

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 8, 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 agency rules.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Legislative Budget Board to issue letters of clarification explaining legislative intent on matters pertaining to the General Appropriations Act or other legislation that makes an appropriation or qualifies, details, limits, or restricts an appropriation. The bill would require state agencies to consider legislative intent in the adoption of rules and to inform each author and sponsor of legislation that became law that added, amended or clearly affected the law under which the rule would be adopted. Requests for opinions on interpretation of law could be made of the Attorney General by the affected agency or the legislative member.

Provisions of the bill could result in increased workload for state agencies, however, overall it is anticipated that this fiscal impact would not be significant. Responses from several state agencies indicated that passage of the legislation would have little or no fiscal impact. However, the Office of the Attorney General indicates ongoing costs of \$85,500 per year related to requests for opinions. The Texas Education Agency estimates \$25,000 in costs associated with identifying and notifying sponsors of legislation. For the purposes of this fiscal note, it is assumed that these costs could be absorbed within each agency's existing resources.

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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