



Legislative Council Staff

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Fiscal Note

Drafting Number: LLS 21-0194
Prime Sponsors: Sen. Gardner

Date: March 12, 2021
Bill Status: Senate Agriculture
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Bill Topic: **UNIFORM EASEMENT RELOCATION ACT**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill enacts the Uniform Easement Relocation Act. It increases state revenue and expenditures, and increases expenditures in local governments, on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill, as recommended by the Colorado Commission on Uniform State Laws.

Summary of Legislation

The bill enacts the Uniform Easement Relocation Act, which sets procedures to relocate easements, excluding public utility easements, conservation easements, and negative easements. An owner may commence a civil action and serve a summons and petition on an easement holder, who may waive their rights to contest or obtain relief to avoid further participation in the action.

State Revenue and Expenditures

If a property owner files civil action to relocate an easement, or if a property owner's and an easement holder's failure to agree on such a relocation leads to litigation, revenue and workload for the trial courts in the Judicial Department may increase. Civil case filing fees are subject to TABOR. The fiscal note assumes that the number of case filings will be small, and the workload increase can be accomplished within existing appropriations.

Local Government

Workload and expenditures may increase for local governments, including counties and special districts, if civil actions are filed regarding qualifying easements held by those entities.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to civil actions commenced on or after the effective date.

State and Local Government Contacts

Counties

Municipalities

County Assessors

Special Districts

Judicial