

TO DEPARTMENT OF PLANNING AND BUDGET

The Administrative Law Advisory Committee (ALAC) is reviewing implementation of legislation passed by the General Assembly in 2005 concerning regulatory flexibility for small business and periodic review of regulations. We believe that the Department of Planning and Budget could further assist agencies with compliance for the review of existing regulations and future periodic reviews by revising TH-07 to include a section on small business periodic review.

Specifically, we would suggest that the following language be added to the TH-07 form:

Small Business Impact Review - Discussion

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

Enter statement here.

Similar language is already included in the TH-01 form for reviews that result in amendment or repeal of a regulation. Adding this language to the TH-07 form would ensure publication of review for those regulations where no changes are necessary.

Your assistance in this matter is appreciated.