

Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER NO. 2-89

FOR: REQUIRING THAT STATE AGENCIES CALCULATE THE FISCAL IMPACT OF PROPOSED RULES AND SUBMIT SUCH RULES TO THE STATE BUDGET AGENCY FOR APPROVAL.

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, promulgation of rules is essential for the implementation of legislation and other mandates for agencies of State government; and

WHEREAS, the Governor of the State of Indiana is required by I.C. 4-22-2-34 to approve or disapprove rules implementing legislative and other mandates for agencies of State government; and

WHEREAS, rules promulgated can have substantial fiscal impact on the budget of the State; and

WHEREAS, the Indiana State Budget Agency is responsible for administering the budget of the State and is responsible for ensuring that the expenditures of the State do not exceed available resources;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of Indiana, **IT IS HEREBY ORDERED:**

Section 1. The Governor of the State of Indiana will not approve any rule pursuant to I.C. 4-22-2-34 unless the director of the Budget Agency either approves the proposed rule pursuant to Section 2 of this Executive Order or waives in writing the requirements set forth in Section 2 of this Executive Order.

Section 2. Prior to submission of any rule to the Revisor of Rules of the Code Revision Division of the Legislative Services Agency for publication in the Indiana Register, each State Agency (as defined in I.C. 4-22-2-3(a)) shall submit the proposed rule to the Indiana State Budget Agency, together with a written statement setting forth such State Agency's calculation of the estimated fiscal impact of such rule on State and local government in sufficient detail to permit the director of the Budget Agency to evaluate the accuracy of the calculation and the appropriateness of the methodology used in making such calculation. The director of the Budget Agency must approve such proposed rule prior to submission for publication under I.C. 4-22-2. If the Budget Agency does not approve the issuing agency's estimate of fiscal impact, the Budget Agency may either request a revised estimate from the issuing agency, or prepare its own estimate of the fiscal impact, or both. If such rule is amended or modified subsequent to Budget Agency approval pursuant to the preceding sentence or reapproval pursuant to this sentence, such amended or modified rule, together with a revised statement of its fiscal impact meeting the requirements of the first sentence of this Section 2 shall be resubmitted to the Budget Agency for reapproval.

Section 3. Any rule approved by the Governor in accordance with I.C. 4-22-2-34 shall be deemed to comply with the requirements of this Executive Order. The director of the Budget Agency may delegate his authority to approve or disapprove rules under this Executive Order.

Section 4. This Executive Order shall take effect January 18, 1989, and applies to any proposed rule which will appear in the March 1989 issue of the Indiana Register and all proposed rules thereafter.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 17th of January, 1989.

Evan Bayh

Governor of Indiana

SEAL

Joseph H. Hogsett
Secretary of State