

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0936

Date: April 16, 2013

Prime Sponsor(s): Sen. Ulibarri
Rep. Kagan

Bill Status: Senate Local Government

Fiscal Analyst: Josh Abram (303-866-3561)

TITLE: CONCERNING JUDICIAL REVIEW OF LAND USE DETERMINATIONS BY LOCAL GOVERNMENTS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to local government land use decisions on or after the effective date.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: See Local Government Impact section		

Summary of Legislation

This bill establishes a procedure for a person adversely affected by the final action of a local government concerning the use or development of real property to file a complaint in district court and seek judicial review. The person requesting judicial review must have been a party to or participated in the land use proceedings. The district court is limited to a determination of whether the local government exceeded its jurisdiction or abused its discretion when taking the final action. If the court does not issue a decision within 63 days after the last brief is filed in the case, the final action of the local government is affirmed.

State Expenditures

The bill slightly increases workload for district courts in the Judicial Branch. The district court is required to analyze case documents and make determinations within 63 days, which can delay attention to other cases before the court. Whenever certain cases on the docket are given priority or specific deadlines for judges to meet, the courts must decide how to prioritize matters in order to meet statutory requirements. Since this legislation creates a short deadline, a small number of affected cases that include a large printed record or complex issues are anticipated to result in demand for additional judicial officers. Due to the small number of such cases, this increased workload does not require new appropriations.

Local Government Impact

The bill may result in a small increase in local government legal costs. Local jurisdictions that do not expressly require reconsideration of final action may be subject to judicial challenges of land use decisions in certain cases that presently have the potential for administrative remedies. The number of new district court cases due to an aggrieved party bypassing administrative remedies is anticipated to be minimal.

Departments Contacted

Judicial

Local Affairs