

Fiscal Estimate - 2025 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 25-2515/1	Introduction Number SB-0275	
Description statements of scope for administrative rules		
Fiscal Effect State: ☐ No State Fiscal Effect ☒ Indeterminate ☐ Increase Existing Revenues ☐ Increase Existing Appropriations ☐ Decrease Existing Revenues ☐ Decrease Existing Appropriations ☐ Create New Appropriations ☒ Increase Costs - May be possible to absorb within agency's budget ☐ Yes ☒ No ☐ Decrease Costs		
Local: ☐ No Local Government Costs ☐ Indeterminate 5.Types of Local Government Units Affected 1. ☐ Increase Costs ☐ Permissive ☐ Mandatory 3. ☐ Increase Revenue ☐ Permissive ☐ Mandatory ☐ Towns ☐ Village ☐ Cities 2. ☐ Decrease Costs ☐ Permissive ☐ Mandatory 4. ☐ Decrease Revenue ☐ Permissive ☐ Mandatory ☐ Counties ☐ Others ☐ School Districts ☐ WTCS Districts		
Fund Sources Affected ☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEGS		
Affected Ch. 20 Appropriations		
Agency/Prepared By DNR/ Paul Neumann (608) 266-0818	Authorized Signature Margaret Hutter (608) 640-7546	Date 6/12/2025

Fiscal Estimate Narratives

DNR 6/12/2025

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Description statements of scope for administrative rules					

Assumptions Used in Arriving at Fiscal Estimate

The bill establishes new requirements for the administrative rule-making process. Specifically, under this bill, agencies must create a scope statement for each new emergency and permanent rule. Additionally, under this bill, agencies are limited to creating one rule (permanent or emergency) under each approved scope statement. This bill also creates the requirement that new scope statements for emergency rules expire after 6 months.

A. Assumptions

1. The Department currently utilizes scope statements for both emergency and permanent rules on a regular basis. The limitation on one rule (emergency or permanent) per scope statement would require the department to develop and receive approval for additional scope statements to maintain current rule-making directives.

2. The Department has promulgated an average of 15 permanent rule packages and 6 emergency rule packages per year over the last five years. The number of rule packages varies significantly from year to year.

2. The Department's rule-making is subject to review and approval by the Natural Resources Board (NRB). This includes approval to hold a preliminary hearing (as directed by the Joint Committee for Review of Administrative Rules) and the final scope approval. NRB approval for these steps must occur before the Department may begin drafting the related rule. Although some Department emergency rules are promulgated in less than 6 months, because of the required NRB approval steps, it can often take 3-4 months to receive approval for the scope statement and begin drafting the rule language.

3. Based on the Department's emergency rules promulgated in the last 5 years, on average, it takes 7 months to promulgate an emergency rule. The Department anticipates that some programs may not be able to meet the new 6-month scope statement expiration deadline for emergency rules, and would be required to restart the rule-making process again if the related scope statement expired. If an emergency rule scope statement expired before promulgation, the bill would delay the Department's implementation of the necessary emergency regulatory changes until a new emergency rule under a new scope statement could be promulgated. Areas of particular concern include hunting and fishing regulations, which the Department is required to update on a regular and seasonal basis.

3. Based on the "Estimate of amount of time that state employees will spend developing the rule..." found in Section 5 of the scope statements, for Department emergency rules promulgated in the last five years, on average staff estimated that dual rule-making would require 399 hours of staff time. The Department anticipates that at least 30% more hours (518) would be required to duplicate the additional steps identified under Assumption 2. (above) for both an emergency and permanent rule.

B. One-Time Costs

1. One-time workload increases to assess rule projects that would require additional scope statements include:
- Staff time to review existing rule projects.
 - Staff time to adjust existing rule project timelines.
 - Staff time to develop new rule project timelines for rules that require new scope statements.

C. Ongoing Costs

1. Ongoing workload increases are as follows:
- Staff time to create and develop separate scope statements for both emergency and permanent rules.
 - Staff time to schedule NRB agenda items for procedural steps (preliminary hearing authorization, scope approval, and final rule adoption) for separate emergency and permanent rules.

D. Overall Cost Estimate

The bill would increase staff time for positions across the Department including rule coordinators, subject matter experts (program and policy analysts, program managers, engineers, etc.), and attorneys. However, given the variability of rule coordination, it is impossible to quantify a specific estimate; therefore, the Department considers the fiscal impact of the bill to be indeterminate.

Long-Range Fiscal Implications