



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill # SB0176

Title: Recovery of expenses for challenging rule adopted in violation of MAPA

Primary Sponsor: Squires, C.

Status: As Introduced - Corrected

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$3,400	unknown	unknown	unknown
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u><u>(\$3,400)</u></u>	<u><u>unknown</u></u>	<u><u>unknown</u></u>	<u><u>unknown</u></u>

Description of Fiscal Impact:

The fiscal impact from this bill cannot be determined because the exact number of challenges from private individuals and entities that would arise is unknown. In addition, the level of costs that may be incurred by a challenger is unknown.

FISCAL ANALYSIS

Assumptions:

1. Rulemaking costs incurred by the Department of Administration are estimated at \$3,400.
2. Hearing costs for a contested case are estimated in the \$2,000 to \$4,000 range, depending upon the specific issues and rules being challenged. It is unknown how many hearings may be held, dependent on the number of rule challenges that occur.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$3,400	\$0	\$0	\$0
<u>Funding of Expenditures:</u>				
General Fund (01)	\$3,400	\$0	\$0	\$0
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$3,400)	\$0	\$0	\$0

Technical Notes:

1. It is unclear if the Department of Administration will have to provide legal defense for all state agencies in contested cases. It appears that several claims may arise from different parties concerning one rulemaking action which may create multiple contested cases.

Sponsor's Initials

Date

Budget Director's Initials

Date