



# NORTH CAROLINA GENERAL ASSEMBLY

2023 Session

## Legislative Fiscal Note

**Short Title:** Solar Decommissioning Rqmts.  
**Bill Number:** Senate Bill 669 (Second Edition)  
**Sponsor(s):**

### SUMMARY TABLE

#### FISCAL IMPACT OF S.B.669, V.2

	<u>FY 2023-24</u>	<u>FY 2024-25</u>	<u>FY 2025-26</u>	<u>FY 2026-27</u>	<u>FY 2027-28</u>
<b>State Impact</b>					
General Fund Revenue	\$0	\$0	\$0	\$0	\$0
Less Expenditures	\$389,000	\$379,000	\$379,000	\$379,000	\$379,000
<b>General Fund Impact</b>	<b>(\$389,000)</b>	<b>(\$379,000)</b>	<b>(\$379,000)</b>	<b>(\$379,000)</b>	<b>(\$379,000)</b>
<b>NET STATE IMPACT</b>	<b>(\$389,000)</b>	<b>(\$379,000)</b>	<b>(\$379,000)</b>	<b>(\$379,000)</b>	<b>(\$379,000)</b>

**TECHNICAL CONSIDERATIONS:** See Technical Considerations Section

### FISCAL IMPACT SUMMARY

The bill appropriates \$379,000 recurring and \$10,000 nonrecurring in FY 2023-24, and will therefore have a fiscal impact. Because the estimate of the program costs and the appropriation are slightly different, only the appropriation amount is shown in the Fiscal Impact Statement above.

### FISCAL ANALYSIS

S.B. 669, Solar Decommissioning Requirements, establishes regulations for the closure and disposal of utility-scale solar projects. The bill requires the Department of Environmental Quality (DEQ) to adopt rules establishing the criteria for the registration of the projects, decommissioning plans, and financial assurance. DEQ is directed to establish and collect fees from the owner or operator of the project at the time of registration and required periodic update (every five years).

DEQ estimates there are approximately 700 utility-scale solar projects in the State as of April 2023, and that an additional 50 projects will be added each year. The bill requires registration and decommissioning plans for projects that have already been built; financial assurance is required for projects constructed or rebuilt after the effective date of the bill. DEQ estimates that three positions would be required to establish and operate the program: an engineering supervisor I, an environmental program consultant, and a financial analyst (grants administrator II). DEQ requested the salaries at mid-point, rather than minimum because of the experience level required to start a new program. Fiscal staff agree that mid-point salaries

would be appropriate, especially given the current hiring market. The total salaries and benefit costs for the three positions is \$329,034.

Each position requires operating costs. DEQ reports the positions will be housed in lease space, which is calculated at 300 square feet per position times \$20 per square foot, for a total cost of \$6,000 per position. Additional operating costs include technology expenses (\$3,000), travel and training (\$5,133), and postage, supplies, and miscellaneous costs (\$1,250), for a total of \$15,383 per position. Total operating costs for the three positions are \$46,149. Altogether, the total cost for the three positions will be \$375,183 in FY 2023-24.

The table below shows the cost for salaries, benefits, and operating expenses for each of the positions.

<b>S.B. 669, Solar Decommission Requirements</b>							
<b>Total Cost for Positions</b>							
	<b>Salary</b>	<b>Social Security</b>	<b>Retirement</b>	<b>Health</b>	<b>Subtotal Salaries and Benefits</b>	<b>Position Operating Costs</b>	<b>Total Position Cost</b>
Engineering Supervisor I	\$94,998	\$7,267	\$21,793	\$7,397	\$131,455	\$15,383	\$146,838
Environmental Program Consultant	\$80,155	\$6,132	\$18,388	\$7,397	\$112,072	\$15,383	\$127,455
Grants Administrator II	\$59,813	\$4,576	\$13,721	\$7,397	\$85,507	\$15,383	\$100,890
<b>Total Position Costs, All Positions</b>							<b>\$375,183</b>

The following table shows the estimated cost for the program for the next five years, adjusted for inflation (based on Moody’s economy.com as of December, 2022).

<b>S.B. 669, Solar Decommission Requirements</b>					
<b>Total Position Costs, Adjusted for Inflation</b>					
	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>FY 2025-26</b>	<b>FY 2026-27</b>	<b>FY 2028-29</b>
Salaries and Benefits	\$329,034	\$345,683	\$362,980	\$380,836	\$397,157
Operating	\$46,149	\$47,215	\$48,188	\$49,123	\$50,095
<b>Total Position Costs</b>	<b>\$375,183</b>	<b>\$392,898</b>	<b>\$411,168</b>	<b>\$429,959</b>	<b>\$447,252</b>

The bill requires DEQ to establish a fee to be charged at registration and at the periodic update every five years. Proposed new G.S. 130A-309.240(h) says the “[f]ees collected under this subsection shall be

applied to the Department’s cost of administering the program.” The language is not clear as to whether the program is intended to be wholly receipt-supported, or only partially receipt-supported. Since section 3 of the bill appropriates \$379,000 recurring for the program, and since it is unknown at what level DEQ will set the fees, no estimate for fee revenue has been included in this analysis.

The bill does not establish a special fund to collect and hold the anticipated fee revenue. Therefore, the fees will be collected in the General Fund. Receipts collected in the General Fund must be spent before net General Fund appropriations. Any excess net General Fund appropriation remaining unspent at the end of the fiscal year reverts. Because it is unknown at what level DEQ will set the fees for the program, no estimate of anticipated reversions has been included in this analysis.

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## **TECHNICAL CONSIDERATIONS**

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The bill appropriates \$10,000 nonrecurring in FY 2023-24 for start-up costs for the program. Since the bill also appropriates \$379,000 recurring to create three new positions, the nonrecurring funding is unnecessary. New positions will likely take at least three months to create and fill, generating sufficient lapsed salary to cover any nonrecurring costs associated with program start-up.

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## **DATA SOURCES**

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Department of Environmental Quality; Moody’s economy.com, December 2022

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## **LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS**

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This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

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## **CONTACT INFORMATION**

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Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

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## **ESTIMATE PREPARED BY**

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April 24, 2023



**Signed copy located in the NCGA Principal Clerk's Offices**

