

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 21, 2007
Date

Committee on Agriculture, Natural Resources & Energy.

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

HB07-1036 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

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

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

20 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety."

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