

Commonwealth of Virginia

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Administrative Law Advisory Committee

APA Exemptions Strategy Session October 24, 2007

1. Exemptions in Organic statutes and not the APA
 - a. There used to be a Code Commission Mandate
 - b. A survey of the problem is needed
 - i. Look to the last 2-3 sessions to see how prevalent it was
 - ii. Search the Code and Budget for occurrences
 - iii. Consult other states
 - iv. APA Administrative Law Section
 - v. Law Professors views
 - c. Look to Budget Bill and Enacting Clauses
2. Emergency Regulations
 - i. Should they be looked at?
 - ii. Is the process subject to abuse?
 - a. Survey of the issue
 - i. Bar associations
 - ii. Trade agencies
 - iii. Look at past 3-5 years
 1. Number of times used
 2. Number of Governor's extensions granted
 - iv. What do other states do?
 - b. Fast track v. emergency regulations

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