

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 398** HLS 21RS 988  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> June 2, 2021 6:49 PM	<b>Author:</b> BUTLER
<b>Dept./Agy.:</b> Attorney General	<b>Analyst:</b> Rebecca Robinson
<b>Subject:</b> Administrative Rulemaking	

ATTORNEY GENERAL RE INCREASE SD RV See Note Page 1 of 1  
 Creates an occupational licensing board review program within the office of the attorney general

Proposed legislation creates the Occupational Licensing Board Review Program within the Department of Justice. The program's purpose is provide review of occupational regulations and relevant proposed disciplinary actions of a state occupational licensing board and is voluntary and optional for occupational licensing boards. The Department of Justice is to receive as compensation an amount equal to or less than the number of licensees of the participating board multiplied by ten. The proposed legislation creates the Department of Justice Occupational Licensing Board Review Program Fund. The proposed legislation establishes that it is the policy of the state that occupational licensing boards shall use the least restrictive regulation to protect the public from present, significant and substantiated harms that threaten public health, safety or welfare.

<b>EXPENDITURES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						

  

<b>REVENUES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
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Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

There will be an increase in statutorily dedicated expenditures to the Department of Justice - Attorney General's (AG) office as a result of the proposed measure. Proposed law creates a voluntary program whereby boards and/or commissions may submit administrative rules and regulations and proposed disciplinary actions to the AG's office for review. It is unknown the degree to which boards and commissions will elect to participate in the program. However, to the extent that boards and commissions elect to participate, the AG's office reports a significant workload increase and indicates a need for three additional positions (2 Assistant Attorney Generals and 1 Administrative Assistant) at an approximate annual cost of \$295,000 (salaries + related benefits). The AG's office reports other expenses such as travel, supplies, operating costs, and acquisitions for an approximate annual total of \$328,000. All new positions and related expenses will be paid from the revenues deposited into the newly created Department of Justice Occupational Licensing Board Review Program Fund.

The workload created by proposed law is speculative and dependent upon the number of boards and/or commissions that may opt into using the AG's office for review of administrative rules and regulations. The LFO cannot corroborate the workload and workforce that the AG estimates will be necessary. To the degree that demand for services may not materialize, or may be less than estimated, the positions and costs may decrease accordingly.

Creating a new statutory dedication within the state treasury will result in a marginal workload increase for the Department of Treasury, which can generally be absorbed within existing resources. However, to the extent other legislative instruments create new statutory dedications, there may be additional material costs associated with the aggregate effort to administer these funds. The Treasury performs fund accounting, financial reporting, banking, and custodial functions for 404 special funds. When unable to absorb additional workload with existing resources, the Treasury anticipates that it will be required to add one T.O. position at a total personnel services cost of approximately \$71,000 plus approximately \$2,450 for a one-time purchase of office equipment. These expenditures are assumed to be SGF in this fiscal note.

**REVENUE EXPLANATION**

There will be an indeterminable increase in statutory dedication revenue to the Department of Justice - Attorney General. Boards and commissions that elect to participate in the voluntary review program will pay an amount equal to or less than the number of licensees of the participating board multiplied by ten. The fee revenue shall be deposited into the newly create Department of Justice Occupational Licensing Board Review Program Fund.

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| <u>Senate</u>  | <u>Dual Referral Rules</u> | <u>House</u>   |
| <input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H} |                            | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}      |                            | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

*Alan M. Boxberger*  
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**Staff Director**