



**Colorado  
Legislative  
Council  
Staff**

**Bill 8**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 18-0221  
**Prime Sponsor(s):**

**Date:** October 24, 2017  
**Bill Status:** Water Resources Review  
Committee Bill Request

**Fiscal Analyst:** Clare Pramuk (303-866-2677)

**BILL TOPIC:** PROTECT PRIVATE PROP RIGHTS WATER QUALITY REQMNT

Fiscal Impact Summary	FY 2018-2019	FY 2019-2020
<b>State Revenue</b>		
<b>State Expenditures</b>	<b>\$110,248</b>	<b>\$125,503</b>
General Fund	\$82,131	\$91,957
Centrally Appropriated Costs	\$28,117	\$33,546
<b>FTE Position Change</b>	0.6 FTE	0.8 FTE
<b>Appropriation Required:</b> \$82,131 to the Department of Public Health and Environment (FY 2018-19).		
<b>Future Year Impacts:</b> Ongoing state expenditure increase.		

**Summary of Legislation**

Under current law, the Water Quality Control Commission in the Department of Public Health and Environment may adopt rules more stringent than the corresponding federal requirements if necessary to protect the public health, beneficial use of water, or the environment of the state but only if based on sound scientific or technical evidence demonstrated at a public hearing. This bill, **requested by the Water Resources Review Committee**, adds the condition that stricter state rules also be necessary to protect private property rights. The commission is required to report annually to the committee regarding complaints related to new interpretations or applications of statutes, rules, or permit terms made by the Water Quality Control Division, commission, or department.

**State Expenditures**

***This bill will increase expenditures by \$110,248 and 0.6 FTE in FY 2018-19 and \$125,503 and 0.8 FTE in FY 2019-20 for the Department of Public Health and Environment. Table 1 details the expenditures which are described below.***

<b>Table 1. Expenditures Under Bill 8.</b>		
<b>Cost Components</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
Personal Services	\$43,590	\$58,120
FTE	0.6	0.8
Operating Expenses and Capital Outlay Costs	5,273	570
Legal Services	33,268	33,268
Centrally Appropriated Costs*	28,117	33,546
<b>TOTAL</b>	<b>\$110,248</b>	<b>\$125,504</b>

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

**Department of Public Health and Environment.** The department will add 0.4 FTE in FY 2018-19 and 0.6 FTE in FY 2019-20 to evaluate whether the rules considered by the commission meet the test of being necessary to protect private property rights in addition to the criteria specified under current law. Beginning in FY 2018-19, legal services provided by the Department of Law, will increase by 350 hours per year to provide 35 hours of legal support for each of 10 public hearings of the commission. The Department of Law requires 0.2 FTE to provide this number of legal services hours. The Department of Public Health and Environment will also have a workload increase to develop the report required by the bill. This will be addressed by new and existing staff.

**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. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

<b>Table 2. Centrally Appropriated Costs Under Bill 8.</b>		
<b>Cost Components</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$3,268	\$4,889
Supplemental Employee Retirement Payments	3,906	5,208
Indirect Costs	20,943	23,449
<b>TOTAL</b>	<b>\$28,117</b>	<b>\$33,546</b>

**Effective Date**

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

**State Appropriations**

For FY 2018-19, the Department of Public Health and Environment requires a General Fund appropriation of \$82,131 and an allocation of 0.4 FTE. Of this, the Department of Law requires \$33,268 in reappropriated funds and an allocation of 0.2 FTE.

**State and Local Government Contacts**

Information Technology

Law

Public Health And Environment