

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0337.01 Richard Sweetman x4333

HOUSE BILL 22-1092

HOUSE SPONSORSHIP

Soper and Roberts,

SENATE SPONSORSHIP

Bridges and Coram,

House Committees

Agriculture, Livestock, & Water

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ISSUANCE OF LOANS BY IRRIGATION DISTRICTS TO**
102 **LANDOWNERS FOR CERTAIN PURPOSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill allows a board of directors of an irrigation district (board) to borrow money, which the irrigation district may use to make loans to landowners to be used to make improvements to private water delivery systems or for other types of projects that improve:

- Water conservation or efficiencies on landowner property;
- or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
March 2, 2022

- Landowner delivery or drainage systems.

An obligation or contract to borrow such money is exempt from the existing requirement that a contract purporting to bind the district to pay any sum in excess of \$500,000 must be ratified by a majority of all the votes cast at a general or special election. Additionally, the district cannot assess landowners to raise money to fund the loans.

A board may adopt rules concerning the issuance of loans to landowners.

Section 2 requires each irrigation district to include in its annual appropriation resolution all amounts payable by landowners to the irrigation district in accordance with loans issued to the landowners and indicate the amount payable by each tract within the irrigation district for which a landowner has received a loan.

Section 3 requires a county assessor, in assessing land within an irrigation district, to:

- Apply the information provided in the irrigation district's annual appropriation resolution concerning loans issued to landowners; and
- Assess the additional amount payable for each tract for which the landowner has received a loan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-42-113, **add** (5)
3 as follows:

4 **37-42-113. Powers of district - loans for improvements.**

5 (5) (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

1 IN SUBSECTION (5)(a) OF THIS SECTION IS NOT SUBJECT TO THE
2 REQUIREMENTS OF SUBSECTION (1)(c) OF THIS SECTION.

3 (c) THE BOARD SHALL NOT ASSESS DISTRICT LAND IN ORDER TO
4 RAISE MONEY TO ISSUE LOANS PURSUANT TO THIS SUBSECTION (5).
5 HOWEVER, THE BOARD, IN ITS DISCRETION, MAY USE OTHER SOURCES OF
6 MONEY FOR THE PURPOSE OF ISSUING LOANS AS DESCRIBED IN THIS
7 SUBSECTION (5).

8 (d) IN CASE OF DEFAULT IN THE PAYMENT OF ANY INSTALLMENT OF
9 PRINCIPAL OR INTEREST WHEN DUE, THE COUNTY TREASURER MAY ASSESS
10 UPON THE ELIGIBLE REAL PROPERTY A TAX LIEN FOR THE PAYMENT OF THE
11 WHOLE OF THE UNPAID INSTALLMENT OF PRINCIPAL AND INTEREST; EXCEPT
12 THAT, THE COUNTY TREASURER SHALL NOT ASSESS A TAX LIEN FOR THE
13 ENTIRE VALUE OF THE LANDOWNER'S PORTION OF THE IRRIGATION LOAN
14 ISSUED BY THE WATER DISTRICT.

15 (e) THE BOARD MAY ADOPT RULES CONCERNING THE ISSUANCE OF
16 LOANS TO LANDOWNERS PURSUANT TO THIS SUBSECTION (5).

17 **SECTION 2.** In Colorado Revised Statutes, 37-42-125, **add** (3)
18 as follows:

19 **37-42-125. Fiscal year - appropriation resolution.** (3) THE
20 ANNUAL APPROPRIATION RESOLUTION DESCRIBED IN SUBSECTION (2) OF
21 THIS SECTION MUST INCLUDE THE AMOUNT OF MONEY NEEDED TO MEET
22 LOAN OBLIGATIONS AND ALL AMOUNTS PAYABLE BY LANDOWNERS TO THE
23 IRRIGATION DISTRICT IN ACCORDANCE WITH LOANS ISSUED TO THE
24 LANDOWNERS PURSUANT TO SECTION 37-42-113 (5) AND SHALL INDICATE
25 THE AMOUNT PAYABLE BY EACH TRACT WITHIN THE IRRIGATION DISTRICT
26 FOR WHICH A LANDOWNER HAS RECEIVED A LOAN.

27 

1 **SECTION 3.** In Colorado Revised Statutes, 37-42-128, **amend**
2 (7) as follows:

3 **37-42-128. Collection of assessments.** (7) THE COUNTY
4 TREASURER SHALL RECEIVE IN THE COUNTY TREASURER'S OFFICIAL
5 CAPACITY all ~~such~~ district assessments collected and paid to the county
6 treasurer, ~~shall be received by said treasurer in his official capacity,~~ and
7 ~~he shall be~~ THE COUNTY TREASURER IS responsible for the safekeeping,
8 disbursement, and payment ~~thereof the same~~ OF SUCH ASSESSMENTS as for
9 WELL AS other ~~moneys~~ MONEY collected by ~~him as such~~ THE COUNTY
10 treasurer. The county treasurer shall receive for the collection of such
11 assessments such amount as the board of directors may allow, as provided
12 in section 30-1-102; ~~C.R.S.~~ EXCEPT THAT THE TREASURER SHALL RECEIVE
13 FIVE DOLLARS PER TRACT ASSESSED PURSUANT TO SECTION 37-42-125 (3)
14 FOR LOANS ISSUED TO LANDOWNERS PURSUANT TO SECTION 37-42-113 (5),
15 AND THIS FIVE DOLLARS SHALL BE ASSESSED AGAINST EACH
16 PARTICIPATING TRACT. Any assessment collected and paid to the county
17 treasurer for districts that are defunct or have not been in operation for
18 five or more years shall be transferred by the county treasurer to the
19 county general fund.

20 **SECTION 4. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.