



February 9, 2020

SUMMARY OF BILL: Requires rulemaking agencies to repeal one existing permanent rule when promulgating a new permanent rule.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Repeal of permanent rules of agencies will result in an unknown impact to federal funding, state expenditures, and state revenue. Due to multiple unknown factors, a precise impact on state government cannot reasonably be determined.

Assumptions:

- Pursuant to Tenn. Code Ann. § 4-5-102 (12), “rule” means an agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of any agency and includes the amendment and repeal of a prior rule.
- The proposed language would require the Government Operations Committees (GOCs) of the Senate and House of Representatives to determine that the rule proposed for repeal is equal in length and complexity to the new rule proposed by the agency.
- Any determination required by the GOCs will be accomplished at a regularly-scheduled meeting.
- Rulemaking agencies are required to promulgate rules on a regular basis for a variety of reasons, including maintaining requirements implemented in order to receive federal funding for certain programs, updating rules to maintain national accreditation standards, and maintaining standards for public safety; or, pursuant to Tenn. Code Ann. 4-5-217, to establish the nature and requirement of all formal and informal procedures available, including a description of all forms and instructions used by the agency.
- Due to multiple unknown factors such as, the number of new permanent rules an agency will propose; if such rules repealed are required in order to maintain federal funding, national accreditation, or state operations; if any rule repealed as a direct result of this legislation would place such agency out of compliance with any federal requirements, accreditations, or impact the functionality of the agency; the extent of any impact to federal funding as a result of the rule repeal or failure to adopt the required rule; if the repeal of a rule would impact state revenue or expenditures, or both; a precise impact on state government cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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