

## CHAPTER 5

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**WATER AND IRRIGATION**

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## SENATE BILL 02-045

BY SENATOR(S) Entz, Isgar, Taylor, and Chlouber;  
also REPRESENTATIVE(S) Rippy, Hodge, Hoppe, Tapia, White, Alexander, Coleman, and Kester.

**AN ACT****CONCERNING THE RECONCILIATION OF INCONSISTENT STATUTORY PROVISIONS REGARDING THE QUALIFICATIONS OF ELECTORS FOR IRRIGATION DISTRICTS.**

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

**SECTION 1.** 37-42-106 (2), Colorado Revised Statutes, is amended to read:

**37-42-106. Notice of organization meeting and election.** (2) At all elections held under the provisions of this article, every owner of agricultural land within said district ~~over the age of twenty-one~~ WHO IS EIGHTEEN years OF AGE OR OLDER, ~~who~~ is a citizen of the United States or has declared his OR HER intention to become a citizen of the United States, ~~and~~ is a resident of the state of Colorado, and has paid real property taxes upon the property located within said district on an area in excess of one acre during the year preceding the date of said election if a resident of the district or on an area of forty acres or more if a resident of the state outside the district or who is an entryman upon public lands of the United States and is residing thereon, shall be entitled to vote at such election in the precinct where he OR SHE resides or, if a nonresident of the precinct, in the precinct within which the greater portion of his OR HER land is located. Any person so qualified to vote, and who resides in any county into which said district extends, is eligible for election as a director in and for the division in such district in which he OR SHE is entitled to vote. All lands platted or subdivided into residence or business lots shall not be considered agricultural land.

**SECTION 2.** 37-43-101, Colorado Revised Statutes, is amended to read:

**37-43-101. Definition of landowner.** For the purposes of sections 37-43-101 to 37-43-103, a "landowner" shall be held to be any individual ~~over the age of twenty-one~~ EIGHTEEN years OF AGE OR OLDER, owning in fee within an irrigation district land in excess of one acre ~~which~~ THAT is subject to irrigation district taxation

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

or assessment, who is a citizen of the United States or has declared his OR HER intention to become a citizen of the United States and is a resident of the state of Colorado or who is an entryman upon public lands of the United States and is residing thereon. Any landowner shall be eligible to election as a director of the district in which ~~he~~ THE LANDOWNER is entitled to vote.

**SECTION 3. Repeal.** 37-43-104, Colorado Revised Statutes, is repealed as follows:

~~**37-43-104. Qualifications of directors and electors.** Any provision in articles 41 to 43 of this title to the contrary notwithstanding, and in addition to those persons otherwise qualified to vote and hold office in a district, any elector of the district, as defined in section 37-45-103 (4), shall be eligible to election as a director and shall be entitled to a vote at all elections of the district.~~

**SECTION 4. 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: March 5, 2002