
CONCERNING PROJECTS OF THE COLORADO WATER CONSERVATION BOARD.

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

SECTION 1. 37-60-119, Colorado Revised Statutes 1973, as amended, is amended to read:

37-60-119. Construction of water and power facilities - contracts with and charges against users. (1) In order to promote the general welfare and safety of the citizens of this state, the board may construct, rehabilitate, enlarge, or improve such FLOOD CONTROL, water supply, and hydroelectric energy facilities, TOGETHER WITH RELATED RECREATIONAL FACILITIES, in whole or in part, as will, in the opinion of the board, ABATE FLOODS OR conserve, effect more efficient use of, develop, or protect the water and hydroelectric energy resources and supplies of the state of Colorado. In carrying out such program, the board is directed to place special emphasis upon the adoption and incorporation of measures which will encourage the conservation and more efficient use of water, including the installation of water meters or such other measuring and control devices as the board deems appropriate in each particular case.

(2) The board may enter into contracts for the use of said FLOOD CONTROL, water, and power, AND ANY RELATED RECREATIONAL facilities by and with any agency or political subdivision of

Capital Letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.
this state OR THE FEDERAL GOVERNMENT, with individuals, with corporations, or with organizations composed of citizens of this state. Any such contracts may provide for such charges to the using entity as, in the opinion of the board, are necessary and reasonable to recover the board's capital investment, together with operational, maintenance, and service charges over the term of years agreed upon by contract. Any such charges so collected shall be credited to and made a part of the Colorado water conservation board construction fund. ALL OR ANY PORTION OF THE COSTS ATTRIBUTABLE TO FLOOD CONTROL AND RECREATION MAY BE CONSIDERED NONREIMBURSABLE IN THE DISCRETION OF THE BOARD, BUT ONLY TO THE EXTENT APPROVED BY THE GENERAL ASSEMBLY AS SPECIFIED IN SECTION 37-60-122.

SECTION 2. 37-60-122. (1) (a), (1) (b), and (1) (c), Colorado Revised Statutes 1973, as amended, are amended to read:

37-60-122. General assembly approval. (1) (a) The board shall submit annually to the general assembly a report containing proposed FACILITIES AND contracts as specified DESCRIBED in section 37-60-116-(3)-(4) 37-60-119, together with an analysis of said FACILITIES AND contracts proposed by the board. Said report shall also include a list of said, proposed FACILITIES AND contracts in order of priority suggested by the board; the proposed contract terms between the state and the federal government, any political subdivision of the state, any person, or any corporation; and a comment by the board as to how the proposed project will carry out the state water policy.

(b) The general assembly may select AUTHORIZE such projects as it deems to be to the advantage of the people of the state of Colorado and shall direct the board to proceed with construction of said projects in the priorities established by the general assembly under such terms as shall be determined APPROVED by the general assembly.

(c) In order to determine the economic and engineering feasibility of any project proposed to be constructed from funds provided in whole or in part from the Colorado water conservation board construction fund, the board shall cause a feasibility report to be prepared on such proposed project if, in the discretion of the board, it appears to qualify for consideration under section 37-60-119. For all such feasibility investigations the board is authorized to commit or expend on a continuing basis a sum not to exceed five-percent-of-the-total ONE HUNDRED FIFTY THOUSAND DOLLARS IN ANY FISCAL YEAR FROM THE construction fund authorized by section 37-60-121 prior to the execution and approval of any contract contemplated by paragraph (a) of this subsection (1); except that the cost of any feasibility investigation shall be considered a part of the total project cost if such project is subsequently constructed.

SECTION 3. Part 1 of article 26 of title 39, Colorado
Revised Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

39-26-123.1. Credit of sales and use tax receipts to Colorado water conservation board construction fund - terminates July 1, 1982. (1) Notwithstanding the provisions of section 39-26-123 (2) (c) (I) (A), (2) (c) (I) (B), and (2) (c) (I) (C), the following amounts out of net revenue from sales and use taxes which otherwise would be credited to the general fund shall be credited to the Colorado water conservation board construction fund created by section 37-60-121, C.R.S. 1973:

(a) For the fiscal year beginning July 1, 1979, eight million dollars;

(b) For the fiscal year beginning July 1, 1980, ten million dollars;

(c) For the fiscal year beginning July 1, 1981, ten million dollars.

(2) This section is repealed effective July 1, 1982.

SECTION 4. Project authorizations. (1) Pursuant to section 37-60-122, Colorado Revised Statutes 1973, there are hereby authorized to be constructed from such funds as may become available to the Colorado water conservation board construction fund, in the priority listed as nearly as practicable and with the sums of money listed, plus or minus such amounts, if any, as may be justified by unforeseen circumstances or by reason of ordinary fluctuations in land values and construction costs as indicated by cost indices applicable to the type of projects involved, the following projects:

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chatfield Project Channel Improvement</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Closed Basin</td>
<td>500,000</td>
</tr>
<tr>
<td>Beaver Park</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Larkspur</td>
<td>200,000</td>
</tr>
<tr>
<td>Rio Grande Reservoir</td>
<td>90,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,790,000</strong></td>
</tr>
</tbody>
</table>

(2) The Chatfield project channel improvement and the Rio Grande Reservoir project authorized by this section shall be constructed as first priorities from the first moneys made available to the Colorado water conservation board construction fund pursuant to section 39-26-123.1, Colorado Revised Statutes 1973. The funds made available for the Chatfield project channel improvement may be expended only through a contract with the United States by which the United States agrees to provide not less than one-half of the total cost of said channel improvement.
(3) Neither the Closed Basin project nor the Larkspur project authorized by this section nor the projects authorized by section 2 of chapter 101, Session Laws of Colorado 1978, shall preempt any project priority previously established by the general assembly, but any previously established priority may be waived or relinquished in writing by a project sponsor.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 1979, and shall apply to fiscal years commencing on or after said date.

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.

Fred E. Anderson Robert F. Bufford
PRESIDENT OF SPEAKER OF THE HOUSE
THE SENATE OF REPRESENTATIVES

Marjorie L. Rutenbeck Lorraine F. Lombardi
SECRETARY OF CHIEF CLERK OF THE HOUSE
THE SENATE OF REPRESENTATIVES

APPROVED July 6, 1979

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO

PAGE 4-SENATE BILL NO. 537