



Department of Natural Resources Fact Sheet



2016-2017 BIENNIAL BUDGET FACT SHEET **Legal Support Costs** **\$500,000 in FY2016/\$500,000 in FY2017** **[General Fund]**

It Is Needed Because

The DNR has a difficult time adequately funding the agency's response to a growing number of legal challenges because of the high costs for expert witnesses and staff, attorneys, Attorney General's Office, court time and defense preparation. This is especially true for large and complex issues relating to water, mining, and other natural resources.

With this change DNR will be able to retain advice from experts in natural resources legal issues while defending its natural resources decisions whether in federal or state court, contested case hearings, mediation and other venues without imposing undue hardship on existing division budgets.

The DNR is increasingly dependent on dedicated funding sources which results in less flexibility to direct those funds to cover legal challenges. In addition, DNR does not have the ability to seek damages or reimbursement for these costs from proponents, plaintiffs or defendants except in rare cases. This means that DNR must reduce program funding in order to cover these costs. Providing special funding for these large and unexpected legal costs has precedent. An example is an appropriation that the legislature provided to defend the 1837 Treaty Rights lawsuit that was eventually heard by the U.S. Supreme Court in the 1990s.

Major Program Elements

This proposal funds two positions within the agency to provide legal counsel to support the agency on anticipated lawsuits and additional funding for the attorney general's office, contracted legal support and other costs.

Key Measures and Outcomes

- Other funding sources and general fund program dollars will not be redirected away from program priorities for this work.
- Agency decisions will be sustained.

Fiscal Impacts

The Governor recommends \$500,000 each year in FY16 and FY17 to fund legal support costs to defend agency decisions on water management environmental and other issues.

This is a one-time request.

For Further Information, Please Contact:

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