

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0761.01 Thomas Morris

SENATE BILL 10-027

SENATE SPONSORSHIP

Sandoval,

HOUSE SPONSORSHIP

Roberts,

Senate Committees

Agriculture and Natural Resources
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A FINE FOR THE UNAUTHORIZED DIVERSION OF SURFACE**
102 **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://www.leg.state.co.us/billsummaries>.)

The bill subjects a person who illegally diverts surface water to the same \$500-per-day fine that currently applies to illegal diversions of groundwater.

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.*

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

2 **SECTION 1.** 37-92-503 (6) (a), Colorado Revised Statutes, is
3 amended to read:

4 **37-92-503. Enforcement - injunction.** (6) (a) (I) Any person
5 who diverts ~~ground water~~ GROUNDWATER contrary to a valid order of
6 the state engineer or a division engineer issued pursuant to section
7 37-92-502, in violation of a plan approved pursuant to rules ~~and~~
8 ~~regulations~~ adopted by the state engineer, or otherwise in violation of
9 rules ~~and regulations~~ adopted by the state engineer to regulate or measure
10 diversions of ~~ground water~~ GROUNDWATER shall forfeit and pay a sum
11 not to exceed five hundred dollars for each day such violation continues.

12 (II) ANY PERSON WHO DIVERTS SURFACE WATER CONTRARY TO A
13 VALID ORDER OF THE STATE ENGINEER OR A DIVISION ENGINEER ISSUED
14 PURSUANT TO SECTION 37-92-502 SHALL FORFEIT AND PAY A SUM NOT TO
15 EXCEED FIVE HUNDRED DOLLARS FOR EACH DAY SUCH VIOLATION
16 CONTINUES.

17 **SECTION 2. Act subject to petition - effective date -**
18 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
19 following the expiration of the ninety-day period after final adjournment
20 of the general assembly (August 11, 2010, if adjournment sine die is on
21 May 12, 2010); except that, if a referendum petition is filed pursuant to
22 section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part shall not take effect unless approved by the people at the
25 general election to be held in November 2010 and shall take effect on the
26 date of the official declaration of the vote thereon by the governor.

1 (2) The provisions of this act shall apply to conduct occurring on
2 or after the applicable effective date of this act.