

Fiscal Estimate Narratives

DNR 9/23/2003

LRB Number	03-1899/2	Introduction Number	AB-486	Estimate Type	Original
Subject					
Require state agencies to act on applications for approvals within periods established by rule					

Assumptions Used in Arriving at Fiscal Estimate

Bill Summary:

This bill requires state agencies to promulgate rules establishing periods within which the agencies intend to approve or disapprove applications for specified licenses, permits, and other approvals that the agencies issue.

The bill contains two possible scenarios if the department fails to act on an application. For some kinds of approvals, if the department fails to act, the application will be automatically approved within 30 days. The department may request an extension of the approval of 60 days. For approvals that are not subject to automatic approval, the department must refund the fees paid by the applicant if the department does not act within the period established by rule.

Fiscal Estimate:

The fiscal effects of the bill extend to a number of sections within the department.

Air Management:

Loss of \$20.7 million and 153 FTE

Construction and operation air permit programs in Wisconsin have been prepared under Title 1 and Title 5 of the Clean Air Act, respectively, and approved by USEPA under the Federal approval requirements. Although there are review time requirements included in each permit program in the Federal version of the programs and adopted in to the state regulations, neither program includes an automatic approval feature if the time frames are not met. Such mechanisms are not approval features under the federal air permitting requirements and if introduced would result in USEPA pulling back approval of the effected air permit program. In addition, the Wisconsin Statutes include a public comment period 30 days for each permit. This bill would not allow for this comment period.

The construction air permit program generates approximately \$2.5 million in revenue annually and the operation permit program authorizes the department to collect emissions fees from affected sources amounting to approximately \$9.5 million annually. In addition, it is assumed that the state match for \$8.7 million in federal grants will no longer be available. Loss of this revenue would be detrimental to the air program and result in an estimated \$21 million expenditure reduction, and the associated 153 FTE, to the Air Management program. It is assumed the Wisconsin Air Program will be administered by USEPA.

Drinking Water and Groundwater:

Increase of \$1,900

The review periods that currently exist under NR 146 .04 (c) for well driller and pump installer registration, and NR 812.09 (1) for high capacity well approvals meet the rule promulgation requirements of this bill.

Letters will need to be sent to each high capacity well applicant notifying them of the allowable review period. Each of these letters will take approximately 1/4 hour to compose, print and mail. Approximately 250 applications are received per year.

250 x .25 hrs/ application = 62.5

62.5 hours/1800 hours per FTE = .035 FTE (Program Assistant 4)

Program Assistant 4 (\$18.70/hr salary & fringe) x 2080 hours + \$5200 supplies related expenditures = \$44,100

x .035 FTE = \$1,500

Letters will need to be sent to each well driller/pump installer registrant notifying them of the allowable review period. Each of these letters will take approximately 1/4 hour to compose, print and mail. Approximately 65 registration applications are received per year.

65 x .25 hrs/ application = 16.25

16.25 hours/1800 hours per FTE = .01 FTE (Program Assistant 4)

Program Assistant 4 (\$18.70/hr salary & fringe) x 2080 hours + \$5200 supplies related expenditures = \$44,100

x .01 FTE = \$400

Fisheries and Habitat:

Increase of 0.80 FTE and \$37,300

Assumptions

1. Time limits set in rule are sufficiently long (365 + 90 = 455 days) to avoid need for additional staff to speed up any decisions, to accommodate shortening of deadline for completeness reviews, and to absorb work of tracking and applicant contact. Timeframe for decisions must be set longer not only to reduce the risk of accidental permits but also to reallocate staff time to speed up the initial completeness review deadline from 60 days to 14 days. Assume completeness review takes an average of 2 hours. For 4500 applications, completeness review will occupy approximately 25% of the time available for permit decision making steps outside of completeness. (4500x2/1825 hr = 5.0 FTE; 5 FTE/21 FTE = 25% of work time available)
2. Fiscal impact is data quality control on an ongoing basis and for rule-making, data and reporting system development on a one-time basis
3. Rule development occurs over a two year period
4. Data system development occurs over a two-year period
5. No Water Management Assistant LTEs remain in the field to do data entry and correspondence

Fiscal Impacts

1. 0.30 FTE for rule-development over two-year rule development period; tasks to include querying data system for accurate deadline setting, analysis of alternative deadlines and development of instructions for applicants and staff (Time estimate is based on recent rule revisions on existing deadlines.)
2. 0.5 FTE to revamp tracking and reporting systems over two-year rule development period (Time estimate is based on recent upgrades of data and document system in 1997 and 2002. This assumes that current data manager position can be refilled.)

Cost Calculations

[\$14.77 * 2080 hr * 40.81%(fringe) + \$6400 (supplies & services) = \$49,700(0.80 FTE)= \$37,300

Watershed Management:

USEPA approves all permits under the Federal approval requirements for water pollution discharge permits and if USEPA finds fault with this bill they could like pull back the program from the state. The repercussions of USEPA pulling back the program could mean the loss of NR 106 federal dollars, which is approximately \$5 million annually and the associated 39.25 FTE in Watershed and 6.0 FTE in Fisheries

Waste Management:

It's possible that the Waste Management Program would lose authorization from USEPA to administer federal solid and hazardous waste programs. This would result in a loss of \$2.1 million annually and the associated 23 FTE on the hazardous waste grant.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2003 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 03-1899/2		Introduction Number AB-486	
Subject			
Require state agencies to act on applications for approvals within periods established by rule			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:			
		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$37,300	
(FTE Position Changes)		(0.8 FTE)	(-221.0 FTE)
State Operations - Other Costs		1,900	-28,100,000
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$39,200	\$-28,100,000
B. State Costs by Source of Funds			
GPR			
FED			-28,100,000
PRO/PRS		1,900	
SEG/SEG-S		37,300	
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			-28,100,000
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$-28,100,000
NET ANNUALIZED FISCAL IMPACT			
		State	Local
NET CHANGE IN COSTS		\$-28,060,800	\$
NET CHANGE IN REVENUE		\$-28,100,000	\$
Agency/Prepared By			
DNR/ Susan Felker-Donsing (608) 267-2769		Authorized Signature	
		Susan Felker-Donsing (608) 267-2769	
			Date
			9/23/2003