

Multiple Agency Fiscal Note Summary

Bill Number: 5239 E 2S SB	Title: Water availability
----------------------------------	----------------------------------

Estimated Cash Receipts

NONE

Estimated Expenditures

Agency Name	2017-19			2019-21			2021-23		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **			73,150						
Local Gov. Total			73,150						

Estimated Capital Budget Impact

NONE

Prepared by: Linda Steinmann, OFM	Phone: 360-902-0573	Date Published: Final 3/17/2017
--	-------------------------------	---

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 48401

FNS029 Multi Agency rollup

Individual State Agency Fiscal Note

Bill Number: 5239 E 2S SB	Title: Water availability	Agency: 461-Department of Ecology
----------------------------------	----------------------------------	--

Part I: Estimates

☒ 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, and alternate ranges (if appropriate), are explained in Part II.

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: Robert Hatfield	Phone: 360-786-7117	Date: 03/07/2017
Agency Preparation: Jim Skalski	Phone: 360-407-6617	Date: 03/16/2017
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 03/16/2017
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 03/17/2017

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.

Prior fiscal notes were requested for the SB and SSB versions of this bill. No fiscal note was requested for the 2SSB version of this bill. As compared to the SSB version of the bill,

- E2SSB 5239 would not require that Ecology establish a program to mitigate for the impacts of permit exempt wells.

- E2SSB 5239 would also eliminate from SSB 5239 the section 1 language that referred to rules adopted under RCW 90.54, referring instead to "... an applicable water resources management rule adopted by the department of Ecology."

- The E2SSB version differs from section 3 of the SSB version, adding that impairment analysis is not required by the applicant, city, town or county when approving subdivisions, dedications or short subdivisions under RCW 58.117.110.

- E2SSB would also eliminate section 6 from the SSB version that would have added the definition for "withdrawal of water."

These changes would change the fiscal impact for Ecology to no fiscal impact.

Under current law, RCW 19.27.097 (State Building Code) and RCW 58.17.110 (Boundaries and Plats) establish county permitting criteria that are used to make decisions on building permits for buildings that would rely on a permit exempt well for a water source.

This bill would make statutory changes to assist counties with implementing their obligation to protect water resources under the State Growth Management Act by addressing the recent State Supreme Court decision known as the "Hirst" decision.

Specific sections of the bill that would impact Ecology are:

Section 4 would amend RCW 90.03.247 to allow that a permit for a beneficial use of water, where instream flows have already been adopted, to be conditioned so that the permit mitigates the impacts to fish or aquatic resources. This section would also provide that mitigation need not be limited to measures that require water to be replaced, and may include other measures designed to mitigate the impact of the use of water, without requiring replacement water.

Ecology would not have a fiscal impact from this section as this would be an administrative action taken when issuing the final permit. Ecology already issues permits for the beneficial use of water conditioned on mitigating flow and would not incur additional workload to issue this type of permit. Ecology also assumes no fiscal impact for permits that would be conditioned to mitigate the impacts to fish or aquatic habitat as the workload required to mitigate for flows would be substituted for the workload to mitigate for fish or aquatic species. Quantifying mitigation for one or the other of these conditions would be part of the existing permitting process and workload.

Section 6 of this bill would establish an emergency clause and have the bill take effect immediately upon becoming law.

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.

None

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

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 Commerce

Bill Number: 5239 E 2S SB **Title:** Water availability

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Small costs to update development codes
- ☒ Counties: Small costs to update development codes
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

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

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2018	FY 2019	2017-19	2019-21	2021-23
City	65,450		65,450		
County	7,700		7,700		
TOTAL \$	73,150		73,150		
GRAND TOTAL \$	73,150				

Part III: Preparation and Approval

Fiscal Note Analyst: Heather May	Phone: 360-725-5043	Date: 03/17/2017
Leg. Committee Contact: Robert Hatfield	Phone: 360-786-7117	Date: 03/07/2017
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 03/17/2017
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 03/17/2017

Part IV: Analysis

A. SUMMARY OF BILL

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

DIFFERENCES FROM PREVIOUS BILL VERSION:

This bill would remove the local option to 14 counties to administer the local aspect of a groundwater mitigation program in collaboration with the Department of Ecology (Ecology).

SUMMARY OF CURRENT BILL VERSION:

Section 1 revises the State Building Code (RCW 19.27.097) to provide additional methods for a building permit applicant to prove water availability. A building permit applicant can use Ecology water resource management rules or a well report for an exempt groundwater withdrawal. IMPACTS: 14 counties with pre-2001 instream flow rules.

Section 2 revises State Growth Management Act (GMA) land use element and rural development planning for counties and cities. GMA comprehensive plans would depend on adopted Ecology water resource management rules to provide for the protection of water quantity. IMPACTS: Updates to GMA comprehensive plans occur by law on an eight-year cycle, and would require no additional cost.

Section 3 revises plats/subdivisions (RCW 58.17.110) to allow cities and counties approving subdivisions to rely on adopted Ecology water resource management rules to provide for the protection of water quantity. No review is required by local governments to rely on Ecology rules to prove water availability. IMPACTS: 14 counties with pre-2001 instream flow rules.

Section 4 updates minimum flows (RCW 90.03.247) to require a building permit to either protect the minimum flow or mitigate impacts to fish or aquatic habitat. IMPACTS: 22 counties with instream flow rules and the 187 cities within.

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.

DIFFERENCES FROM PREVIOUS BILL VERSION:

Costs to implement a local option of administering the local aspects of a groundwater mitigation program in collaboration with Ecology no longer apply.

EXPENDITURE IMPACTS OF CURRENT BILL VERSION:

Cities and counties statewide would incur small costs to update development regulations.

SECTION 1,3 AND 4 COSTS:

Counties and cities would be required to update development regulations to reflect sections 1,2, and 4. They would incur one-time costs to adopt a simple ordinance of approximately \$350, according to the Local Government Fiscal Note 2017 Program unit cost data.

-- \$350 x 22 counties = \$7,700

-- \$350 x 187 cities = \$65,450

Total = \$73,150

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.

No new revenue is associated with this bill.

SOURCES:

Association of Washington Cities

Washington State Association of Counties

Pierce County

Thurston County

Mason County

Local Government Fiscal Note 2017 Program unit cost data

Department of Ecology

Whatcom County

Kittitas County

