

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 6312 E S SB 6312-S.E. AMH AGNR H-4390.2	<b>Title:</b> Home construction/water
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## Estimated Cash Receipts

NONE

## Estimated Expenditures

NONE

## Estimated Capital Budget Impact

NONE

<b>Prepared by:</b> Linda Steinmann, OFM	<b>Phone:</b> 360-902-0573	<b>Date Published:</b> Final 2/27/2012
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID 32353

FNS029 Multi Agency rollup

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6312 E S SB 6312-S.E. AMH AGNR H-4390.2	<b>Title:</b> Home construction/water	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

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No Fiscal Impact

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates,*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Jason Callahan	Phone: 360-786-7117	Date: 02/22/2012
Agency Preparation: Jim Skalski	Phone: 360-407-6617	Date: 02/26/2012
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 02/26/2012
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 02/27/2012

Request # 12-122-1

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Note on bill versions:

Compared to ESSB 6312, ESSB 6312-S.E. AMH AGNR H-4390.2 would include the requirement that mitigation plans be completed by the homeowners. This bill would have no fiscal impact upon Ecology.

Summary:

Under current law, Ecology has authority to limit all water use through instream flow rulemaking under RCW 90.54.050. This bill would allow property located in a closed Skagit river subbasin to withdrawal not more than 350 gallons per day for homes meeting certain criteria.

Section (1) Would provide that each parcel of property that is located within a closed Skagit river subbasin is entitled to the withdrawal of public groundwater in an amount not exceeding three hundred fifty gallons per day per dwelling unit if the dwelling meets certain criteria.

Section (2)(1)(a) The owner of any parcel located in a closed Skagit river subbasin must, prior to any groundwater withdrawals authorized by section 1 of this act, initiate the implementation of an environmental mitigation plan that has been approved by the department as resulting in no net loss of water to the hydraulic system of the Skagit river basin.

Section (2)(1)(b) The mitigation plan must be designed to offset the impacts to stream flows caused by the groundwater withdrawal authorized by section 1 of this act. The mitigation plan must quantify the expected impacts on stream flows and must include the protection of and, where possible, the enhancement of instream flows in the Skagit river basin.

Section (2)(1)(c) The applicant for mitigation plan approval must also identify the sources of funding or funding commitments necessary to implement the mitigation plan.

Section (2)(2)(a) The responsibility for developing the mitigation plan and funding its implementation belongs to the owner of the property subject to the mitigation plan. However, nothing in this section prohibits a county or public utility district from contributing public funds for the development and implementation of a mitigation plan under this section. Any commitment of public funds by a county or public utility district must be identified in the mitigation plan submitted to the department for approval.

Section (2)(2)(b) For property owners located in the Skagit river basin who applied for a building permit with the county applicable to the property where groundwater withdrawals are intended under section 1 of this act prior to the effective date of this section only, the development and implementation of a mitigation plan submitted for approval under this section may be funded, in part or in whole, by state capital budget funding.

Section (5)(2)(a) The department may not require withdrawals of groundwater to be metered or measured for wells authorized under the provisions of this section constructed prior to the effective date of this section for single or group domestic uses that do not exceed withdrawals of five thousand gallons a day.

This bill would not have any new operating fiscal impacts. Section (2)(1)(a) would require the owner of any parcel located in a closed Skagit river subbasin to initiate the implementation of an environmental mitigation plan that has been approved by the department. Ecology is already working on mitigation plans as part of current law with homeowners in the Skagit river basin.

Section (2)(2)(b) would have capital budget related fiscal impact from costs related to the implementation of mitigation plans for applicants with a building permit submitted prior to the effective date of this legislation. The impact for this section on the capital budget is indeterminate until a specific plan or plans are submitted and reviewed by Ecology. Ecology would submit potential projects to OFM for consideration as part of the normal capital budget development process.

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

## **II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## **Part III: Expenditure Detail**

## **Part IV: Capital Budget Impact**

NONE

## **Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

<b>Bill Number:</b> 6312 E S SB 6312-S.E. AMH AGNR H-4390.2	<b>Title:</b> Home construction/water
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**Part I: Jurisdiction**-Location, type or status of political subdivision defines range of fiscal impacts.

## Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☒ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☐ Key variables cannot be estimated with certainty at this time:

## Part III: Preparation and Approval

Fiscal Note Analyst: Jaime Kaszynski	Phone: 360-725-2717	Date: 02/24/2012
Leg. Committee Contact: Jason Callahan	Phone: 360-786-7117	Date: 02/22/2012
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/24/2012
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 02/24/2012

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.*

#### **CHANGES FROM PREVIOUS BILL VERSION:**

The current bill version, ESSB 6312 AMH AGNR H-4390.2, requires development of a mitigation plan prior to the withdrawals of water authorized by the bill.

#### **SUMMARY OF CURRENT BILL VERSION:**

Section 1 is added to RCW 90.44 to provide that each parcel within a closed Skagit river subbasin may withdraw up to 350 gallons per day per dwelling unit under specified conditions, including developing a mitigation plan and complying with county and other local government requirements.

Section 2 is added to RCW 90.44 to require property owners seeking to withdraw water pursuant to Section 1 to develop a mitigation plan as specified. Counties or public utility districts could contribute public funds for the development of such a plan.

Section 3 amends RCW 90.44.035 to define “Skagit river basin” and “[c]losed Skagit river subbasin.”

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.*

#### **CHANGES FROM PREVIOUS BILL VERSION:**

None

#### **EXPENDITURE IMPACTS OF CURRENT BILL VERSION:**

The proposed legislation would not directly impact local government expenditures. The bill could result in indirect revenue and expenditure impacts to cities, towns and counties in the Skagit river basin for building permits for dwellings in areas closed to new appropriations of ground water. Any such impacts would depend on future development activity and are unknown.

### **C. SUMMARY OF REVENUE IMPACTS**

*Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.*

#### **CHANGES FROM PREVIOUS BILL VERSION:**

None

#### **REVENUE IMPACTS OF CURRENT BILL VERSION:**

The proposed legislation would not directly impact local government revenue or revenue authority.

#### **SOURCES:**

Department of Ecology fiscal note