

Colorado Legislative Council Staff Fiscal Note

**STATE
FISCAL IMPACT**

Drafting Number: LLS 15-0117	Date: January 20, 2015
Prime Sponsor(s): Sen. Jones	Bill Status: Senate Judiciary
Rep. Coram	Fiscal Analyst: Clare Pramuk (303-866-2677)

BILL TOPIC: APPELLATE PROCESS FOR DECISIONS ABOUT GROUNDWATER

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

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

Summary of Legislation

This bill, ***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 takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to appeals filed on or after that date.

State and Local Government Contacts

Judicial Department

Law

Natural Resources