



**Colorado
Legislative
Council
Staff**

SB17-277

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 17-0068
Prime Sponsor(s): Sen. Marble
Rep. Leonard

Date: May 16, 2017
Bill Status: Postponed Indefinitely
Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: APPLICATION OF FOREIGN LAW COLORADO COURTS

| Fiscal Impact Summary | FY 2017-2018 | FY 2018-2019 |
|--|--|--------------|
| State Revenue | | |
| State Expenditures | | |
| Cash Funds | Minimal potential workload and expenditure increase. | |
| Appropriation Required: None. | | |
| Future Year Impacts: Ongoing minimal potential workload and expenditure increase. | | |

Note: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This bill addresses the use of foreign laws in Colorado courts and makes any court, arbitration, tribunal, or administrative agency ruling void and unenforceable if the ruling was based on a law, legal code, or system that does not provide the same fundamental liberties that are granted in the constitutions of the United States and Colorado.

Background

Where applicable, current practice under federal rule is to review foreign laws and their application. Consideration of foreign law is routinely given in cases related to family law, contract law, tort law, and evidence law.

State Expenditures

This bill impacts the courts and state agencies as described below.

Judicial Department. Trial court workload may increase by a minimal amount to consider what a fundamental liberty is in cases requiring the consideration of foreign law. Any increase in workload is expected to be minimal and no change in appropriations is needed.

Department of Personnel and Administration. This bill may increase administrative law judge workload in the Department of Personnel and Administration by a minimal amount. Administrative law judges follow Colorado rules and currently do not conduct foreign law reviews. Under this bill, if a foreign law were to be brought up as part of an administrative law judge hearing, workload would increase to review applicable foreign laws to determine if they are consistent with the liberties granted in the Colorado constitution. These cases are expected to be infrequent and any increase in appropriations, if needed, will be requested through the annual budget process.

Other state agencies. The Department of Personnel and Administration charges state agencies for their use of administrative law judges. Any increase in administrative law judge usage will increase costs for the agencies utilizing them. Administrative law judge costs are based on usage two years in arrears, therefore any increase in state agency costs will be addressed through the annual budget process in the future.

Local Government Impact

Similar to the state trial court impact, this bill potentially increase workload in municipal courts, the Denver County Court, and local administrative bodies to consider what a fundamental liberty is in cases requiring the consideration of foreign laws.

Effective Date

The bill was postponed indefinitely by the Senate Judiciary Committee on April 12, 2017.

State and Local Government Contacts

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|----------------|------------------------------|------------------------|
| Counties | District Attorneys | Information Technology |
| Judicial | Law | Local Affairs |
| Municipalities | Personnel and Administration | |