

**STATE
REVISED FISCAL IMPACT**

(replaces fiscal note dated April 10, 2012)

Drafting Number: LLS 12-0378 **Date:** May 4, 2012
Prime Sponsor(s): Rep. Coram **Bill Status:** Senate Health and Human Services
 Sen. Giron; King S. **Fiscal Analyst:** Kerry White (303-866-3469)

TITLE: CONCERNING VIOLATIONS OF STATE REQUIREMENTS ENFORCED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THAT PERTAIN TO CONSTRUCTION-RELATED DISCHARGES OF STORM WATER.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue Cash Funds Water Quality Improvement Fund	Potential reduction.	
State Expenditures	Increase - see State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2012-2013: None required.		
Local Government Impact: None.		

Summary of Legislation

This *reengrossed* bill limits the ability of the Colorado Department of Public Health and Environment (CDPHE) to take enforcement action for minor inspection- or paperwork-related violations related to storm water discharges. Specifically, CDPHE may not begin action unless it has notified the violator and the violator fails to cure the violation within a reasonable time period to be determined by the department. The prohibition is in effect through July 1, 2013.

The bill also directs CDPHE to collaborate with the construction industry and other stakeholders to develop processes to prevent violations. CDPHE is required to make a report to the General Assembly by December 1, 2012, on the results of its collaboration, implementation plans, and legislative recommendations.

State Revenue

Overall, this bill could reduce state revenue credited to the Water Quality Improvement Fund for FY 2012-13. Any revenue reduction is conditional upon the length of time CDPHE establishes as the period in which a violator may cure an inspection- or paperwork-related violation, as well as whether the department and/or violator(s) are able to comply with the requirement of the bill. It is not possible to determine the amount of any reduction in revenue, although this analysis assumes the amount would be minimal.

State Expenditures

This bill increases workload for the CDPHE to meet with stakeholders, monitor violations and enforcement activities to ensure the bill's requirements are met, and to prepare a report for the General Assembly. These tasks can be accommodated within existing resources and no increase in appropriations is required.

Departments Contacted

Public Health and Environment