

  
*Colorado Legislative Council Staff Fiscal Note*  
**STATE**  
**FISCAL IMPACT**

**Drafting Number:** LLS 09-0068  
**Prime Sponsor(s):** Rep. Looper  
 Sen. Romer

**Date:** January 26, 2009  
**Bill Status:** House Agriculture  
**Fiscal Analyst:** David Porter (303-866-4375)

**TITLE:** CONCERNING AN AUTHORIZATION OF PILOT PROJECTS FOR THE BENEFICIAL USE OF CAPTURED PRECIPITATION IN NEW REAL ESTATE DEVELOPMENTS.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
<b>State Revenue</b>		
Cash Funds		
Colorado Water Conservation Board Construction Fund	\$ 7,200	\$ 18,000
<b>State Expenditures</b>		
Cash Funds		
Colorado Water Conservation Board Construction Fund	\$ 7,200	\$ 18,000
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> The bill becomes effective upon signature of the governor or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2009-2010:</b> See State Appropriations section.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

This bill establishes a pilot program for the collection of precipitation from rooftops for non potable uses. The program can include up to 10 new residential or mixed-use developments. The program goal is to provide the following:

- ▶ an evaluation of the technical ability to determine how much precipitation returns to the natural stream system;
- ▶ a baseline set of data and methods to measure local precipitation patterns, native plant consumption, and ground water flow information;
- ▶ a method to account for precipitation event intensity;
- ▶ an evaluation of precipitation harvesting designs;
- ▶ the point at which precipitation harvesting causes injury to water rights; and
- ▶ data to adjudicate permanent augmentation plans.

The pilot program is effective until July 1, 2020.

The pilot program will be carried out by the Colorado Water Conservation Board. The board will establish criteria and guidelines for the selection of pilot program applicants and will then select applicants. Program participants must submit an annual preliminary report to the board and the state engineer that summarizes findings regarding the program's goals. The office of the state engineer in the Department of Natural Resources will act in an advisory capacity.

**State Revenue**

**Total state revenue is anticipated to be \$7,200 in FY 2009-10 and \$18,000 in FY 2010-11.** Revenue is from fees charged of pilot program applicants and covers expenditures made to review reports.

*Fee Impact on Individuals, Families or Business.* Section 2-2-322, C.R.S., requires legislative service agency review of measures which create or increase any fee collected by a state agency. The table below identifies the fee impact of this bill.

<b>Table 1. Fee Impact on Individuals, Families or Business</b>			
<b>Type of Fee</b>	<b>Proposed Fee</b>	<b>Number Affected</b>	<b>Total Fee Impact</b>
<i>FY 2009-10</i>			
FY 2009-10 Application Fee	\$3,600	1	\$3,600
FY 2009-10 Annual Review Fee	\$3,600	1	\$3,600
<b>FY 2009-10 Total</b>			\$7,200
<i>FY 2010-11</i>			
FY 2010-11 Application Fee	\$3,600	2	\$7,200
FY 2010-11 Annual Review Fee	\$3,600	3	\$10,800
<b>FY 2010-11 Total</b>			\$18,000
<b>TWO-YEAR TOTAL</b>			<b>\$25,200</b>

This fiscal note assumes that the council will have between 1 and 3 applicants each year that the program is active. Fees are set to cover the cost of reviewing applications and reviewing each participant's preliminary annual report of findings.

**State Expenditures**

**Total state expenditures are anticipated to be \$7,200 in FY 2009-10 and \$18,000 in FY 2010-11.** Expenditures are to review pilot program applications and pilot site annual reports. In both cases, the department will use contracted services for \$3,600 – 24 hours for each review at \$150 per hour. As shown in the State Revenue section of the fiscal note, 1 applicant is expected in

the first year and 2 applicants are expected in the second year. In addition to reviewing applications and annual reports, the Department of Natural Resources will have several duties that can be accomplished within existing appropriations. These include:

- ▶ assisting the board in developing criteria and guidelines for the program;
- ▶ evaluating technical plans; and
- ▶ reviewing substitute water supply plans for the pilot participants.

### **State Appropriations**

The Department of Natural Resources requires a \$7,200 appropriation from the Colorado Water Conservation Board Construction Fund cash fund in FY 2009-10.

### **Departments Contacted**

Agriculture  
Judicial

Natural Resources

Local Affairs