



**Colorado
Legislative
Council
Staff**

SB17-036

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 17-0009 **Date:** June 5, 2017
Prime Sponsor(s): Sen. Scott; Coram **Bill Status:** Signed into Law
 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). The district court may consider wrongly excluded evidence, or newly discovered evidence that, through the exercise of good faith and reasonable diligence, could not have been offered at the administrative proceeding being appealed.

The bill also authorizes the commission to refer a groundwater matter to alternative dispute resolution.

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 signed into law by the Governor on April 18, 2017, and takes effect August 9, 2017, assuming no referendum petition is filed.

State and Local Government Contacts

Information Technology
Law

Judicial
Natural Resources