

CHAPTER 43

WATER AND IRRIGATION

HOUSE BILL 09-1159

BY REPRESENTATIVE(S) Priola, Baumgardner, Lambert, Loooper, Schafer S., Curry, Gardner C., McNulty, Nikkel, Sonnenberg, Gerou, Ryden, Stephens, Tipton, Waller;
also SENATOR(S) Isgar, Hodge, Mitchell.

AN ACT

CONCERNING THE ABILITY OF A NONRESIDENT TO SERVE ON THE BOARD OF DIRECTORS OF GROUND WATER MANAGEMENT WATER DISTRICTS.

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

SECTION 1. 37-90-121 (1) (b), Colorado Revised Statutes, is amended to read:

37-90-121. Management districts - petition - contents - minor defects - amendment. (1) The petition referred to in section 37-90-120 shall set forth:

(b) A proposed division of the district into divisions as nearly equal in size as may be practicable, and considering the population thereof, each of which is to be represented by a director, who ~~is~~ SHALL BE a resident taxpaying elector in such division OR RESIDE WITHIN THE DESIGNATED GROUND WATER BASIN WITHIN WHICH THE DISTRICT IS LOCATED AND BE A RESIDENT AGRICULTURIST WHO OWNS AND ACTIVELY FARMS OR RANCHES LAND LOCATED WITHIN SUCH DIVISION;

SECTION 2. 37-90-126, Colorado Revised Statutes, is amended to read:

37-90-126. Management district - directors - qualifications - oath - bond - vacancies. The members of the board of directors shall ~~be resident taxpaying electors within the district~~ MEET THE QUALIFICATIONS ESTABLISHED IN SECTION 37-90-121 (1) (b). Each member of the board shall take an oath of office, ~~and~~ shall give bond in the sum of five thousand dollars conditioned that he OR SHE shall faithfully perform the duties of director and of such further office to which he OR SHE may be elected in such district, and shall account for all funds or property coming into his OR HER hands as such director or other officer. Such bonds shall run to the district, shall be signed by a surety approved by the ground water

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

commission, and shall be filed and recorded in the office of the state engineer. When such bond is so filed and approved, such person so elected shall take and hold office until his OR HER successor is elected and qualified. When a vacancy occurs on the board, such vacancy shall be filled by the remaining members of the board.

SECTION 3. Act subject to petition - effective date - applicability. (1) 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, (August 4, 2009, if adjournment sine die is on May 6, 2009); 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.

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

Approved: March 20, 2009

Editor's note: The August 4 date specified in the effective date section of this act reflects the ninetieth day, therefore the act takes effect at 12:01 a.m. on August 5, 2009.