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HOUSE BILL NO. 772

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend the Code of Virginia by adding in Chapter 40 of Title 2.2 an article numbered 7, consisting of a section numbered 2.2-4034, relating to the Administrative Process Act; powers and duties of executive branch agencies; regulatory compliance officer.

 Patron—Hodges

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 40 of Title 2.2 an article numbered 7, consisting of a section numbered 2.2-4034, as follows:

*Article 7.**Powers and Duties of Executive Branch Agencies.***§ 2.2-4034. Agencies to establish a regulatory compliance officer.**

A. It shall be the duty of each executive branch agency in the Commonwealth that is authorized to promulgate regulations to designate one person to serve as the regulatory compliance officer for such agency.

B. The regulatory compliance officer designated pursuant to subsection A shall have the following powers and duties:

1. To promote compliance with regulations by developing policies of the agency and recommending initiatives to the regulatory boards, to publish summaries of new regulations or statutes relevant to parties regulated by the agency, and to post such summaries on the agency's website or otherwise distribute through means practicable to the agency and to regulated persons and entities;

2. To hold education seminars or provide educational materials regarding new regulations and laws as deemed appropriate by the regulatory boards or entities;

3. To ensure that the agency continually provides working and effective channels of communication for regulated persons and entities to inquire as to new regulations or statutes affecting such persons and entities;

4. To make recommendations to the regulatory boards or entities regarding the goal of preventing or resolving noncompliance issues prior to imposing disciplinary action;

5. To work with the regulatory boards or entities to provide advisory opinions, as deemed necessary by the regulatory boards or entities, regarding requests for such advisory opinions on the impact of certain regulations or statutes on the duties of the regulated entities;

6. To waive fines or penalties imposed by the regulatory boards if such fine or penalty is reported to the regulatory compliance officer prior to a fine or penalty being imposed on the regulated person or entity. The regulated person or entity shall take remedial measures to be eligible for a waiver pursuant to this subdivision; and

7. To collaborate with the agency director to submit an annual report to the General Assembly, no later than December 1 of each year, detailing the progress made by the agency and the regulatory compliance officer in the preceding calendar year toward compliance with this article.

The provisions of this article shall not be construed to limit otherwise lawful authority provided to the agencies, regulatory boards, or authorities bound by the provisions of this chapter.

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HB772