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Revised Fiscal Note

(replaces fiscal note dated February 9, 2023)

Drafting Number: LLS 23-0653
Prime Sponsors: Sen. Hinrichsen; Will
Date: February 22, 2023
Bill Status: Senate Finance
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Bill Topic: REQUIREMENTS TO OPERATE A MOTORBOAT

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill prohibits any individual under the age of 14 to operate a motorboat and requires anyone born after January 1, 1984, to take a boating safety course and possess a boating safety certificate issued by the course provider. The bill increases state expenditures beginning FY 2023-24 and state revenue beginning in FY 2024-25.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$75,099 to the Department of Natural Resources.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the Senate Transportation and Energy Committee.

Table 1
State Fiscal Impacts Under SB 23-069

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue	Cash Funds	-	\$138,750
	Total Revenue	-	\$138,750
Expenditures	Cash Funds	\$75,099	\$176,928
	Centrally Appropriated	\$15,122	\$18,587
	Total Expenditures	\$90,221	\$195,515
	Total FTE	0.8 FTE	1.0 FTE
Transfers		-	-
Other Budget Impacts		-	-

Summary of Legislation

The bill requires a motorboat operator be at least 14 years of age. It also requires anyone born after January 1, 1984, to take a boating safety course that is either approved by Colorado Parks and Wildlife (CPW) or meets the requirements of CPW requirements. The individual must possess a certificate of completion in order to operate a motorboat. Any individual who violates these requirements commits a civil infraction and is subject to a \$100 fine. The bill requirements apply to conduct of motorboat operators beginning on January 1, 2025.

Before July 1, 2024, CPW must promulgate rules to establish the requirements and qualifications for the boating safety course and the rental of motorboats.

State Revenue

The bill increases state revenue from fees by about \$140,000 per year beginning in FY 2024-25, paid to the Parks and Outdoor Recreation Cash Fund; which is not subject to TABOR. Revenue from civil infraction-related fees and fines may minimally increase state revenue to the Judicial Department; this revenue is subject to TABOR.

Fee impact on boater safety course registrants. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Current law requires a motorboat operator to be at least 16, but it allows an individual aged 14 or 15 to operate a motorboat if they complete a boating safety course. CPW currently provides a boating safety course to approximately 450 students per year at a cost of \$15 per participant. This bill is estimated to increase the number of operators required to take a boating safety course by about 37,000 individuals. This estimate is based on the percent of Coloradans that fall within the bill requirements (about 34 percent) measured against the number of boat registrations in 2022. The number also takes into account boat rentals and boats with multiple operators. Since it is not required that a boat operator take the course through CPW, it is estimated that about half of the 37,000 boat operators will choose a CPW course and the other half will choose a non-CPW course. This amounts to about 18,500 boat operators taking a boater safety course with CPW in the first two years of the requirement. Table 2 identifies the fee impact of this bill.

Table 2
Fee Impact on Boater Safety Course Registrants

Fiscal Year	Type of Fee	Proposed Fee	Number Affected	Total
FY 2024-25	Registration Fee	\$15.00	9,250	\$138,750
FY 2025-26	Registration Fee	\$15.00	9,250	\$138,750

State Expenditures

Costs from the CPW Parks and Outdoor Recreation Cash Fund will increase by approximately \$90,000 in FY 2023-24 and \$200,000 in FY 2024-25, and by decreasing amounts after FY 2026-27. Costs are shown in Table 3 and described below.

Table 3
Expenditures Under SB 23-069

	FY 2023-24	FY 2024-25
Department of Natural Resources		
Personal Services	\$67,349	\$80,818
Operating Expenses	\$1,080	\$1,350
Capital Outlay Costs	\$6,670	-
Class Study Guides	-	\$92,260
Signage Updates	-	\$2,500
Centrally Appropriated Costs ¹	\$15,122	\$18,587
Total	\$90,221	\$195,515
Total FTE	0.8 FTE	1.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Colorado Parks and Wildlife. The CPW requires staff and informational materials starting in FY 2023-24 to implement the bill.

- **Staff.** CPW requires 1.0 FTE Training Specialist to verify curriculum for non-CPW operator safety courses, update rules and the boating regulations handbook, and create a process to issue boating safety certifications. This staff will also serve as the Statewide Boater Education Coordinator to liaison with division staff and the boating public. Expenditures will be partially funded from the boating safety course fees, with the remaining costs to be funded by the Parks and Outdoor Recreation Cash Fund.
- **Study guides and signage.** CPW expects to print study guides for the boater safety course and update signage at state parks beginning in FY 2024-25. Each study guide costs about \$10 each to print and is expected to be provided for every boater safety course participant. Signs cost about \$100 each to replace, and CPW will need to replace about 50 signs across the state.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 3.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2023-24, the bill requires an appropriation of \$75,099 from the Parks and Outdoor Recreation Cash Fund to the Division of Parks and Wildlife in the Department of Natural Resources, and 0.8 FTE.

State and Local Government Contacts

Natural Resources

Judicial

Law