

*Colorado Legislative Council Staff Fiscal Note*

**FINAL  
FISCAL NOTE**

**Drafting Number:** LLS 15-0117  
**Prime Sponsor(s):** Sen. Jones  
 Rep. Coram

**Date:** June 10, 2015  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Clare Pramuk (303-866-2677)

**BILL TOPIC:** APPELLATE PROCESS FOR DECISIONS ABOUT GROUNDWATER

<b>Fiscal Impact Summary*</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	Workload reduction.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

This bill, which was recommended by the Water Resources Review Committee, prohibits the introduction of new evidence when appealing a decision by the Ground Water Commission (commission) or state engineer to a district court. The only evidence a district court may consider on appeal of a decision on groundwater is that which was presented to the commission or state engineer. The district court will review the same evidence de novo. The person initiating the judicial review is responsible for all costs associated with transmitting the record, including the cost of transcribing the proceedings.

**Background**

There have been two water cases in the past year where trials were started with new evidence.

**State Expenditures**

Having a person present new evidence on appeal of a groundwater decision requires staff preparation by the Division of Water Resources in the Department of Natural Resources (DNR) and legal services from the Department of Law. This bill is expected to minimally reduce workload and legal services hours for the DNR. To the extent that groundwater decisions are not appealed because new evidence cannot be presented, the Judicial Branch may also have a minimally reduced workload. The impact of the bill does not require a change to existing appropriations.

**Effective Date**

The bill was postponed indefinitely by the Senate Judiciary Committee on February 4, 2015.

**State and Local Government Contacts**

Judicial Department

Law

Natural Resources