

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0330.02 Thomas Morris x4218

SENATE BILL 20-048

SENATE SPONSORSHIP

Donovan and Coram, Bridges

HOUSE SPONSORSHIP

Roberts and Catlin, Arndt, Titone

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING A STUDY TO CONSIDER THE STRENGTHENING OF THE
102 PROHIBITION ON SPECULATIVE APPROPRIATIONS OF WATER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources Review Committee. Current law specifies that an appropriation of water cannot be based on speculation, as evidenced by either of the following:

- ! The applicant does not have either a legally vested interest or a reasonable expectation of procuring such an interest in the lands or facilities to be served by the appropriation,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

unless the appropriator is a governmental agency or an agent in fact for the persons proposed to be benefited by the appropriation; or

! The applicant does not have a specific plan and intent to divert, store, or otherwise capture, possess, and control a specific quantity of water for specific beneficial uses.

The bill requires the executive director of the department of natural resources to convene a work group to explore ways to strengthen current anti-speculation law and to report to the water resources review committee by August 15, 2021, regarding any recommended changes.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 37-98-103, **add** (8)
3 as follows:

4 **37-98-103. Annual recommendations - bill limitation -**
5 **deadlines for introduction - repeal.** (8) (a) THE EXECUTIVE DIRECTOR
6 OF THE DEPARTMENT OF NATURAL RESOURCES SHALL CONVENE A WORK
7 GROUP DURING THE 2020 INTERIM TO EXPLORE WAYS TO STRENGTHEN
8 CURRENT WATER ANTI-SPECULATION LAW. THE DEPARTMENT AND THE
9 ATTORNEY GENERAL SHALL SUPPORT THE EFFORTS OF THE WORK GROUP.

10 (b) THE WORK GROUP CONSISTS OF CURRENT OR FORMER
11 EMPLOYEES OF THE DEPARTMENT FROM THE STATE ENGINEER'S OFFICE
12 AND THE COLORADO WATER CONSERVATION BOARD APPOINTED BY THE
13 EXECUTIVE DIRECTOR, ONE OR MORE CURRENT EMPLOYEES OF THE
14 ATTORNEY GENERAL'S OFFICE APPOINTED BY THE ATTORNEY GENERAL,
15 ONE OR MORE CURRENT OR FORMER EMPLOYEES OF THE JUDICIAL
16 DEPARTMENT APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT,
17 AND SUCH OTHER STAKEHOLDERS AS THE EXECUTIVE DIRECTOR
18 DETERMINES WOULD BE HELPFUL TO PROMOTE THE WORK GROUP PROCESS
19 OR WORK PRODUCT.

20 (c) THE WORK GROUP SHALL SUBMIT A WRITTEN REPORT TO THE

1 COMMITTEE BY AUGUST 15, 2021, REGARDING ANY RECOMMENDED
2 CHANGES.

3 (d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1,
4 2022.

5 **SECTION 2. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2020 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.