

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 17, 2022

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB22-1092 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend reengrossed bill, page 4, after line 19 insert:

2 "SECTION 4. In Colorado Revised Statutes, 37-41-113, **add** (9)
3 as follows:

4 **37-41-113. Board of directors - duties - contracts - rules.**

5 (9) (a) THE BOARD OF DIRECTORS MAY ENTER INTO ANY OBLIGATION OR
6 CONTRACT TO BORROW MONEY, WHICH THE IRRIGATION DISTRICT MAY USE
7 TO ISSUE LOANS TO LANDOWNERS:

8 (I) TO MAKE IMPROVEMENTS TO PRIVATE WATER DELIVERY
9 SYSTEMS; OR

10 (II) FOR OTHER TYPES OF PROJECTS THAT IMPROVE:

11 (A) WATER CONSERVATION OR EFFICIENCIES ON LANDOWNER
12 PROPERTY; OR

13 (B) LANDOWNER DELIVERY OR DRAINAGE SYSTEMS.

14 (b) AN OBLIGATION OR CONTRACT TO BORROW MONEY DESCRIBED
15 IN SUBSECTION (9)(a) OF THIS SECTION IS NOT SUBJECT TO THE
16 REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION.

17 (c) THE BOARD OF DIRECTORS SHALL NOT ASSESS DISTRICT LAND
18 IN ORDER TO RAISE MONEY TO ISSUE LOANS PURSUANT TO THIS
19 SUBSECTION (9). HOWEVER, THE BOARD OF DIRECTORS, IN ITS DISCRETION,
20 MAY USE OTHER SOURCES OF MONEY FOR THE PURPOSE OF ISSUING LOANS
21 AS DESCRIBED IN THIS SUBSECTION (9).

22 (d) IN CASE OF DEFAULT IN THE PAYMENT OF ANY INSTALLMENT OF
23 PRINCIPAL OR INTEREST WHEN DUE, THE COUNTY TREASURER MAY ASSESS
24 UPON THE ELIGIBLE REAL PROPERTY A TAX LIEN FOR THE PAYMENT OF THE
25 WHOLE OF THE UNPAID INSTALLMENT OF PRINCIPAL AND INTEREST; EXCEPT
26 THAT THE COUNTY TREASURER SHALL NOT ASSESS A TAX LIEN FOR THE

1 ENTIRE VALUE OF THE LANDOWNER'S PORTION OF THE IRRIGATION LOAN
2 ISSUED BY THE WATER DISTRICT.

3 (e) THE BOARD OF DIRECTORS MAY ADOPT RULES CONCERNING THE
4 ISSUANCE OF LOANS TO LANDOWNERS PURSUANT TO THIS SUBSECTION (9).

5 **SECTION 5.** In Colorado Revised Statutes, **amend** 37-41-120 as
6 follows:

7 **37-41-120. Fiscal year - directors to fix levy.** (1) The fiscal year
8 of each irrigation district in this state shall commence on January 1 in
9 each year. It is the duty of the board of directors on or before October 15
10 in each year to determine the amount of money required to meet the
11 maintenance, operating, and current expenses for the ensuing fiscal year
12 and to certify by resolution to the board of county commissioners of the
13 county in which the office of the district is located said amount, together
14 with any additional amount which may be necessary to meet any
15 deficiency in the payment of said expenses theretofore incurred. The
16 board of directors may fix the amount payable for any tract containing
17 one acre or less and, if so, similarly shall certify this amount to the board
18 of county commissioners. The board of directors shall also fix the amount
19 payable by each tract within any district with which the United States has
20 made a contract and shall certify the same to the board of county
21 commissioners, and the amount so fixed shall be in accordance with the
22 federal reclamation laws and the public notices, orders, and regulations
23 issued thereunder and shall be in compliance with any contracts made by
24 the United States with any owners of said lands and in compliance further
25 with the contracts between the district and the United States. The
26 obligation of every irrigation district contracting with the United States
27 shall be deemed a district debt. Said resolution shall be termed the annual
28 appropriation resolution for the next fiscal year, and no expenditure to be
29 paid out of such fund shall exceed in any one year the amounts fixed for
30 such expenses in the annual appropriation resolution, except as provided
31 in section 37-41-129.

32 (2) THE ANNUAL APPROPRIATION RESOLUTION DESCRIBED IN
33 SUBSECTION (1) OF THIS SECTION MUST INCLUDE THE AMOUNT OF MONEY
34 NEEDED TO MEET LOAN OBLIGATIONS AND ALL AMOUNTS PAYABLE BY
35 LANDOWNERS TO THE IRRIGATION DISTRICT IN ACCORDANCE WITH LOANS
36 ISSUED TO THE LANDOWNERS PURSUANT TO SECTION 37-41-113 (9) AND
37 SHALL INDICATE THE AMOUNT PAYABLE BY EACH TRACT WITHIN THE
38 IRRIGATION DISTRICT FOR WHICH A LANDOWNER HAS RECEIVED A LOAN.

39 **SECTION 6.** In Colorado Revised Statutes, 37-41-121, **add** (4)
40 as follows:

41 **37-41-121. Assessor - assessment.** (4) NOTWITHSTANDING ANY
42 PROVISION OF THIS ARTICLE 41 TO THE CONTRARY, IN ADDITION TO THE
43 AMOUNT DESCRIBED IN SECTION 30-1-102 (1)(p), THE COUNTY TREASURER

1 SHALL RECEIVE FIVE DOLLARS PER TRACT ASSESSED PURSUANT TO
2 SECTION 37-41-120 FOR LOANS ISSUED TO LANDOWNERS PURSUANT TO
3 SECTION 37-41-113 (9), AND THIS FIVE DOLLARS SHALL BE ASSESSED
4 AGAINST EACH PARTICIPATING TRACT."

5 Renumber succeeding section accordingly.

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