

Colorado Legislative Council Staff Fiscal Note

STATE
REVISED FISCAL IMPACT
(replaces fiscal note dated January 26, 2009)

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

Date: March 3, 2009
Bill Status: House Appropriations
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
State Revenue		
Cash Funds		
Colorado Water Conservation Board Construction Fund	\$ 3,600	\$ 10,800
State Expenditures		
Cash Funds		
Colorado Water Conservation Board Construction Fund	\$ 3,600	\$ 10,800
FTE Position Change		
Effective Date: The bill becomes effective upon signature of the governor or upon becoming law without his signature.		
Appropriation Summary for FY 2009-2010: See State Appropriations section.		
Local Government Impact: None.		

This fiscal note is revised to incorporate amendments adopted in the House Agriculture, Livestock, and Natural Resources Committee. It also staggers the annual reviews by one year from the applications.

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 and ground water flow information;
- ▶ 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 \$3,600 in FY 2009-10 and \$10,800 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.

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

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. Review of annual reports will occur in the fiscal year after the initial application.

State Expenditures

Total state expenditures are anticipated to be \$3,600 in FY 2009-10 and \$10,800 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

FY 2009-10 and 2 applicants and 1 annual review are expected in the FY 2010-11. 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 \$3,600 appropriation from the Colorado Water Conservation Board Construction Fund in FY 2009-10.

Departments Contacted

Agriculture
Judicial

Natural Resources

Local Affairs