



**Colorado
Legislative
Council
Staff**

SB17-036

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0009 **Date:** February 7, 2017
Prime Sponsor(s): Sen. Scott **Bill Status:** Senate Agriculture
 Rep. Arndt; Becker J. **Fiscal Analyst:** Clare Pramuk (303-866-2677)

BILL TOPIC: APPELLATE PROCESS CONCERNING GROUNDWATER DECISIONS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Workload reduction.	
Appropriation Required: None.		
Future Year Impacts: Ongoing workload reduction.		

Summary of Legislation

The bill limits the evidence that may be considered 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 regarding groundwater is that which was presented to the commission or state engineer in an administrative proceeding. The district court will review the same evidence de novo (anew). If the district court determines that evidence was wrongly excluded from the administrative hearing, the district court may take and consider the wrongly excluded evidence.

State Expenditures

Presentation of 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 Department 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 August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Information Technology

Judicial

Natural Resources