

FISCAL NOTE
Requested by Legislative Council
03/19/2015

Amendment to: SB 2123

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Current bill requires the commission to impose fees up to ten thousand dollars for processing PCN applications submitted by jurisdictional gas, pipeline and telephone utilities. These fees would be held in suspense using a special fund with specific project costing.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The fee will be deposited into a special fund and held in suspense, to cover the cost of processing an application, instead of allocating these costs to the general fund operating line of its budget. An estimated amount of fiscal impact cannot be determined because jurisdictional utilities have sole discretion over if and when applications are filed. We do not know how many applications may be filed, or if the Commission would decide to impose a fee for a filed application. It is possible that no applications would be filed in a given time frame, or that no fee would be imposed.

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.*

These fees would not be general revenue to the state, nor included in the executive budget. Fees will be collected and deposited into a special fund held for the single purpose of processing the filed application. Any costs incurred will be allocated to the fee and any balance remaining after processing the application will be returned to the applicant. Estimating the amount of fees that may be collected during a fiscal period is not possible because jurisdictional utilities have sole discretion over if and when applications are filed, and over the type of application that may be filed. It is possible that no applications would be filed in a given time frame, or that no fee would be imposed.

- 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.*

Expenses incurred to process the case would be allocated to the fee, held in suspense, for that case based on the continuing appropriation provided in subsection 6 of section 49-02-02 of the North Dakota Century Code. Estimating the amount of general fund expenditures that may be avoided during a fiscal period is not possible because jurisdictional utilities have sole discretion over if and when applications are filed, and over the type of application that may be filed. It is possible that no applications would be filed in a given time frame, or that no fee would be imposed.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Subsection 6 of section 49-02-02 of the North Dakota Century Code provides continuing appropriation to expend the funds upon receipt

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