



## Fiscal Estimate Narratives

DOA 5/24/2017

LRB Number	17-1207/1	Introduction Number	AB-0317	Estimate Type	Original
<b>Description</b> review by state agencies of administrative rules and enactments; an expedited process for repealing rules an agency no longer has the authority to promulgate; retrospective economic impact analyses for rules; and reporting by the Legislative Reference Bureau on rules in need of revision					

### Assumptions Used in Arriving at Fiscal Estimate

2017 Assembly Bill 317 (AB 317) would implement an alternate procedure for the repeal of administrative rules for which an agency determines it no longer has authority because of the repeal or amendment of the law that previously authorized the rule's promulgation ("unauthorized rule"). Under AB 317, an agency may promulgate a rule that repeals an unauthorized rule.

The bill requires each agency to biennially submit a report to the Joint Committee for Review of Administrative Rules (JCRAR) listing:

- Unauthorized rules.
- Rules for which the authority to promulgate has been restricted.
- Rules that are obsolete or that have been rendered unnecessary.
- Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a court ruling.
- Economically burdensome rules.

The report must also describe any actions taken to address each rule listed in the report and, if the agency has not taken any action to address a rule listed in the report, an explanation for not taking action. In addition, if an agency identifies an unauthorized rule in the report, the bill requires the agency to submit a petition to repeal the unauthorized rule within 30 days after the report.

AB 317 also requires agencies to determine whether any part of an act passed by the legislature results in any of the following consequences:

- Eliminates or restricts the agency's authority to promulgate any of the agency's rules.
- Renders any of the agency's rules obsolete or unnecessary.
- Renders, for any reason, any of the agency's rules not in conformity with or superseded by a state statute, including due to statutory numbering or terminology changes in the act.
- Requires or otherwise necessitates rule making by the agency.

Under AB 317, the Department of Administration (DOA) would be required to biennially report to JCRAR on administrative rules, act to repeal certain rules, and review any legislative enactments to determine whether any rules would need to be promulgated, amended or repealed. The number of rules that would be considered unauthorized or would be impacted by future legislation cannot be reasonably predicted. Also, the specific format and content of the report to JCRAR required by AB 317 is yet to be determined; therefore, the workload required to comply with this requirement cannot be assessed.

While it is anticipated that compliance with AB 317 will require additional staff time and increase costs, which will require DOA to reassign staff from existing responsibilities or request additional positions, the Department cannot reasonably predict the impact of the additional workload associated with AB 317 or whether it could accommodate this increase with existing staff and resources. Therefore, the fiscal impact of the bill is indeterminate.

### Long-Range Fiscal Implications