Advisory Committee</b>		

## **2023 Session Update**

### **Not Recommended by ALAC**

#### **Passed**

**HB 2101 Administrative Process Act;** Department of Wildlife Resources; guidance documents; endangered species. Directs that certain guidance documents developed and used by the Department of Wildlife Resources relating to threatened and endangered species shall expire on December 31, 2023, unless such documents are filed for publication with the Virginia Registrar of Regulations and made available for public comment pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) by November 1, 2023.

#### **Failed**

**HB 1902 Administrative Process Act; appeal of case decisions regarding grant or denial of public assistance.** Removes the prohibition against appeals regarding the adequacy of standards of need and payment levels for public assistance and social services programs and provisions limiting the court to ascertaining whether there was evidence in the agency record to support the case decision of the agency acting as the trier of fact. Current law allows court review of agency decisions regarding the grant or denial of Temporary Assistance for Needy Families, Medicaid, food stamps, general relief, auxiliary grants, or state-local hospitalization but limits such review to whether the agency relied on evidence to support its decision.

**SB 998 Administrative Process Act; appeal of case decisions regarding grant or denial of public assistance.** Removes the prohibition against appeals regarding the adequacy of standards of need and payment levels for public assistance and social services programs and provisions limiting the court to ascertaining whether there was evidence in the agency record to support the case decision of the agency acting as the trier of fact. Current law allows court review of agency decisions regarding the grant or denial of Temporary Assistance for Needy Families, Medicaid, food stamps, general relief, auxiliary grants, or state-local hospitalization but limits such review to whether the agency relied on evidence to support its decision.

Thomas A. Lisk, Chair  
John Daniel  
Michelle Gowdy  
Paul Kugelman

Eric M. Page  
Jeffrey S. Palmore  
Mike Quinan  
Alexander F. Skirpan, Jr.

Brooks Smith  
Holly Trice  
Jennifer Williamson  
Kristi S. Wright

**HB 1934 Administrative Process Act; certain regulations to require legislative approval.** Requires any agency that estimates that a proposed regulation will have an adverse impact on economic growth or increase regulatory costs by more than \$500,000 within five years of its implementation to advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations no later than 30 days prior to the next regular legislative session. The bill requires the Joint Commission on Administrative Rules to review such regulation and issue a statement containing the Commission's findings.

**HB 2347 Department of Planning and Budget; Regulatory Budget Program; report.** Directs the Department of Planning and Budget, under the direction of the Secretary of Finance, to establish a continuous Regulatory Budget Program with the goal of setting a two-year target for each executive branch agency subject to the Administrative Process Act 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 the Department, in consultation with the Office of the Attorney General, shall, by March 1, 2024, issue guidance for agencies regarding the Program and how an agency can comply with the requirements of the Program. The bill has an expiration date of January 1, 2027.

**SB 1348 Administrative Process Act; Department of Wildlife Resources; exemptions not to extend to agency actions regarding certain wildlife.** Excludes from the exemptions from the Administrative Process Act granted to the Department of Wildlife Resources (the Department) certain regulations and case decisions of the Department. The bill provides that certain guidance documents in use by the Department as of July 1, 2023, shall expire on December 31, 2023, unless such documents are filed for publication with the Virginia Registrar of Regulations by August 1, 2023, and made available for public comment as prescribed in the Administrative Process Act by December 31, 2023.

Thomas A. Lisk, Chair  
John Daniel  
Michelle Gowdy  
Paul Kugelman

Eric M. Page  
Jeffrey S. Palmore  
Mike Quinan  
Alexander F. Skirpan, Jr.

Brooks Smith  
Holly Trice  
Jennifer Williamson  
Kristi S. Wright