

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 26, 2003

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB95 by West (Relating to requiring a state agency to consider legislative intent during the process of adopting an agency rule.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require state agencies to consider legislative intent in the adoption of rules. The bill would require state agencies to inform legislators of proposed rules, to research the house and senate journals for relevant evidence of legislative intent, and to consider that intent before proposing and adopting rules. This could result in an increased workload for state agencies, however overall, it is believed that this fiscal impact would not be significant.

Responses from several state agencies indicated that the additional workload could be absorbed into existing operations, while other agencies indicated a need for additional FTEs. The Office of the Attorney General (OAG) anticipates increased workload for divisions of its office that propose and adopt rules for the agency and those OAG divisions that represent or advise other agencies in the rulemaking process. The OAG also anticipates that state agencies would submit requests for attorney general opinions about the significance of legislative statements in the house and senate journals and about whether proposed rules are consistent with legislative intent. However, the OAG anticipates that the increased workload could be absorbed with current staff. Other agencies indicating no fiscal impact or no significant fiscal impact include the Commission on Environmental Quality, the Department of Insurance, Department of Criminal Justice, and the Office of Administrative Hearings.

The Texas Education Agency anticipates that an additional Full-Time-Equivalent position or contract employee would be necessary for the increased workload at an estimated cost of \$110,200.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office Of The Attorney General, 360 State Office Of Administrative Hearings, 454 Department Of Insurance, 582 Commission On Environmental Quality, 696 Department Of Criminal Justice, 701 Central Education Agency

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