

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

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

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs

Local:

<input type="checkbox"/> No Local Government Costs	5. Types of Local Government Units Affected	
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By DPI/ Carl Bryan (608) 267-9127	Authorized Signature Erin Fath (608) 266-2804	Date 11/23/2021
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Fiscal Estimate Narratives

DPI 11/23/2021

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 does all of the following:

1. Current law provides that an agency that is authorized to exercise discretion in deciding individual cases may formalize the general policies evolving from its decisions by promulgating those policies as rules. The bill requires an agency to promulgate rules describing how and when the agency will impose conditions on a license, permit, certificate, or other such approval that is granted by the agency. The agency must, under the bill, impose conditions on licenses in accordance with those rules.
2. Current law allows the governor, by executive order, to prescribe guidelines to ensure that rules are promulgated in accordance with the statutory rule-making process. The bill repeals this provision that allows the governor to prescribe such guidelines.

Local:

No fiscal effect.

State:

In accordance with current law, the Department of Public Instruction (DPI) does not impose any standard, requirement, or threshold on any license it issues other than those standards, requirements, or thresholds that are explicitly required or permitted by statute or rule. Under the bill, in cases where the DPI is required or permitted to impose conditions on a license, the DPI will be required to promulgate rules describing how and when it will impose conditions on a license it grants and impose conditions on licenses in accordance with those rules.

The DPI's Administrative Rules Coordinator works with DPI program staff to promulgate administrative rules, with support from the DPI Office of Legal Services. Rules are drafted in accordance with changes in statutes and/or agency policy. It takes a significant amount of staff hours to promulgate a rule, depending on the type of rule and subject matter, in accordance with the statutorily prescribed process, which currently takes about a year to complete. The changes described in the bill may result in increased staff time focused on rulemaking and enforcing compliance with DPI rules, though the amount of additional time required to meet the bill's requirements is unknown. Therefore, the net fiscal impact to the state is indeterminate.

The bill's repeal of provisions that would allow the governor to prescribe such guidelines to ensure that rules are promulgated in accordance with the statutory rule-making process do not directly impact the DPI, so the DPI is not in a position to estimate the impact of these changes.

Long-Range Fiscal Implications