

FISCAL NOTE

Requested by Legislative Council
02/22/2005

Amendment to: SB 2133

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2003-2005 Biennium | | 2005-2007 Biennium | | 2007-2009 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | (\$260,000) | \$210,000 | (\$100,000) | \$100,000 | (\$100,000) | \$100,000 |
| Expenditures | \$60,000 | \$210,000 | \$0 | \$100,000 | \$0 | \$100,000 |
| Appropriations | \$60,000 | \$0 | \$0 | \$0 | \$0 | \$0 |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2003-2005 Biennium | | | 2005-2007 Biennium | | | 2007-2009 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The fiscal effect of this bill is threefold. First of all, the bill lowers the maximum siting fee, from \$150,000 to \$100,000. Secondly, the bill provides that siting fees would be deposited into a special fund, with a continuing appropriation, for the use of the PSC in administering the case, rather than into the general fund. Section 3 of the bill provides that all monies deposited into the special fund are appropriated on a continuing basis to the PSC to pay siting case expenses. Thirdly, the bill provides for the refund to the applicant of any excess fees not used by the Commission to process the case.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The general fund revenue figure is negative because monies received under the bill will be deposited into a special fund, rather than into the general fund as under current law. We anticipate at least three applications in the 2003-2005 biennium that would have produced funds for the general fund under current law. They are one coal generating plant that would have accrued a fee of the current law maximum of \$150,000, and two wind plants that we estimate would have accrued fees of \$75,000 (for a 150MW plant) and \$35,000 (for a 70MW plant). This totals \$260,000 lost revenue for the general fund. We estimate \$210,000 revenue to a special fund in the 03-05 biennium. The special fund revenue is lower than the lost revenue to the general fund because the cap is lower by \$50,000 and we estimate one of the applications to reach the cap. For the 2005-07 biennium, and the 2007-09 biennium, the figure used for revenue to the special fund and lost revenue to the general fund is \$100,000, which is the amount estimated in our budget and our corresponding appropriation bill.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditure of \$210,000 in special fund monies is the amount expected to be paid in (see note above), because the fee money received will either be spent by the PSC on the case, or returned to the applicant. Either way, the whole amount received will be spent. The same holds true for the estimated revenues and expenditures for the 2005-07

biennium and the 2007-09 biennium--the whole amount received will either go toward the expenses of processing the case or be returned to the applicants. However, an expenditure of \$60,000 in the 2003-2005 biennium would be necessary to refund a fee already paid (after 1 August 2004) in a pending water pipeline application. A corresponding appropriation to refund this \$60,000 fee would also be necessary.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The bill contains a continuing appropriation to the PSC of any and all monies deposited into the fund. The Commission is to use the money from each fee for siting case expenses in that case and return any leftover monies from each fee to the applicant. Since it is a continuing appropriation that depends on receipt of a fee I did not put any amounts under the appropriation sections except as follows. An expenditure of \$60,000 in the 2003-2005 biennium would be necessary to refund a fee already paid (after 1 August 2004) in a pending water pipeline application. A corresponding appropriation to refund this \$60,000 fee would also be necessary.

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