



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 20-024

FISCAL NOTE

Drafting Number: LLS 20-0326 Date: January 16, 2020
Prime Sponsors: Sen. Coram; Donovan Bill Status: Senate Agriculture
Rep. Arndt; Catlin Fiscal Analyst: Max Nardo | 303-866-4776
max.nardo@state.co.us

Bill Topic: REQUIRE PUBLIC INPUT ON WATER DEMAND MGMT PROGRAM

- Summary of Fiscal Impact: State Revenue, State Expenditure (conditional), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill requires that state agencies and legislators, in developing a Colorado River demand management program, provide opportunities for public involvement and comment. The bill increases state General Fund expenditures conditional upon the Colorado Water Conservation Board presenting a plan to the General Assembly.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill as recommended by the Water Resources Review Committee.

Summary of Legislation

The bill requires that state agencies and legislators, in developing a Colorado River demand management program (program), provide opportunities for public involvement and comment similar to the process used in the development of the state's water plan.

Scope. The Colorado Water Conservation Board (CWCB) in the Department of Natural Resources will present the scope, fundamental approach, and basic elements of the program (scope) to the Water Resources Review Committee (committee). The committee is directed to hold at least one public hearing concerning this phase of the proposed program in each of Colorado's nine river basins to gather public feedback. The committee will provide a summary of the public's feedback, in addition to its own feedback, to the CWCB.

Draft. After considering the feedback described above, the CWCB will develop a draft program and present it to the committee. As with the previous phase of the program, the committee is directed to hold at least one public hearing in each basin to gather public input and provide feedback to the CWCB on the draft program.

Final program and amendments. In developing a final program, the CWCB must consider the feedback provided by the committee concerning the draft program. The CWCB must notify the committee of any proposed significant amendment to the program and consider the committee's feedback; the committee may hold hearings, and if it does, must provide a summary of the public's feedback in addition to the committee's own feedback to the CWCB. No later than

November 1, 2023, and within every five years thereafter, the committee must prepare a list of topics it deems necessary to be addressed in the program; the CWCB must provide recommendations within eight months of receipt of the list.

Background

Senate Bill 19-212 appropriated \$1.7 million to the CWCB for stakeholder outreach and technical analysis to develop a water resources demand management program as part of the Upper Basin States' Drought Contingency Plan.

While evaluation and analysis is currently underway, there is no requirement that the CWCB opt to develop a plan; if Colorado or any other cooperating state decides not to proceed, no demand management program will be developed. If CWCB does develop the scope of a plan, there is no deadline by which the plan must be presented to the committee.

Assumptions

All expenditures are conditional upon the CWCB presenting elements of the plan to the committee, and the fiscal note makes no assumptions regarding the certainty or timing of this outcome. Should the CWCB proceed with the development of a program, the fiscal note makes the following assumptions:

- all CWCB expenditures related to the development of the program will be financed by an appropriation in SB 19-212; and
- for each round, the committee will take public input on the program during regularly held meetings in three basins, leaving six additional meetings needed.

State Expenditures

If the CWCB presents any element of a demand management plan to the committee, it will trigger a requirement for committee travel, increasing state General Fund expenditures by \$38,370 in the Legislative Department. These conditional costs are shown in Table 1 and described below.

Table 1
Expenditures Under SB 20-024

Legislative Department	
Legislator per diem and travel	\$29,046
Staff travel	\$5,724
Vehicle rental	\$3,600
Centrally appropriated	\$891
Total Cost	\$39,261

General Assembly. In any year that the committee travels to gather public feedback on the program, ten legislators and three committee staff will attend six additional public meetings, requiring nine total days of travel. Travel costs are estimated to be \$212 per day for each legislator and committee staff member, and per diem costs include \$110.73 per legislator. The General Assembly will also have centrally appropriated costs of \$891 for supplemental retirement payments related to legislator per diem. Historically meeting space for the committee has not required expenditures, so no costs are included in the fiscal note for this purpose. If necessary, the Legislative Department will request an appropriation through the annual budget process.

Department of Natural Resources. The CWCB will conduct stakeholder outreach and technical analysis for the program as required under current law. While the bill adds specificity to the process, the fiscal note assumes that this does not increase workload required of the agency; therefore, no additional appropriations are required for the department.

Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Natural Resources