

Colorado Legislative Council Staff Fiscal Note
STATE and STATUTORY PUBLIC ENTITY
REVISED FISCAL IMPACT

(replaces fiscal note dated January 15, 2014)

Drafting Number: LLS 14-0447	Date: February 13, 2014
Prime Sponsor(s): Rep. Fischer Sen. Jones	Bill Status: Senate Local Government
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SHORT TITLE: GROUND WATER MANAGEMENT DIST ENFORCEMENT AUTH

Fiscal Impact Summary	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	Minimal workload increase. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

Summary of Legislation

The *reengrossed* bill increases the authority of ground water management districts (GWMDs) to:

- enforce permits and district rules for all wells in a district;
- issue orders requiring compliance with permits and rules;
- collect fines of up to \$500 per day from a well owner who fails to report, falsifies reports concerning well data, or fails to follow a compliance order; and
- collect court costs and attorney fees.

GWMDs, the Ground Water Commission, and the State Engineer in the Department of Natural Resources (DNR) are required to coordinate enforcement actions to avoid duplication.

Background

The 12-member Ground Water Commission is authorized under current law to manage and control ground water resources within 8 designated ground water basins in the eastern plains and is allowed to approve GWMDs. The commission receives administrative support from the DNR.

GWMDs are 13 local districts whose boards are authorized by law to enforce the terms of permits issued for small-capacity wells as well as their own rules and regulations. Board members receive no compensation but are paid for their actual expenses while engaged in district business. GWMDs have bonding authority, the ability to levy and collect taxes, and to power to assess and certify a special assessment on certain water wells to finance district activities. These areas have very little surface water, so water users rely primarily on ground water as their source of water supply.

State Expenditures

The fiscal note assumes that GWMDs, the Ground Water Commission, and the State Engineer enforce their own laws and rules and that little to no enforcement actions overlap. As such, the workload required to coordinate enforcement actions for the State Engineer and the commission is expected to be minimal. This does not require new appropriations.

Statutory Public Entity Impact

This bill increases the workload of GWMDs, allows them to collect fines from well owners and requires them to coordinate enforcement actions with the Ground Water Commission and the State Engineer. Increased workload and fine revenue will depend on local decisions to pursue violators and existing levels of compliance with ground water regulations in each district. GWMDs are able to adjust their revenue sources to cover their expenditures, so the fiscal note assumes that GWMDs will be able to fund the cost of any increased enforcement workload.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to conduct occurring on or after the effective date.

State and Local Government Contacts

Natural Resources

Judicial