

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 18, 2023
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB23-274 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 5, strike lines 8 through 13 and substitute:

2 "(III) AT LEAST ONE MEMBER OF THE COMMISSION MUST HAVE
3 AGRICULTURAL EXPERIENCE, PREFERABLY A MEMBER WITH
4 AGRICULTURAL EXPERIENCE WHO IS ALSO REGULATED BY THE DIVISION.
5 AT LEAST THREE OTHER MEMBERS OF THE COMMISSION MUST BE FROM THE
6 COMMUNITY REGULATED BY THE DIVISION, EMPLOYED BY AN ENTITY THAT
7 IS SUBJECT TO FEES SET PURSUANT TO THIS ARTICLE 8, AND, TO THE
8 EXTENT PRACTICABLE, EACH IS EMPLOYED BY AN ENTITY THAT IS SUBJECT
9 TO A DIFFERENT TYPE OF FEE PURSUANT TO THIS ARTICLE 8 THAN THE TYPE
10 OF FEE THAT THE EMPLOYERS OF THE OTHER TWO MEMBERS ARE SUBJECT.

11 (IV) A MEMBER OF THE COMMISSION MUST HAVE EXPERIENCE OR
12 TRAINING IN ONE OR MORE OF THE FOLLOWING AREAS:

- 13 (A) SCIENCE;
- 14 (B) ENGINEERING;
- 15 (C) TECHNOLOGY;
- 16 (D) INDUSTRY;
- 17 (E) CONSTRUCTION;
- 18 (F) LABOR;
- 19 (G) AGRICULTURE;
- 20 (H) ENVIRONMENTAL LAW;
- 21 (I) ENVIRONMENTAL POLICY;
- 22 (J) ENVIRONMENTAL JUSTICE;
- 23 (K) MUNICIPAL WATER TREATMENT;
- 24 (L) MUNICIPAL WASTEWATER TREATMENT;
- 25 (M) MUNICIPAL GOVERNMENT; OR
- 26 (N) COUNTY GOVERNMENT."

1 Page 7, line 4, strike "FEES" and substitute "FEES, AND THE GENERAL
2 ASSEMBLY MAY, BY BILL, ANNUALLY ADJUST THE FEES,".

3 Page 8, line 2, strike "SECTION" and substitute "SECTION, OR ADOPTS ANY
4 SUBSEQUENT ADJUSTMENTS TO THE FEES,".

5 Page 8, strike line 7 and substitute "CASH FEES.

6 (b) THROUGH THE STAKEHOLDER PROCESS, THE DEPARTMENT OF
7 PUBLIC HEALTH AND ENVIRONMENT SHALL IDENTIFY THE FEE REVENUE
8 NEEDED FOR EVALUATION OF THE FEASIBILITY OF TREATMENT METHODS
9 REQUIRED TO MEET WATER QUALITY STANDARDS AND OTHER
10 REGULATIONS ADOPTED OR PROPOSED FOR ADOPTION, INCLUDING THE
11 FUNDING NEEDED:

- 12 (I) TO SUPPORT THE DEVELOPMENT OF VARIANCES;
- 13 (II) TO IMPROVE PERMIT ISSUANCE PROCESSES TO INCREASE
14 EFFICIENCY AND FACILITATE THE TIMELY ISSUANCE OF NEW PERMITS;
- 15 (III) FOR RENEWAL PERMITS, PERMIT MODIFICATIONS, AND
16 REDUCING PERMIT BACKLOG; AND
- 17 (IV) FOR THE PREPARATION OF COST-BENEFIT ANALYSES AND
18 REGULATORY ANALYSES WHEN REQUIRED PURSUANT TO SECTION 24-4-103
19 (2.5) OR (4.5) OF THE "STATE ADMINISTRATIVE PROCEDURE ACT".

20 (c) IN CONDUCTING STAKEHOLDER OUTREACH, THE".

21 Reletter succeeding paragraph accordingly.

22 Page 8, line 8, after "DEPARTMENT" insert "OF PUBLIC HEALTH AND
23 ENVIRONMENT".

24 Page 8, line 22, strike "SUBSECTION (2)(a) OF THIS SECTION" and
25 substitute "THIS SUBSECTION (2)".

26 Page 16, line 19, strike "AND".

27 Page 16, line 22, strike "REPORT." and substitute "REPORT; AND

28 (g) REVENUE AND EXPENDITURES, INCLUDING FOR THE DIVISION'S
29 GENERAL ADMINISTRATION NEEDS, THE DIVISION'S ADMINISTRATION OF
30 THE CLEAN WATER AND DRINKING WATER PROGRAMS, AND THE DIVISION'S
31 ALLOCATION OF ANY INCREASED FEES ESTABLISHED THROUGH SECTION
32 25-8-210 FOR SERVICES THAT THE DIVISION PROVIDES. THE DEPARTMENT
33 SHALL PRESENT THIS INFORMATION AS PART OF THE DEPARTMENT'S
34 ANNUAL "SMART ACT" PRESENTATION PURSUANT TO SECTION 2-7-203.".

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