

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5134-01
Bill No.: SB 645
Subject: Administrative Law; Boards, Commissions, Committees, Councils; Business & Commerce; Courts; Environmental Protection; Natural Resources Dept.
Type: Original
Date: February 3, 2012

Bill Summary: This proposal modifies provisions relating to permits issued by environmental commissions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Natural Resources (DNR)** states current state law requires DNR to issue an environmental permit within a certain timeframe and if the department fails to do so, it must issue the permit on the first day following the expiration of the timeframe.

DNR assumes this proposal would modify this provision so that the requirement to automatically issue the permit only applies at the request of the permit applicant.

DNR assumes this proposal would remove the requirement that any actions filed in a court of law seeking judicial review of final decisions made by the Air Conservation Commission or Clean Water Commission must be made in the court of appeals rather than in the circuit court.

DNR states under current law, the Administrative Hearing Commission (AHC) must make a recommended decision within 60 days of the filing date of an appeal of a decision made by an environmental commission.

DNR assumes this proposal would remove the 60-day timeframe and change the requirement that AHC must hold hearings and make a recommended decision to allow AHC discretion as whether it holds hearings or issues a recommended decision.

DNR states under current law, an environmental commission must issue its final decision with regard to an appeal that went to AHC within 90 days of the date the appeal was filed. DNR assumes this proposal would remove this timeframe.

DNR assumes there is no fiscal impact from this proposed legislation.

Oversight assumes there is no fiscal impact from this proposed legislation on state or local government funds.

ASSUMPTION (Continued)

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Joint Committee on Administrative Rules, Administrative Hearing Commission, and Office of State Courts Administrator** each assume there is no fiscal impact from this proposed legislation.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

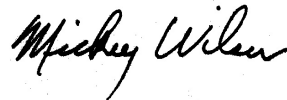
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Natural Resources
Office of State Courts Administrator
Administrative Hearing Commission
Office of Secretary of State
Joint Committee on Administrative Rules



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Director
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