

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1162H.02I  
Bill No.: HB 1164  
Subject: Utilities; Boards, Commissions, Committees, and Councils  
Type: Original  
Date: March 30, 2021

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Bill Summary: This proposal creates the Underground Damage Prevention Review Board.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
Underground Damage Prevention Review Board Fund*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Income and expenses net to \$0.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Attorney General's Office**, the **Department of Commerce and Insurance** and the **Office of the Governor** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

Officials from the **Office of the State Treasurer** did not respond to **Oversight's** request for fiscal impact for this proposal.

**Oversight** assumes if the Underground Damage Prevention Review Board recommends a penalty for alleged violations of the Underground Facility Safety and Damage Prevention Act, the fee assessed will be collected by the board or may be payable to the complainant. All fees received by the board shall be deposited into the newly created "Underground Damage Prevention Review Board Fund" and will be used to develop and disseminate educational programming to improve worker and public safety. For fiscal note purposes, Oversight will reflect an unknown revenue (assessed fees) into the Underground Damage Prevention Review Board Fund and will also reflect an unknown cost (for educational programming) to the Underground Damage Prevention Review Board Fund, which will result in a \$0 net effect to the Underground Damage Prevention Review Board Fund.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>UNDERGROUND DAMAGE PREVENTION REVIEW BOARD</b>			
<u>Revenue</u> - assessed fees	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost</u> - educational programming	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>ESTIMATED NET EFFECT TO THE UNDERGROUND DAMAGE PREVENTION REVIEW BOARD</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill establishes the "Underground Damage Prevention Review Board" to review reports of alleged violations of the Underground Facility Safety and Damage Prevention Act. The board consists of nine members who are appointed as specified in the bill. No member may serve on a case in which the member has a conflict of interest.

The board must meet within 30 days after the appointment of all the members and must hold at least two regular meetings per year. The board will receive reports of alleged violations and must contact persons whom reports have been filed against within 10 days of filing a report. The board must maintain certain information regarding the alleged violations. If after review of the alleged violation, the board determines that a person has violated the Underground Facility Safety and Damage Prevention Act, the board must determine the appropriate action or penalty as specified

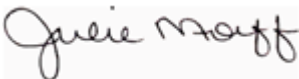
in the bill. A person determined to be in violation may request a hearing before the board. If the board recommends a penalty, the board will notify the Public Service Commission and the Commission will issue an order imposing the penalty. If the board recommends a penalty, the fee assessed will be collected by the board or may be payable to the complainant. All fees received by the board shall be deposited into the newly created "Underground Damage Prevention Review Board Fund" and will be used to develop and disseminate educational programming to improve worker and public safety.

The board must maintain record of reports of alleged violations for at least four years. The Attorney General's Office must assign legal representation for the board, if requested.

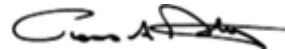
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Attorney General's Office  
Department of Commerce and Insurance  
Office of the Governor



Julie Morff  
Director  
March 30, 2021



Ross Strobe  
Assistant Director  
March 30, 2021