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FISCAL IMPACT REPORT

SPONSOR Cervantes DATE TYPED 2/9/04 HB 573

SHORT TITLE State Engineer Water Rights Hearing Changes SB _____

ANALYST Maloy

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

No Responses Received From

Office of the State Engineer
Office of the Attorney General

SUMMARY

Synopsis of Bill

House Bill 573 proposes to change existing law governing Office of the State Engineer water rights hearings as follows:

1. Non-substantive, simplification language is offered for clarification purposes.
2. If necessary, hearing examiners shall, not only be knowledgeable of water law and administrative procedures, but shall be knowledgeable of hydrology or water engineering.
3. The hearing will be conducted in “general” accordance with the Rules of Civil Procedure for the District Courts.
4. The standard for filing an objection or protest (against granting a application) will be a showing on the part of the objector that his/her rights will be “substantially and specifically” impaired.

Significant Issues

The few substantive changes being proposed are consistent with other hearing / administrative proceeding laws throughout the state's statutory framework.

FISCAL IMPLICATIONS

House Bill 573 does not contain an appropriation. Potentially, the bill could lead to lengthier hearings as applicants and protesters seek to meet the more definitive standards being set. However, having an established evidentiary standard and objection / standing standard should ultimately lead to a more streamlined process. Further, an established evidentiary standard and objection standard should result in more consistent and fair examiner decisions, and in fewer, narrowed appeals.

SJM/yr