

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 20-0330.02 Thomas Morris x4218

**SENATE BILL 20-048**

---

**SENATE SPONSORSHIP**

**Donovan and Coram**, Bridges, Crowder, Fields, Gonzales, Hill, Hisey, Lee, Moreno, Tate

**HOUSE SPONSORSHIP**

**Roberts and Catlin**, Arndt, Titone, Becker, Bird, Bockenfeld, Buentello, Caraveo, Cutter, Duran, Esgar, Exum, Garnett, Gonzales-Gutierrez, Gray, Jaquez Lewis, Kipp, McCluskie, McLachlan, Melton, Pelton, Saine, Snyder, Soper, Valdez D., Will, Wilson, Woodrow, Young

---

**Senate Committees**

Agriculture & Natural Resources

**House Committees**

Rural Affairs & Agriculture

---

**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.

HOUSE  
3rd Reading Unamended  
February 27, 2020

HOUSE  
2nd Reading Unamended  
February 24, 2020

SENATE  
3rd Reading Unamended  
January 29, 2020

SENATE  
2nd Reading Unamended  
January 28, 2020

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.