

FISCAL NOTE

	FY 2022	FY 2023	FY 2024
NON-ADMINISTRATIVE IMPACT *			
Anticipated Revenue increase			
GENERAL FUND (DEQ, WDH)	\$87,900	\$89,100	\$89,950
SPECIAL REVENUE (CORRECTIVE ACTION ACCOUNT)	\$4,500	\$4,500	\$4,500
SPECIAL REVENUE (NEW SOURCE REVIEW)	\$131,340	\$131,340	\$131,340
SPECIAL REVENUE (OPPERATING PERMIT PROGRAM)	\$11,500	\$11,500	\$11,500
GENERAL FUND (DOC New)	\$1,042,080	\$1,042,080	\$1,042,080
GENERAL FUND (DOA New)	\$140,875	\$140,875	\$140,875
SPECIAL REVENUE (FOOD LICENSE FEES)	\$140,875	\$140,875	\$140,875

Source of revenue increase:

The source of the revenue increase comes from various increases to fees related to five agencies: 1) Department of Environmental Quality (DEQ); 2) Wyoming Department of Health (WDH); 3) Department of Family Services (DFS); 4) Department of Corrections (DOC); and 5) Department of Agriculture (DOA). Fee increases include the following:

Department of Environmental Quality	Air Quality: New Source Review Application Fee, Hourly Fee, Portable Service without Insurance, Portable Service with Insurance; Title V - Application Fee, Title V - Hourly Fee Land Quality: Permit Fee, License Fee-Explore, License Fee-Mine Solid and Hazardous Waste: AST Fee, Installation and Modification Fee
Department of Health	Health Care Facility License Fee
Department of Family Services	Central Registry Fee (for both child and adult protective services)
Department of Corrections	Probation and Parole: Supervision Fee, Urinalysis Fee, Out-of-State Transfer Fee
Department of Agriculture	Food License Fees: New establishment, renewal, temporary license

Assumptions:

* Revenue increases are based on the low end of agency estimates.

DEQ: Special Revenue - Air Quality, New Source Review (NSR) fees, including:

- Application fee increases by \$36 per application, which would generate between \$25,920 (720 applications) and \$48,600 (1,350 applications) additional revenue per year.
- Hourly fee increases for permit writer by \$17 per hour, which would generate between \$97,920 (720 applications @ 8 hours each) to \$183,600 (1,350 applications) additional revenue per year.

- NSR portable source "self-issuance" relocation permit fee increases by \$50, which would generate approximately \$7,500 per year from 150 notifications.
- NSR portable source "non-self-issuance" relocation permit fee increases by \$50. DEQ has not received any of these notifications in the past year estimates no additional revenue from this fee increase.

Special Revenue - Air Quality Operating Permit Program Fees, including:

- Application fee increase. DEQ does not currently assess an application fee for Title V Operating permits. Assuming an average of 23 applications per year, this would generate \$11,500 in additional revenue per.
- Hourly fee increase. DEQ does not currently assess an hourly rate for Title V Operating permits. If this subsection is intended to apply to Title V, then the emission fees may need to be adjusted. Title V permits are currently calculated using only emissions multiplied by the per ton rate of \$34.50. Generally, adding an hourly rate fee of \$75 per hour will increase the total fee paid by smaller emitting operators and decrease the fee paid by larger emitting operators. DEQ/AQD is evaluating appropriateness of existing emissions rate.

General Fund - Land Quality fees, including:

- Permit fee - The proposed increase would change the fee from \$100 to \$200 but the maximum fee is still two thousand dollars (\$2,000). The fee difference is \$100 and there are approximately nine (9) of these that occur each year. Most of the permitting actions under this category are typically at the maximum fee of two thousand dollars (\$2,000). On average, there are two (2) permitting actions that are not at the maximum fee level. The estimated revenue change of this proposed change is \$200 per year.
- Mine Fee - The proposed increase would change the fee from \$25 to \$150 per permit application. There are approximately eight (8) of these that occur each year. The estimated revenue change of this proposed change is \$1,000 per year.
- Explore Fee - The proposed increase would change the fee from \$25 to \$250. There are approximately 4 of these that occur each year. The estimated revenue change of this proposed change is \$900 per year.

LQD fees are paid directly to the general fund. The additional fees are not revenue to DEQ nor does it offset any funding.

Special Revenue and General Fund Solid and Hazardous Waste fees, including:

- Special Revenue Above Ground Storage Tank AST Fee - The proposed would increase from \$50 to \$200. There are 30 operators for approximately \$4,500 in additional revenue per year.
- General Fund Installation/Modification Fee - The proposed would increase from \$250 to \$500. There are approximately 30 of these that occur each year for approximately \$7,500 in additional revenue per year.

DEQ estimates assume that there is no major increase or decrease in activity.

WDH: General Fund - Health Care Facility License Fee. The revenue increases are based on the 19 provider types requiring Wyoming licensure. The potential increase takes into consideration the level of care, the facility bed size (if applicable), and Healthcare Licensing and Survey resources to license the facility. The overall revenue increase utilizes a potential fee schedule and is

based on the projected number of license renewals, changes to licenses and potential new providers.

DFS: Central Registry Fee. The bill will not have a fiscal impact on the DFS. DFS' 2021-2022 Supplemental Budget request uses Central Registry funds in place of State General Funds to fully pay for Central Registry operations with Central Registry application fees. DFS will monitor the expenses of the Central Registry and the fund corpus to ensure the Central Registry operations are fully funded. If an increase in fees is required to fund Central Registry operations, DFS will promulgate rules to increase fees.

DOC: The total revenue projected as a result of the proposed bill is \$1,042,080 per year. These revenue estimates are based on information received from other states which collect supervision fees, and DOC's offender population. The actual revenue generated may vary (increase or decrease) depending on these fluctuating numbers assumptions. DOC has also provided in its FY0221-2022 Supplemental Budget Request to use this new revenue to help offset the costs of supervision within its Field Services, Offender Management Unit 2011. The bill does not specify to which fund this revenue should be deposited. W.S. 9-4-204(t)(i)(A) specifies that the General Fund shall receive all revenues and account for all expenditures not otherwise provided for by law in any other fund. Specific fees are as follows:

- The bill allows DOC to collect supervision fees for probation and parole offenders. This additional fee will generate approximately \$744,000 of revenue per year. It is understood that not all offenders on supervision will be able to pay the required fee and is based on a 40% collection rate at \$25 per month.
- The bill allows DOC to collect fees for urinalysis testing and will generate approximately \$238,080 in revenue per year. Collection of urinalysis fees will only apply to those offenders on supervision who have an identified substance abuse need, which is approximately 80% of offenders on supervision. This revenue is based off of a 40% collection rate at \$10 per month.
- The bill allows DOC to collect a one-time fee for out-of-state transfers and would generate approximately \$60,000 in revenue per year. There are approximately 600 offenders who would qualify to pay this fee and that 100% required fees would be collected.

DOC is exploring programs to allow for a seamless process for collecting these fees. There will be some administrative costs associated to allow for offenders to pay the proposed fees online but the offender would be required to pay any processing fees associated with these costs. The agency will also offer offenders the option to mail in a money order to the fiscal section of the department should the offender not want to pay any processing fees associated with online payments.

DOA: The proposed bill would double licensing fees for new and renewal licenses for permanent food establishments as well as temporary food establishments. The DOA annually licenses the following number of food establishments, by license type and proposed fee license increase:

- New License: 440 Increase from \$100 to \$200 per licensee
- Renewal: 4,525 Increase from \$50 to \$100 per licensee
- Temporary: 460 Increase from \$25 to \$50 per licensee

The proposed bill specifies that half of all new revenue generated by the fee should be deposited into the GENERAL FUND with the remaining revenue deposited into the Food License Fee special revenue account, which will be distributed between the DOA, local government health departments and the Wyoming Department of Health for related responsibilities (outlined in W.S. 35-7-124(c)).

Prepared by: Michael Swank, LSO Phone: 777-7881
(Information provided by Laura Hudspeth, Department of Health, 777-6882; Roxanne O'Connor, Department of Family Services, 777-6101; Nancy Vehr and Todd Parfitt, Dept. of Environmental Quality, 7777937; Kayla Opdahl, Department of Corrections, 777-5983; Justin Latham, Department of Agriculture, 777-6587)