

CHAPTER 87

CORPORATIONS AND ASSOCIATIONS

HOUSE BILL 13-1168

BY REPRESENTATIVE(S) Vigil, Court, Fischer, Garcia, Lebsack, McLachlan, Mitsch Bush, Rosenthal, Salazar, Young;
also SENATOR(S) Schwartz, Crowder, Giron, Newell, Todd.

AN ACT**CONCERNING AN EXPANSION IN THE ABILITY OF A DITCH TO OPERATE AS AN ACEQUIA DITCH.**

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

SECTION 1. In Colorado Revised Statutes, 7-42-101.5, **amend** (3) introductory portion, (3) (d), (4) introductory portion, and (4) (d); and **repeal** (1) (d) and (3) (a) as follows:

7-42-101.5. Acequia ditch corporation - definition - powers. (1) For purposes of this section, "acequia" means a ditch that:

~~(d) Supplies irrigation water to long lots that are perpendicular to the stream or ditch to maximize the number of landowners who have access to water;~~

(3) An acequia ditch corporation may be organized pursuant to this article, ~~and~~ a ditch corporation organized pursuant to this article may convert to an acequia ditch corporation, AN UNINCORPORATED ACEQUIA DITCH ASSOCIATION MAY BE FORMED, AND AN UNINCORPORATED DITCH ASSOCIATION MAY OPERATE AS AN UNINCORPORATED ACEQUIA DITCH ASSOCIATION, ~~if~~ THE DITCH MEETS THE DEFINITION OF AN ACEQUIA DITCH AND, AS APPLICABLE:

~~(a) At least two-thirds of the irrigated land served by the ditch is platted or organized into long lots, the longest axes of which are perpendicular to the stream or ditch;~~

(d) EITHER:

(l) As required pursuant to section 7-42-101, the stockholders of the ditch file

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

articles of incorporation, or an amendment to the articles of incorporation, that state the stockholders' intention to create or convert to an acequia ditch corporation; OR

(II) THE MEMBERS OF AN UNINCORPORATED DITCH ASSOCIATION HAVE AGREED TO OPERATE IN ACCORDANCE WITH THIS SECTION.

(4) An acequia ditch corporation, if its articles of incorporation so state, OR AN UNINCORPORATED ACEQUIA DITCH ASSOCIATION, may specify in its bylaws that:

(d) The corporation OR ASSOCIATION has a right of first refusal regarding the sale, lease, or exchange of any surface water right that has historically been used to irrigate ~~long-lot~~ land by the acequia.

SECTION 2. In Colorado Revised Statutes, 7-30-101, **amend** (2) as follows:

7-30-101. Definitions. In this article:

(2) "Nonprofit association" means an unincorporated organization consisting of two or more members joined by mutual consent for a common, lawful, nonprofit purpose. However, joint tenancy or tenancy in common does not by itself establish a nonprofit association, even if the co-owners share use of the property for a nonprofit purpose. "NONPROFIT ASSOCIATION" INCLUDES AN ACEQUIA DITCH ASSOCIATION, WHETHER OR NOT THE ACEQUIA DITCH ASSOCIATION IS FORMED AS AN ACEQUIA DITCH ASSOCIATION AS CONTEMPLATED BY SECTION 7-42-101.5 (3) OR IS A DITCH ASSOCIATION OPERATING AS AN ACEQUIA DITCH ASSOCIATION AS CONTEMPLATED BY SECTION 7-42-101.5 (3).

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 7, 2013, if adjournment sine die is on May 8, 2013); 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 2014 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 29, 2013