

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-1191/1	Introduction Number AB-0148
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Description
 Expiration of statements of scope for administrative rules

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input checked="" type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs		5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.410(1)(a)	

Agency/Prepared By DOC/ Emily Lindsey (608) 240-5413	Authorized Signature Donald Friske (608) 240-5056	Date 3/21/2017
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Fiscal Estimate Narratives

DOC 3/21/2017

LRB Number 17-1191/1	Introduction Number AB-0148	Estimate Type Original
Description Expiration of statements of scope for administrative rules		

Assumptions Used in Arriving at Fiscal Estimate

Under current law, an agency must prepare a statement of the scope of any administrative rule that it plans to promulgate that contains certain information about the agency's proposal to promulgate the rule. This bill provides for the expiration of a statement of scope 30 months after the date on which the statement is published in the Wisconsin Administrative Register. After a statement of scope expires, an agency may not submit a proposal rule based upon that statement of scope to the governor for approval.

The Department of Corrections' (DOC) Administrative Rules Committee is comprised of agency staff in various divisions and bureaus. Committee Members are appointed by the Department Deputy Secretary and serve on the committee, in addition to their regular day to day duties. Currently, there are 13 members serving on the Department's Administrative Rules Committee. There are zero full-time equivalent staff at DOC who are dedicated solely to the administrative rule committee and the review, revision, or creation of administrative rules.

Presently, the DOC's current rule making process requires approximately 7-9 years for a rule to be promulgated after a scope statement is drafted and then published. This length of time is necessary for the DOC to internally review and revise its proposed rule prior to promulgation. DOC typically works on multiple rule revisions at one time.

In addition to that time frame, state statute imposes several submission and review steps by outside parties before a proposed rule may be promulgated. For example, each proposed rule may be reviewed by the Legislative Reference Bureau. Each rule is subject to public hearings and comment. And each rule must be submitted to Legislative Council and the Governor's Office. After the rule is reviewed by those respective parties, the DOC must engage subject matter experts internally within the DOC to review the responses from those respective parties and make adjustments accordingly.

Due to there being no staff allocated solely to the administrative rules process at DOC, it would be very difficult to complete a rule revision inside the 30 month expiration date being proposed by this bill. If enacted, the DOC would require additional staff to comply with the 30 month expiration date for statements of scope. The Department estimates it would require \$148,200 GPR annually and 2.0 full-time equivalent (1.0 FTE Administrative Rules Coordinator and 1.0 FTE Office Operations Associate) staff to be in compliance with this proposed legislation.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2017 Session

Detailed Estimate of Annual Fiscal Effect

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Description Expiration of statements of scope for administrative rules			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
One time costs: \$4,900			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$136,600	\$
(FTE Position Changes)		(2.0 FTE)	
State Operations - Other Costs		11,600	
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$148,200	\$
B. State Costs by Source of Funds			
GPR		148,200	
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$148,200	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
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