

CHAPTER 30

GOVERNMENT - LOCAL

HOUSE BILL 01-1063

BY REPRESENTATIVE(S) Webster, Coleman, Decker, Fairbank, Hoppe, Jahn, Kester, Lee, Rippey, Weddig, and Williams T.; also SENATOR(S) Owen.

AN ACT

CONCERNING THE AUTHORIZATION OF GOVERNMENTAL ENTITIES TO ESTABLISH DRAINAGE AUTHORITIES BY INTERGOVERNMENTAL AGREEMENT FOR THE PURPOSE OF DEVELOPING DRAINAGE FACILITIES.

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

SECTION 1. 29-1-204.2 (1), (2) (e), (3) (a), (3) (d), (3) (e), (3) (n), (3) (o), (5), and (9), Colorado Revised Statutes, are amended to read:

29-1-204.2. Establishment of separate governmental entity to develop water resources, systems, facilities, and drainage facilities. (1) Any combination of municipalities, special districts, or other political subdivisions of this state ~~which~~ THAT are authorized to own and operate water systems or facilities OR DRAINAGE FACILITIES may establish, by contract with each other, a separate governmental entity, to be known as a water OR DRAINAGE authority, to be used by such contracting parties to effect the development of water resources, systems, or facilities OR OF DRAINAGE FACILITIES in whole or in part for the benefit of the inhabitants of such contracting parties or others at the discretion of the board of directors of the water OR DRAINAGE authority.

(2) Any contract establishing such separate governmental entity shall specify:

(e) The conditions or requirements to be fulfilled for adding or deleting parties to the contract in the future or for providing water services AND DRAINAGE FACILITIES to others outside the boundaries of the contracting parties.

(3) The general powers of such entity shall include the following powers:

(a) To develop water resources, systems, or facilities OR DRAINAGE FACILITIES in whole or in part for the benefit of the inhabitants of the contracting parties or others,

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

at the discretion of the board of directors, subject to fulfilling any conditions or requirements set forth in the contract establishing the entity;

(d) To acquire, construct, manage, maintain, or operate water systems, facilities, works, or improvements, OR DRAINAGE FACILITIES, or any interest therein;

(e) To acquire, hold, lease (as lessor or lessee), sell, or otherwise dispose of any real or personal property utilized only for the purposes of water treatment, distribution, and waste water disposal, OR OF DRAINAGE;

(n) To permit other municipalities, special districts, or political subdivisions of this state ~~which~~ THAT are authorized to supply water OR TO PROVIDE DRAINAGE FACILITIES to enter the contract at the discretion of the board of directors, subject to fulfilling any and all conditions or requirements of the contract establishing the entity; except that rates need not be uniform between the authority and the contracting parties;

(o) To provide for the rehabilitation of any surfaces adversely affected by the construction of water pipelines, facilities, or systems OR OF DRAINAGE FACILITIES through the rehabilitation of plant cover, soil stability, and other measures appropriate to the subsequent beneficial use of such lands;

(5) The bonds, notes, and other obligations of a water OR DRAINAGE authority formed under the provisions of this section shall not be the debts, liabilities, or obligations of the original contracting parties or parties ~~which~~ THAT may enter the establishing contract in the future.

(9) The authority granted pursuant to this section shall in no manner limit the powers of governments to enter into intergovernmental cooperation or contracts or to establish separate legal entities pursuant to the provisions of section 29-1-203 or any other applicable law or otherwise to carry out their powers under applicable statutory or charter provisions, nor shall such authority limit the powers reserved to cities and towns by section 2 of article XI of the state constitution. Nothing in this part 2 constitutes a legislative declaration of preference for water systems or facilities OR FOR DRAINAGE FACILITIES owned by separate governmental entities over water systems OR FACILITIES OR OVER DRAINAGE FACILITIES owned by other or different entities.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 16, 2001