

CHAPTER 64

WATER AND IRRIGATION

HOUSE BILL 18-1073

BY REPRESENTATIVE(S) Gray, Arndt, Esgar, Hansen, McKean, Michaelson Jenet, Pabon, Young;
also SENATOR(S) Gardner, Baumgardner, Cooke, Crowder, Jahn, Marble, Martinez Humenik, Priola, Scott, Sonnenberg, Tate,
Grantham.

AN ACT**CONCERNING WATER DISTRICTS' ABILITY TO ENTER INTO CONTRACTS REGARDING THEIR WATER-RELATED ASSETS.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 37-45-131 as follows:

37-45-131. Sale of water by contract. The board may sell, lease, or otherwise dispose of the use of water OR CAPACITY IN WORKS by term contracts or by contracts for the perpetual use of ~~such~~ THE water OR WORKS to public corporations, DISTRICTS, AS THAT TERM IS DEFINED IN SECTION 37-45.1-102 (1), UTILITIES, persons, mutual ditch companies, water users' associations, and other private corporations for irrigation, domestic, MUNICIPAL, INDUSTRIAL, ~~or~~ commercial, ~~use~~ OR OTHER AUTHORIZED USES as ~~shall be~~ provided by contracts, in writing, authorized and entered into by the board. ~~and~~ The board shall require that security be given to secure the payments to be made under ~~such~~ THE contracts, WHICH SECURITY MAY INCLUDE THE SECURITY SPECIFIED IN SECTION 37-45-132 OR SUCH OTHER SECURITY AS THE BOARD DETERMINES TO BE APPROPRIATE. THE CONTRACTS MAY INCLUDE THE CONTRACTUAL PROVISIONS SPECIFIED IN SECTION 31-35-402 (1)(h) AS DETERMINED BY THE BOARD.

SECTION 2. In Colorado Revised Statutes, 37-45.1-106, **add** (4) as follows:

37-45.1-106. Contracts. (4) A DISTRICT OR ITS WATER ACTIVITY ENTERPRISE MAY CONTRACT WITH ANY OTHER PERSON, INCLUDING A DISTRICT OR A WATER ACTIVITY ENTERPRISE OF ANOTHER DISTRICT, FOR THE USE OF WATER OR A WATER PROJECT OR FACILITY, WHICH CONTRACT MAY CONTAIN PROVISIONS SPECIFIED IN SECTION 31-35-402 (1)(h) AS DETERMINED BY THE DISTRICT OR WATER ACTIVITY

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ENTERPRISE.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: March 22, 2018