

Fiscal Estimate - 2023 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 23-0363/1	Introduction Number AB-0202	
Description investigations of conviction records by the Department of Safety and Professional Services for purposes of determining eligibility for credentials and granting rule-making authority		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <u>0</u> <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS s.20.165(1)(g), s.20.165(1)(hg), & s.20.165(2)(j)		
Agency/Prepared By	Authorized Signature	Date
DSPS/ Megan Denenea (608) 287-3749	Jennifer Garrett (608) 266-6795	6/5/2023

Fiscal Estimate Narratives

DSPS 6/5/2023

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Description investigations of conviction records by the Department of Safety and Professional Services for purposes of determining eligibility for credentials and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

The bill allows DSPS to complete its investigation as to whether the circumstances of an arrest, conviction, or other offense are substantially related to the circumstances of the licensed activity without reviewing certain types of violations. Those violations include the following:

1. First conviction, which occurred more than five years before the credential application date, for a violation of a law or local ordinance that prohibits driving or operating a motor vehicle while intoxicated or under the influence of alcohol, a controlled substance, a controlled substance analog, or a combination of those, or of any drug that renders the person incapable of safely driving.
2. A violation of a law or local ordinance that prohibits underage procurement, possession, or consumption of alcohol.
3. A minor, nonviolent ordinance violation, as determined by DSPS.

Additionally, the bill creates an alternative method to complete an investigation of an arrest, conviction, or other offense. Under this method, DSPS may accept a determination made by the applicant's employer, or by a contracted entity on behalf of the employer, that the applicant does not have an arrest, conviction, or other offense record or that the circumstances related to an arrest, conviction, or other offense are not substantially related to the licensed activity. An employer, or contracted entity on behalf of the employer, must attest that the determination was made to the best of the employer's or entity's knowledge and with a reasonable degree of certainty. DSPS must accept or reject a determination within 30 days of its receipt, and within that period may review a determination or request additional information from the applicant. DSPS and the credentialing boards are not subject to suit and are not liable for damages resulting from acceptance of an employer's or entity's determination.

DSPS must implement both provisions of the bill by administrative rule.

DSPS estimates a total of \$7,200 in one-time and \$192,500 in annual ongoing costs to implement the bill. The one-time costs are for training, updating materials and related websites, and processing documents. The ongoing staffing costs are a result of adding attestation as an addition route to the process flow together with an estimated rise in the number of calls, determination reviews and investigations. To cover this ongoing workload and the 30-day requirement for review of attestations without displacing or delaying other functions is estimated to require 1.6 FTE positions for services of attorneys, paralegals, and consumer protection investigators (CPIs).

The one-time and ongoing estimated costs cannot be absorbed in the currently appropriated agency budget.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2023 Session

Detailed Estimate of Annual Fiscal Effect

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Description investigations of conviction records by the Department of Safety and Professional Services for purposes of determining eligibility for credentials and granting rule-making authority		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): One-Time Costs: \$7,200 for staffing		
II. Annualized Costs:	Annualized Fiscal Impact on funds from:	
	Increased Costs Decreased Costs	
A. State Costs by Category		
State Operations - Salaries and Fringes	\$192,500	\$
(FTE Position Changes)	(1.6 FTE)	
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$192,500	\$
B. State Costs by Source of Funds		
GPR		
FED		
PRO/PRS	192,500	
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$192,500	\$
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By Authorized Signature Date		
DSPS/ Megan Denenea (608) 287-3749	Jennifer Garrett (608) 266-6795	6/5/2023