

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 68** SLS 20RS 98

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

|                             |         |                                   |
|-----------------------------|---------|-----------------------------------|
| <b>Date:</b> April 22, 2020 | 5:49 AM | <b>Author:</b> MILLS, FRED        |
| <b>Dept./Agy.:</b>          |         | <b>Analyst:</b> Alan M. Boxberger |
| <b>Subject:</b>             |         |                                   |

ADMINISTRATIVE PROCEDURE OR NO IMPACT See Note Page 1 of 1  
Provides relative to the promulgation of emergency rules in accordance with the Administrative Procedure Act. (8/1/20)

Present law provides for emergency rulemaking by administrative agencies in extraordinary circumstances; provides parameters for notification of executive and legislative branch leaders as well as all persons who have made a timely request of the agency for notice of rule changes; provides for oversight committee hearings, provides for gubernatorial review; and provides procedures for nullification. Proposed law provides new parameters in which an agency may utilize emergency rulemaking; provides that the agency statement justifying emergency rulemaking must contain specific facts and detailed reasoning to satisfy the criteria for an emergency rule; provides that it will not be considered an emergency is the agency is acting in the normal course and scope of fulfilling its mission, if the agency failed to take necessary steps to avoid the emergency, or to implement an act of the legislature unless specifically directed to proceed with emergency rulemaking; and provides that no identical emergency rule may be repromulgated by an agency more than two consecutive times.

| <b>EXPENDITURES</b> | <b>2020-21</b> | <b>2021-22</b> | <b>2022-23</b> | <b>2023-24</b> | <b>2024-25</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| <b>Annual Total</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>           |

  

| <b>REVENUES</b>     | <b>2020-21</b> | <b>2021-22</b> | <b>2022-23</b> | <b>2023-24</b> | <b>2024-25</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
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| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| <b>Annual Total</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>           |

**EXPENDITURE EXPLANATION**

There is no anticipated direct material effect on governmental expenditures as a result of this measure. The Division of Administration (DOA) reports that the requirements and revisions for emergency rulemaking as detailed in proposed law are capable of being absorbed and fulfilled with current budgetary and personnel resources at the rulemaking agencies. DOA reports that the provision requiring no identical emergency rule be repromulgated by an agency more than two times may create a potential fiscal impact on expenditures that cannot be estimated or anticipated, as emergency rules can be promulgated by every executive branch rulemaking agency, board and commission covering an endless variety of topics.

NOTE: Proposed law requires that an agency promulgating an emergency rule shall mail a copy of the emergency rule within five days of adoption to all persons who have made a timely request of the agency for notice of rule changes. While this provision is assumed to be nominal, the volume of requests made to any given agency for notice of rule changes is unknown. To the degree that an agency regulates numerous business entities or other interests that closely follow its rulemaking activities, the number of mailings will be dependent upon the requests received and the number of emergency rules adopted annually. To the degree that electronic notification may suffice as notification, costs to produce and mail notifications to interested parties may be mitigated.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure. The Division of Administration reports that the provision requiring no identical emergency rule be repromulgated by an agency more than two times may create a potential fiscal impact on revenues that cannot be estimated or anticipated, as emergency rules can be promulgated by every executive branch rulemaking agency, board and commission covering an endless variety of topics.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**