

Consolidated Fiscal Note

2023-2024 Legislative Session

SF3250 - 0 - Open Bidding Process Requirement

Chief Author: **Foung Hawj**
 Committee: **Transportation**
 Date Completed: **3/11/2024 8:46:54 AM**
 Lead Agency: **Public Safety Dept**
 Other Agencies:
 Administrative Hearings

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Administrative Hearings	-	-	-	-	-	-
Public Safety Dept						
General Fund	-	-	161	125	-	-
State Total						
Administrative Hearings	-	-	-	-	-	-
General Fund	-	-	161	125	-	-
Total	-	-	161	125	-	-
Biennial Total			161			125

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Public Safety Dept					
General Fund	-	-	1	1	-
Total	-	-	1	1	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 3/11/2024 8:46:54 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2	Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Public Safety Dept					
General Fund	-	-	161	125	-
Total	-	-	161	125	-
Biennial Total			161		125
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	12	-	-
Public Safety Dept					
General Fund	-	-	161	125	-
Total	-	-	173	125	-
Biennial Total			173		125
2 - Revenues, Transfers In*					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	12	-	-
Public Safety Dept					
General Fund	-	-	-	-	-
Total	-	-	12	-	-
Biennial Total			12		-

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 Agency: **Public Safety Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	161	125	-
Total	-	-	161	125	-
Biennial Total			161		125

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	1	1	-
Total	-	-	1	1	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 3/9/2024 11:12:52 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	161	125	-
Total		-	-	161	125	-
Biennial Total					161	125
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	-	-	161	125	-
Total		-	-	161	125	-
Biennial Total					161	125
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total					-	-

Bill Description

Relating to transportation; requiring an open bidding process when deputy registrars and driver's license agents close locations; amending Minnesota Statutes 2022, sections 168.33, by adding a subdivision; 171.061, by adding a subdivision.

Assumptions

Assume Department of Public Safety Driver and Vehicle Services Division (DVS) will require a clear grant of rulemaking authority to create program guidelines subject to Chapter 14, for the commissioner to adopt rules to administer and enforce an open bidding process to select a replacement deputy registrar.

Assume DVS will require a clear grant of rulemaking authority to create program guidelines subject to Chapter 14 for the commissioner to adopt rules to administer and enforce an open bidding process to select a replacement driver's license agent.

Assume the rulemaking process for these guidelines will be a medium size rule and take approximately 12-18 months to complete. Assume DVS currently has no rulemaking staff and will hire one FTE Management Analyst 4 (MA4) as lead counsel in the rulemaking process to manage the entire rulemaking process. Assume the MA4 will be hired with an annual salary and fringe of \$120,584 (\$82,141.92 salary + \$38,441.76 fringe = \$120,584). Assume the MA4 will only be needed through FY26 to complete the rulemaking.

One-time costs for MA4

- Furniture = \$6,466
- Sit to stand desk = \$800
- Office Chair = \$500
- Computer monitor (x 2) = \$290

Total one-time costs for SA2 = \$8,056

Monthly costs for MA4

- Office space \$215 x 12 = \$2,580
- Laptop computers \$77.98 x 12 = \$935.76
- Employee computing \$53.89 x 12 = \$646.68
- Telephone-desk \$40 x 12 = \$480

Office supplies $\$8.25 \times 12 = \99

Total annual monthly costs = \$4,741

Assume total costs MA4 FY25 = \$133,381 ($\$120,584 + \$8,056 + \$4,741 = \$133,381$)

Assume total costs MA4 FY26 = \$125,325 ($\$120,584 + \$4,741 = \$125,325$).

Rulemaking costs and fees (medium cost)

Office of Attorney General Legal fees 54 hours ($\$163/\text{hour}$) = \$8,802

Office of Administrative Hearings:

- Admin. Law Judge 50 hours at $\$245/\text{hour} = \$12,250$
- Filing Fee = \$50

State Register ($\$135/\text{page}$) publishing fees:

- Request for Comments = \$270
- Notice of Intent to Adopt Rules (with rule text published) = \$3,375
- Notice of Adoption (without rule text published) = \$60

Miscellaneous:

- Mailings = \$694
- Duplicating = \$825
- Transcripts = \$750
- Committee costs = \$200

Total rulemaking costs and fees FY25 = \$27,276

Assume use of the existing location is agreed upon by the property owner and contractually allowed by any lease or occupancy agreement.

Assume city and county run offices that close and become available for bid may opt not to offer space rental for continued business operation and would not be required to continue service as a result of this bill.

Assume that an effective date of July 1, 2023 would not be feasible as it is in the past. Assume open bidding to become available following completion of the rulemaking.

Expenditure and/or Revenue Formula

Expenditures FY25

MA4 FY25 = \$133,381 ($\$120,584 + \$8,056 + \$4,741 = \$133,381$).

Rulemaking costs and fees FY25 = \$27,276

Total Expenditures Restricted Special Revenue Driver and Vehicle Services Operating Account FY25 = \$160,657

Expenditure FY26

MA4 FY26 = \$125,325 (\$120,584+ \$4,741 = \$125,325).

Total Expenditures Restricted Special Revenue Driver and Vehicle Services Operating Account FY26 = \$125,325

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Pong Xiong 651-201-7580

Agency Fiscal Note Coordinator Signature: Nicole Mickelson

Phone: 651-201-7045

Date: 3/8/2024 5:41:43 PM

Email: nicole.mickelson@state.mn.us

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 Committee: **Transportation**
 Date Completed: **3/11/2024 8:46:54 AM**
 Agency: **Administrative Hearings**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 3/11/2024 8:39:29 AM
Phone: 651-297-1423 **Email:** chloe.burns@lbo.mn.gov

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Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Administrative Hearings	-	-		12	-	-
Total	-	-		12	-	-
Biennial Total				12		
2 - Revenues, Transfers In*						
Administrative Hearings	-	-		12	-	-
Total	-	-		12	-	-
Biennial Total				12		

Bill Description

SF3250 provides for the Department of Public Safety (DPS) to conduct rulemaking to administer and enforce an open bidding process for selecting a replacement deputy registrar and replacement driver’s license agent in the event that a deputy registrar or driver’s license agent stops offering services at an approved office location and permanently closes an approved office location.

The legislation authorizes DPS to conduct rulemaking to implement the provisions of Section 1 and Section 2.

Assumptions

The Office of Administrative Hearings (OAH) has used DPS’s assumption that a medium rulemaking will be required to meet the requirements of Sections 1 and 2. Based on past practices, OAH assumes that a medium rulemaking under chapter 14 will require an estimated 50 hours of administrative law judge (ALJ) time for activity related to rulemaking procedures. Of the total rulemaking amount estimated by DPS, \$12,250 is for the 50 hours of ALJ time for a medium rulemaking.

OAH currently bills ALJ time for rulemaking at the MMB-approved billable rate of \$245 per hour (see Minn. Stat. § 16A.126, subd. 1 (2022)).

Expenditure and/or Revenue Formula

Estimated 50 hours of ALJ time for rulemaking activities related to implementing the requirements of SF3250 = 50 hours x \$245/hr = \$12,250 charged to DPS in FY2025 pursuant to the requirements of Minn. Stat. § 14.53.

Long-Term Fiscal Considerations

Costs associated with rulemaking activities are a one-time occurrence.

Local Fiscal Impact

References/Sources

Agency Contact: Denise Collins

Agency Fiscal Note Coordinator Signature: Denise Collins

Phone: 651-3617875

Date: 3/11/2024 8:34:10 AM

Email: denise.collins@state.mn.us