

Fiscal Estimate Narratives

LC 6/26/2017

LRB Number	17-2593/2	Introduction Number	SB-295	Estimate Type	Original
Description the expiration of administrative rules					

Assumptions Used in Arriving at Fiscal Estimate

As part of the administrative rulemaking process under current law, the Legislative Council staff reviews permanent administrative rules proposed by state agencies, including review of each rulemaking order for statutory authority, form and style, and clarity and grammar.

Generally, the bill provides for the expiration of each chapter of the administrative code, on a rolling schedule determined by the Joint Committee for Review of Administrative Rules (JCRAR), unless the chapter is renewed using the readoption notice procedure created by the bill. Under that process, readoption notice is provided by the agency to relevant standing committees and JCRAR. If no member of a standing committee or JCRAR objects to the readoption, the chapter of administrative code is considered readopted. However, if such objection is received, the chapter will expire unless the agency readopts it using the standard rulemaking process, including review by the Legislative Council staff. Current law relating to review of a rulemaking order specifies that the Legislative Council staff must complete its review of a rulemaking order within 20 working days of its receipt, subject to extension for an additional 20 working days with the consent of the Director of the Legislative Council staff.

Under the bill, for each code chapter for which a readoption notice is received, Legislative Council staff would be responsible for reporting on legislative activity relating to the last time a readoption notice was considered and the last time a rulemaking order affecting the code chapter was before the Legislature. Legislative Council staff would also be responsible for its standard review of any code chapter submitted for readoption under the standard rulemaking process following an objection to a readoption notice by a member of the Legislature.

Generally, the fiscal effect of the bill on the Legislative Council staff is indeterminate, as it is contingent on a variety of factors, including, in particular, the volume of objections to readoption notices that are made by individual members of the Legislature.

Because the bill would require JCRAR to create a long-term schedule for submission of agency readoption notices, the staff time required to report on legislative activity relating to prior submissions of readoption notices and to report on the most recent rulemaking order to affect a code chapter submitted for readoption would be predictable and able to be absorbed with minimal disruption to other Legislative Council staff activities.

In contrast, because of the 20 working day deadline for standard Legislative Council rule review, and the January 1 to March 1 time frame for agency submission of all readoption notices due in a given year, a high volume of additional standard rule reviews resulting from objection by members of the Legislature could require temporary diversion of Legislative Council staff resources from other staff activities, such as legal research, constituent inquiries, and standing committee preparation.

Long-Range Fiscal Implications