

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 7, 2007
Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB07-1156 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. Article 35.7 of title 38, Colorado Revised Statutes,
4 is amended BY THE ADDITION OF A NEW SECTION to read:

5 **38-35.7-104. Disclosure of potable water source - rules.**
6 (1) (a) THE REAL ESTATE COMMISSION CREATED IN SECTION 12-61-105,
7 C.R.S., SHALL, BY RULE, REQUIRE EACH LISTING CONTRACT, CONTRACT OF
8 SALE, OR SELLER'S PROPERTY DISCLOSURE FOR RESIDENTIAL REAL
9 PROPERTY TO DISCLOSE THE SOURCE OF POTABLE WATER FOR THE
10 PROPERTY, WHICH DISCLOSURE SHALL INCLUDE SUBSTANTIALLY THE
11 FOLLOWING INFORMATION:

12 **THE SOURCE OF POTABLE WATER FOR THIS**
13 **REAL ESTATE IS:**

14 **A WELL;**

15 **A WATER PROVIDER, WHICH CAN BE**
16 **CONTACTED AS FOLLOWS:**

17 **NAME:** _____

18 **ADDRESS:** _____

19 **WEBSITE:** _____

20 **TELEPHONE:** _____

21 **NEITHER A WELL NOR A WATER PROVIDER.**

1 **THE SOURCE IS [DESCRIBE]: _____**
2 **SOME WATER PROVIDERS RELY, TO VARYING**
3 **DEGREES, ON NONRENEWABLE GROUND**
4 **WATER. YOU MAY WISH TO CONTACT YOUR**
5 **PROVIDER TO DETERMINE THE LONG-TERM**
6 **SUFFICIENCY OF THE PROVIDER'S WATER**
7 **SUPPLIES.**

8 (b) IF THE DISCLOSURE STATEMENT REQUIRED BY PARAGRAPH (a)
9 OF THIS SUBSECTION (1) INDICATES THAT THE SOURCE OF POTABLE WATER
10 IS A WELL, THE SELLER SHALL ALSO PROVIDE WITH SUCH DISCLOSURE A
11 COPY OF THE CURRENT WELL PERMIT IF ONE IS AVAILABLE.

12 (2) THE OBLIGATION TO PROVIDE THE DISCLOSURE SET FORTH IN
13 SUBSECTION (1) OF THIS SECTION SHALL BE UPON THE SELLER. IF THE
14 SELLER COMPLIES WITH THIS SECTION, THE PURCHASER SHALL NOT HAVE
15 ANY CLAIM UNDER THIS SECTION FOR RELIEF AGAINST THE SELLER OR ANY
16 PERSON LICENSED PURSUANT TO ARTICLE 61 OF TITLE 12, C.R.S., FOR ANY
17 DAMAGES TO THE PURCHASER RESULTING FROM AN ALLEGED INADEQUACY
18 OF THE PROPERTY'S SOURCE OF WATER. NOTHING IN THIS SECTION SHALL
19 AFFECT ANY REMEDY THAT THE PURCHASER MAY OTHERWISE HAVE
20 AGAINST THE SELLER.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety."

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