



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

<b>Bill #</b>	SB0391	<b>Title:</b>	Providing for Public Service Commission regulation of access software providers
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<b>Primary Sponsor:</b>	Manzella, Theresa	<b>Status:</b>	As Introduced
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- Significant Local Gov Impact     
 Needs to be included in HB 2     
 Technical Concerns  
 Included in the Executive Budget     
 Significant Long-Term Impacts     
 Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
<b>Expenditures:</b>				
General Fund	Undeterminable	Undeterminable	Undeterminable	Undeterminable
State Special Revenue	\$1,301,764	\$1,263,460	\$1,259,967	\$1,263,994
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$1,301,764	\$1,263,460	\$1,259,967	\$1,263,994
<b>Net Impact-General Fund Balance:</b>	<u>Undeterminable</u>	<u>Undeterminable</u>	<u>Undeterminable</u>	<u>Undeterminable</u>

**Description of fiscal impact:** The Public Service Commission would require new staff and legal FTE to incorporate the regulation of software providers. The Judicial branch is unable to estimate the impact of this bill on the court system, which is already near capacity.

### FISCAL ANALYSIS

#### Assumptions:

##### **Public Service Commission:**

1. The Commission estimates needing 10.00 FTE rate analysts (\$901,468 salary and benefits in FY 2022, \$902,129 salary and benefits in FY 2023), 2.00 FTE attorneys (\$231,372 salary and benefits in FY 2022, \$231,548 salary and benefits in FY 2023), 2.00 FTE administrative assistants (\$94,184 salary and benefits in FY 2022, \$94,243 salary and benefits in FY 2023), \$39,200 for office setup expenses in FY 2022, and \$35,540 for operating expenses in each year of the biennium.
2. The provision which establishes standing (Section 4 (9)) only requires an address or PO Box in place for 45 days prior to the filing. There is a potential for individuals, business entities, and political groups located outside of this state to use that provision to forum shop and set themselves up to file a claim in this state,

particularly if the state in which they reside or primarily do business does not have a comparable law. This could substantially increase the number of potential complainants.

- The PSC is funded by a tax on regulated utilities that collects sufficient funding to cover the commission’s appropriations, so an increase in appropriations would increase the taxes assessed to cover the costs.

**Judicial Branch**

- Section 4 states the commission shall conduct expedited complaint proceedings involving access software provider user disputes. People who believe their rights have been unjustly infringed upon by an access software provider, may file a complaint. If a settlement is not reached, the commission grants a final order. Both parties may appeal the commission’s final order to state district court for a jury trial based on a preponderance of the evidence.
- The number of district court cases as well as the amount jury costs may increase as a result of this legislation; however, the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of any legislation establishing a new case type may, over time, require additional judicial resources because generally court dockets are full throughout the state.
- The cost to the Judicial Branch cannot be determined.

**Public Service Commission**

	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
<b><u>Fiscal Impact:</u></b>				
FTE	14.00	14.00	14.00	14.00
<b><u>Expenditures:</u></b>				
Personal Services	\$1,227,024	\$1,227,920	\$1,223,894	\$1,227,920
Operating Expenses	\$74,740	\$35,540	\$36,073	\$36,073
<b>TOTAL Expenditures</b>	<b>\$1,301,764</b>	<b>\$1,263,460</b>	<b>\$1,259,967</b>	<b>\$1,263,994</b>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$1,301,764	\$1,263,460	\$1,259,967	\$1,263,994
<b>TOTAL Funding of Exp.</b>	<b>\$1,301,764</b>	<b>\$1,263,460</b>	<b>\$1,259,967</b>	<b>\$1,263,994</b>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$1,301,764	\$1,263,460	\$1,259,967	\$1,263,994
<b>TOTAL Revenues</b>	<b>\$1,301,764</b>	<b>\$1,263,460</b>	<b>\$1,259,967</b>	<b>\$1,263,994</b>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0

**NO SPONSOR SIGNATURE**

Sponsor’s Initials

3-31

Date

KA

Budget Director’s Initials

3-29-21

Date