

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 07-0511.01 Bob Lackner

HOUSE BILL 07-1036

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Shaffer,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture, Natural Resources & Energy

A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON THE ABILITY OF GOVERNMENTAL**
102 **BODIES TO ACQUIRE SPECIFIED WATER RIGHTS THROUGH THE**
103 **EXERCISE OF THE POWER OF EMINENT DOMAIN.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits the state and specified political subdivisions otherwise possessing the power of eminent domain as provided by law from exercising such power that results in the acquisition of appropriated water rights. Specifies that nothing in the act shall be construed to affect the lawful exercise of the power of eminent domain pursuant to which any water rights acquired are incident to the ownership of the overlying

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 30, 2007

HOUSE
3rd Reading Unamended
February 26, 2007

HOUSE
Amended 2nd Reading
February 23, 2007

surface interests in the property being condemned.
Makes conforming amendments. Defines a term.

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

2 **SECTION 1.** Article 98 of title 37, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **37-98-103.5. Study of issues relating to the restriction of the**
5 **right of a governmental body to acquire water rights through**
6 **eminent domain - 2007 legislative interim - repeal.** (1) DURING THE
7 2007 LEGISLATIVE INTERIM, THE COMMITTEE SHALL STUDY THE LEGAL
8 AND OTHER IMPLICATIONS OF IMPOSING RESTRICTIONS ON THE ABILITY OF
9 GOVERNMENTAL BODIES TO ACQUIRE WATER RIGHTS THROUGH THE
10 EXERCISE OF THE POWER OF EMINENT DOMAIN, INCLUDING WITHOUT
11 LIMITATION, THE PUBLIC FINANCE IMPLICATIONS RESULTING FROM ANY
12 SUCH RESTRICTIONS, THE EFFECT OF ANY SUCH RESTRICTIONS ON THE
13 ABILITY OF GOVERNMENTAL BODIES TO PROVIDE WATER TO THE PUBLIC IN
14 EMERGENCY CIRCUMSTANCES, THE IMPLICATION OF SUCH RESTRICTIONS
15 ON NONTRIBUTARY WATER RIGHTS, AND ANY MATTERS RELATING
16 THERE TO. UPON COMPLETION OF ITS STUDY, THE COMMITTEE MAY
17 PROPOSE LEGISLATION TO ADDRESS ANY OF THE MATTERS RAISED BY THE
18 STUDY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

19 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

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