

1983

Amending 37-95-103 (10), 37-95-107 (1), 37-95-116, and 37-95-120 (3), Colorado Revised Statutes 1973, as Amended, Concerning the Powers and Duties of the Colorado Water Resources and Power Development Authority.

Colorado General Assembly

Follow this and additional works at: <https://scholar.law.colorado.edu/session-laws-1951-2000>

Recommended Citation

Colorado General Assembly, "Amending 37-95-103 (10), 37-95-107 (1), 37-95-116, and 37-95-120 (3), Colorado Revised Statutes 1973, as Amended, Concerning the Powers and Duties of the Colorado Water Resources and Power Development Authority." (1983). *Session Laws 1951-2000*. 9702. <https://scholar.law.colorado.edu/session-laws-1951-2000/9702>

This Act is brought to you for free and open access by the Colorado Session Laws at Colorado Law Scholarly Commons. It has been accepted for inclusion in Session Laws 1951-2000 by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact rebecca.ciota@colorado.edu.

CHAPTER 414

WATER AND IRRIGATIONCOLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY

HOUSE BILL NO. 1197. BY REPRESENTATIVES Younglund, Entz, Larson, Mielke, and Paulson;
also SENATORS Bishop and Strickland.

AN ACT

AMENDING 37-95-103 (10), 37-95-106 (1) (k), 37-95-107 (1) AND (7), 37-95-116, AND 37-95-120 (3), COLORADO REVISED STATUTES 1973, AS AMENDED, CONCERNING THE POWERS AND DUTIES OF 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 (10), Colorado Revised Statutes 1973, as amended, is amended to read:

37-95-103. Definitions. (10) "Project" means any water management facility or hydroelectric facility, including undivided or other interests therein, acquired or constructed or to be acquired or constructed by the authority under this article, including all buildings and facilities which the authority deems necessary for the operation of the project, together with all property rights, water rights, easements, and interests, including gathering, storage, treatment, and transmission facilities (unless adequate transmission capacity is available from any existing public utility), which may be required for such operation. "PROJECT" INCLUDES ANY WATER MANAGEMENT FACILITY OR HYDROELECTRIC FACILITY FINANCED IN WHOLE OR IN PART BY THE AUTHORITY.

Section 2. 37-95-106 (1) (k), Colorado Revised Statutes 1973, as amended, is amended to read:

37-95-106. Authority - powers. (1) (k) (I) To PLAN, design, develop, acquire, construct, reconstruct, enlarge, extend, improve, furnish, equip, maintain, repair, manage, operate, dispose of, and participate in one or more projects within or without the state and to appropriate water for said projects;

(II) To designate the Colorado water conservation board or, with said board's permission, one or more other persons or governmental agencies

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

participating in a project to act as its agent, in connection with the PLANNING, designing, development, acquisition, construction, reconstruction, enlargement, extension, improvement, furnishing, equipping, maintenance, repair, management, operation, disposition of, or participation in such projects; and

(III) To establish rules and regulations for the use of such projects; AND

(IV) TO FINANCE OR PARTICIPATE IN THE FINANCING OF A PROJECT, OR ANY INTEREST THEREIN, ACQUIRED OR CONSTRUCTED OR TO BE ACQUIRED OR CONSTRUCTED BY ANY GOVERNMENTAL AGENCY.

Section 3. 37-95-107 (1) and (7), Colorado Revised Statutes 1973, as amended, are amended to read:

37-95-107. Study of proposed projects - authorization thereof.

(1) (a) Before any proposed project can receive consideration for CONSTRUCTION funding by the authority, the Colorado water conservation board must first review the feasibility study of any such proposed project, and the general assembly must authorize the authority to proceed to consider THE CONSTRUCTION OF any proposed project.

(b) THE STATE ENGINEER SHALL NOT ISSUE A PERMIT OR LICENSE OR APPROVE PLANS, PURSUANT TO ANY LAW OR REGULATION GOVERNING SUCH ACTIONS, FOR CONSTRUCTION OF ANY WATER MANAGEMENT FACILITY OR HYDROELECTRIC POWER FACILITY FOR WHICH THE AUTHORITY HAS PAID IN WHOLE OR IN PART FOR A FEASIBILITY STUDY OR AN ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STUDY WITHOUT A WRITTEN RESOLUTION OR WRITTEN STATEMENT BY THE AUTHORITY NOTIFYING THE STATE ENGINEER THAT THE APPLICANT HAS REIMBURSED THE AUTHORITY FOR ITS EXPENDITURES FOR THE CONDUCT OF SUCH STUDIES.

(7) If the Colorado water conservation board has, pursuant to subsection (3) of this section, incurred the expenses of performing a feasibility study for a proposed project, with which the authority ultimately decides to proceed; then the authority shall reimburse said board for PROVIDE FOR THE REIMBURSEMENT OF such expenses out of the proceeds from the sale of bonds or notes by the authority for the project OR, OTHERWISE, PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT. IF THE AUTHORITY HAS, PURSUANT TO SUBSECTION (3) OF THIS SECTION, INCURRED THE EXPENSES OF SUCH A STUDY, THE AUTHORITY SHALL LIKEWISE PROVIDE FOR ITS REIMBURSEMENT OF SUCH EXPENSES PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT.

Section 4. 37-95-116, Colorado Revised Statutes 1973, as amended, is amended to read:

37-95-116. Annual report - annual audit - annual budget. (1) On or before the last day of August in MARCH 31 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. Further, The authority, NO LATER THAN NOVEMBER 30 OF EACH YEAR, shall include in its 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.

(2) The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof shall be considered as expenses of the authority, and a copy thereof shall be filed with the state treasurer.

(3) In addition The authority shall develop and adopt an annual ADMINISTRATIVE OPERATING budget and submit such budget on a timely basis to each district, governmental entity, and other entities ENTITY participating in projects, so as to permit such districts and entities to make necessary adjustments in their respective budgets, fees, and charges.

Section 5. 37-95-120 (3), Colorado Revised Statutes 1973, as amended, is amended to read:

37-95-120. Agreements with governmental agencies or persons. (3) The obligations of a governmental agency or persons under an agreement with the authority or arising out of the default by any other purchaser with respect to such an agreement shall not, UNLESS OTHERWISE LAWFUL, be construed to constitute A debt of the governmental agency or persons. To the extent provided in agreements with the authority, such obligations shall constitute special obligations of the governmental agency or persons, payable solely from the revenues and other moneys derived by the governmental agency or persons from its THEIR utility systems, and shall be treated as expenses of operating such systems.

Section 6. 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: June 10, 1983