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# Fiscal Note

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**Drafting Number:** LLS 21-0365      **Date:** March 1, 2021  
**Prime Sponsors:** Sen. Fenberg; Winter      **Bill Status:** Senate Transportation  
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**Bill Topic:**      **SUNSET OFFICE OF CONSUMER COUNSEL**

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**Summary of Fiscal Impact:**

<input 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

**Sunset Bill.** This bill continues the newly renamed Office of the Utility Consumer Advocate and the Utility Consumers' Board in the Department of Regulatory Agencies through September 1, 2028. State fiscal impacts include workload impacts from changes under the bill, and the continuation of the program's current expenditures through FY 2028-29.

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**Appropriation Summary:**      No appropriation is required.

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**Fiscal Note Status:**      The fiscal note reflects the introduced bill.

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**Table 1**  
**State Fiscal Impacts Under SB 21-103<sup>1</sup>**

<b>New Impacts</b>	<b>Budget Year FY 2021-22</b>	<b>Out Year FY 2022-23</b>
<b>Revenue</b>	-	-
<b>Expenditures</b>	-	-
<b>TABOR Refund</b>	-	-
<b>Continuing Impacts</b>		
<b>Revenue</b>	-	-
<b>Expenditures</b>	Cash Funds	\$1,034,167
	Continuing FTE	7.0 FTE
<b>TABOR Refund</b>	-	-

<sup>1</sup> Table 1 shows the new impacts resulting from changes to the program under the bill and the continuing impacts from extending the program beyond its current repeal date. The continuing program impacts will end if the bill is not passed and the program is allowed to repeal.

## **Summary of Legislation**

The bill continues the Office of the Consumer Counsel and the Utility Consumers' Board in the Department of Regulatory Agencies (DORA) for 7 years. The office is renamed as the Office of the Utility Consumer Advocate.

The bill implements the following recommendations from the sunset review:

- renames the office and changes the title of the office's head from consumer counsel to director;
- clarifies that the office is authorized to appear before and participate in other agency proceedings in addition to Public Utilities Commission proceedings;
- changes the board from a type 1 agency to a type 2 agency;
- repeals the requirement that the board annually review the office's performance and confer with DORA's executive director regarding hiring and performance evaluation matters; and
- repeals the requirement that members of the board represent all seven state congressional districts and instead requires that appointing authorities ensure that the board's membership reflects the greatest degree of diversity possible.

## **Background**

The Office of Consumer Counsel represents the public interest and the specific interests of residential, small business, and agricultural consumers in rate and rulemaking cases before the Public Utilities Commission, federal agencies, and the courts. The Utility Consumers' Board is currently an 11-member board that provides policy guidance and oversight to the office.

## **Continuing Program Impacts**

Based on the department's FY 2021-22 budget request, the Office of the Utility Consumer Advocate is expected to have cash fund expenditures of \$1,034,167 and 7.0 FTE. If this bill is enacted, current expenditures will continue for the program starting in FY 2022-23. If this bill is not enacted, the program will end on September 1, 2022, following a wind-down period, and state expenditures will decrease starting in FY 2022-23 by the amounts shown in Table 1. The impacts from changes to the program are discussed in the State Expenditures sections below.

## **State Expenditures**

Beginning in FY 2021-22, workload in DORA will both increase and decrease under the bill. For the Office of the Utility Consumer Advocate, workload will increase to incorporate changes under the bill. This will primarily involve office rebranding and updating materials; no change in appropriations is required. For the Utility Consumers' Board, workload will decrease as a result of the board no longer providing an annual review of the office's performance, and no longer conferring with DORA's executive director on hiring and performance evaluation matters; no change in appropriations is required.

**Effective Date**

The bill takes effect September 1, 2021.

**State and Local Government Contacts**

Information Technology

Law

Regulatory Agencies