

<b>Commonwealth of Virginia</b>		
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<b>Administrative Law Advisory Committee</b>		

**SUMMARY**  
**Administrative Law Advisory Committee**  
**Executive Order 17 Work Group**  
**October 29, 2014**  
**12:00 p.m.**  
**House Room 2**  
**The Capitol, Richmond**

**MEMBERS PRESENT:** Karen Perrine (work group chair), Elizabeth Andrews, Brooks Smith, Edward Mullen, Kristina Stoney

**MEMBERS ABSENT:** none

**STAFF PRESENT:** Andrew Kubincanek

**Welcome and call to order:** Karen Perrine called the meeting to order at 12:05 p.m.

**Finalize recommendations:** Kristina Stoney reported that the Office of the Attorney General had formed a task force to create and implement a policy on timely review of regulations. She stated that the task force is hesitant to set specific timeframes, but the members believe they can ensure timeliness through other means. She stated that the task force hopes to have a policy in place prior to the 2015 Session of the General Assembly.

Brooks Smith asked why the task force did not wish to implement timelines. Ms. Stoney replied that the task force did not wish to inhibit thoughtful review if the work load is high, such as it is during session. Ms. Perrine asked if the task force had considered using extensions in such a case. Ms. Stoney stated that the task force also feared that a specific timeframe would create a slower turnaround for regulations that are already being reviewed in a timely manner. She stated that, as a result of increased oversight, goals may be set, but they will be dependent on the regulation and context. Ms. Stoney asked that the policy recommendation report be changed to reflect the creation of the task force. The group voted unanimously to do so.

Ms. Stoney asked if the Governor's office had offered any input since the initial meeting. Ms. Perrine stated that representatives from the Governor's office had not commented directly on the recommendations.

Thomas A. Lisk, Chair  
 Elizabeth Andrews  
 Roger L. Chaffe  
 Jeffrey S. Gore

Edward A. Mullen  
 Eric M. Page  
 Karen Perrine  
 Mike Quinan

Alexander F. Skirpan, Jr.  
 Brooks Smith  
 Kristina Stoney  
 Kristi Wright

Tom Lisk made a motion to advance the policy recommendations to the full committee, allowing time for presentation to the Governor's office. Elizabeth Andrews stated that, as an agency employee, she would recuse herself from any votes.

Edward Mullen asked if most of the issues in the JLARC report could be solved by amending the executive order statute in the APA. Ms. Perrine replied that, since the executive orders have expanded the scope of executive review, one amendment would not address all concerns, but it could make clear that the Governor may not fill in gaps or contravene statutes. Ms. Stoney suggested that the Governor's office may be more amenable to this change if it has a delayed effective date. Mr. Lisk stated that timeliness is the issue and the overall goal is to make the administrative process more efficient.

Brooks Smith stated that he believed established timeframes would be appropriate, but asked if the work group could create a mechanism for members of the public to seek justification for where and why a regulation has been delayed and petition for action. Ms. Andrews stated that lack of transparency is a real concern as legislators are increasingly using enactment clauses to avoid delays due to executive review.

Mr. Lisk stated that he was most comfortable instituting strict timeframes, but with an option for the Governor to suspend a regulation at any point through an affirmative action. This would increase efficiency and transparency. Ms. Andrews stated that a Governor may not want to take any action on a regulation for political reasons. Mr. Lisk stated that current delays are affecting controversial and noncontroversial regulations equally.

Ms. Perrine stated that she would present the work group's findings at the next meeting and seek direction, as the group is not yet ready to make a recommendation.

### **Public Comment and Adjournment**

Ms. Perrine opened the floor for public comment. Hearing no public comment, she adjourned the meeting at 2:05 p.m.

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