

CHAPTER 54

WATER AND IRRIGATION

SENATE BILL 98-078

BY SENATORS Ament, Alexander, Bishop, Chlouber, Norton, and Tebedo;
also REPRESENTATIVES Entz, Dyer, Reeser, and Taylor.

AN ACT

CONCERNING THE FINANCING OF WATER RESOURCE PROJECTS BY THE COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY.

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

SECTION 1. 37-95-103 (5), (6), and (12.5), Colorado Revised Statutes, are amended to read:

37-95-103. Definitions. As used in this article:

(5) (a) "Governmental agencies" means departments, divisions, or other units of state government, special districts, water conservation districts, metropolitan water districts, conservancy districts, irrigation districts, municipal corporations, counties, cities, and other political subdivisions, AND the United States or any agency thereof.
~~and~~

(b) "GOVERNMENTAL AGENCIES" ALSO INCLUDES ENTERPRISES AND any ENTITY, agency, commission, or authority established BY ANY GOVERNMENTAL AGENCY SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5), INCLUDING, WITHOUT LIMITATION, THOSE ESTABLISHED pursuant to an interstate compact or OTHER INTERGOVERNMENTAL COMPACT OR agreement.

(6) "Hydroelectric facilities" means facilities for the hydrogeneration or transmission of electric power and energy. ~~developed in connection with any water management facility.~~

(12.5) (a) (I) "Small water resources project" means any water management

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

facility or hydroelectric facility financed in whole or in part by the authority, the construction cost of which is estimated by the authority, on or prior to the date of issuance of the first series of bonds or notes therefor, to be no more than ~~ten~~ TWENTY-FIVE million dollars.

(II) For the purpose of this subsection (12.5), "construction cost" means ~~the cost of~~ ALL COSTS RELATED TO AND INCURRED IN CONNECTION WITH THE PROJECT, INCLUDING, WITHOUT LIMITATION, ALL COSTS OF:

- (A) PLANNING, design, AND engineering;
- (B) ENVIRONMENTAL REVIEW, DOCUMENTATION, AND MITIGATION;
- (C) Physical construction;
- (D) Financing;
- (E) Financing reserves;
- (F) Interest during construction;
- (G) ACQUISITION OF LAND AND WATER RIGHTS; AND
- (H) ALL direct AND INDIRECT expenses of the authority ~~and site acquisition~~ AND OTHER GOVERNMENTAL AGENCIES INVOLVED IN THE PROJECT.

~~(b) The definition of construction cost does not include the cost of planning, environmental documentation, water rights, or mitigation costs, and such costs shall be at the expense of the sponsoring governmental agency.~~

~~(c) No more than one-fourth of the total amount of the authority's cash or investments on hand on January 1 of each year shall be utilized at any one time during that year in connection with the issuance of bonds to finance small water resource projects. The authority shall utilize no more than eight million nine hundred seventy thousand dollars of its cash or investments at any one time between January 1, 1989, and January 1, 1994, in connection with the issuance of bonds to finance small water resources projects.~~

SECTION 2. 37-95-107 (8), Colorado Revised Statutes, is amended to read:

37-95-107. Study of proposed projects - authorization thereof. (8) The provisions of this section shall not apply to any small water resources project; except that, ~~before~~ IN THE CASE OF any small water resources project ~~which~~ THAT consists of or includes raw water diversion or storage facilities, ~~can receive consideration for financing by the board;~~ the BOARD SHALL PROMPTLY FORWARD A COPY OF THE PROJECT LOAN APPLICATION TO THE Colorado water conservation board ~~must first review a project summary for such small water resources project and promptly forward its recommendation concerning the project or the portion thereof which includes raw water facilities to the authority's board of directors.~~ Such project summary shall include a description of the project and the needs and purposes it will serve, the determination of technical feasibility, an estimate of project costs, and the

~~proposed financial plan for the project~~ FOR INFORMATIONAL PURPOSES.

SECTION 3. 37-95-116 (1), Colorado Revised Statutes, is amended to read:

37-95-116. Annual report - annual audit - annual budget. (1) On or before ~~March 31~~ APRIL 30 of each year, the authority shall make an annual report of its activities for the preceding fiscal year to the governor, the Colorado water conservation board, and the general assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. Included within such report shall be detailed financial data setting forth the manner in which any previously appropriated state funds have been used. The authority, no later than November 30 of each year, shall report to the governor and the general assembly any requests for state funds for the upcoming state fiscal year, detailing the purposes for which said funds are to be utilized.

SECTION 4. 37-95-123, Colorado Revised Statutes, is amended to read:

37-95-123. Construction of article. This article shall be construed liberally to effectuate the legislative intent and the purposes of this article as the complete and independent authority for the performance of each and every act and thing authorized in this article, and all the powers granted in this article shall be broadly interpreted to effectuate such intent and purposes and shall not be interpreted as a limitation of such powers; ~~provided, however,~~ EXCEPT THAT it is hereby recognized that the primary purpose of this article relates to the development of water resources of the state of Colorado as set forth in section 37-95-102 (1), and that the only generation of electric energy authorized hereunder is generation from hydroelectric facilities. ~~supportive of a project, and~~ This article shall not be construed as to authorize the board to generate electric energy by fossil fuel or other ~~nonhydromethods~~ NON-HYDROELECTRIC METHODS.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 2, 1998