

Fiscal Estimate Narratives

DCF 12/16/2021

LRB Number	21-4955/1	Introduction Number	SB-723	Estimate Type	Original
Description requiring rules for imposing conditions on a license and rule-making guidelines prescribed by executive order					

Assumptions Used in Arriving at Fiscal Estimate

This bill makes changes to the Ch. 227 Administrative Procedure and Review. Current law authorizes an agency to exercise discretion in deciding individual cases and agencies may formalize general policies by promulgating rules. This bill requires an agency to promulgate rules describing how and when the agency will impose conditions on a license, permit, certificate, or other approval that is granted by the agency. Current law also allows the Governor to prescribe guidelines by executive order to ensure that rules are promulgated in accordance with the statutory rule-making process. This bill repeals the provision allowing the Governor to prescribe such guidelines.

The Department of Children and Families Division of Safety and Permanence (DSP) licenses child welfare providers. The Division of Early Care and Education (DECE) licenses childcare providers. DSP and DECE licensing staff occasionally place conditions on licenses with review from DCF legal counsel.

Division staff indicated that it would be difficult to create administrative rules to reflect thresholds and procedures for all possible scenarios that could result in placing conditions on a license as these scenarios are tailored to exigent circumstances at specific providers. Moreover, the time and procedural complexity of amending Administrative Code may make complying with the provisions of this bill challenging and may compromise the ability of the Department to respond to violations, not otherwise contemplated at the time of rule promulgation, at licensed providers. Given the uncertainty about the final rule, costs to DCF are indeterminate at this time.

Long-Range Fiscal Implications