

37-60-122. General assembly approval.

(1) Moneys in the Colorado water conservation board construction fund shall be expended in the following manner and under the following circumstances:

(a) Repealed.

(b) The general assembly may 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 said projects in the priorities established by the general assembly under terms approved by the general assembly. The board is authorized to make loans without general assembly approval in amounts not to exceed five million dollars. The unappropriated balance of moneys in the Colorado water conservation board construction fund and the state severance tax trust fund perpetual base account shall be available and continuously appropriated for this purpose. The board shall submit a written determination of the basis for such project loans to the general assembly by January 15 of the year following the year in which the loan was made.

(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**. The board may also cause a feasibility report to be prepared on any other water project proposed in this state whether funded by the Colorado water conservation board construction fund or by any other source or entity or federal or state agency, and the board shall cooperate with any such entity or federal or state agency in the planning of such project. The board shall also cause any feasibility study to be made at the direction of the general assembly. For all such feasibility investigations, the board is authorized to loan, grant, or otherwise expend on a continuing basis the moneys appropriated to the construction fund authorized by section 37-60-121, in accordance with policies adopted by the board.

(2) When a feasibility report prepared pursuant to paragraph (c) of subsection (1) of this section is funded in part by an entity or agency other than the board, then the board may, at its discretion and subject to such procedures as it deems appropriate, have such entity or agency select an engineer to provide the professional services needed to prepare such report, notwithstanding the provisions of part 14 of article 30 of title 24, C.R.S.

(3) When design and construction of a project authorized pursuant to paragraph (b) of subsection (1) of this section is funded in part by an entity or agency other than the board, then the board may, at its discretion and subject to such procedures as it deems appropriate, have such entity or agency select an engineer to provide the professional services needed for the construction management of the project, notwithstanding the provisions of part 14 of article 30 of title 24, C.R.S.

Source: **L. 71:** p. 1344, § 2. **C.R.S. 1963:** § 149-1-22. **L. 74:** (1)(b) amended, p. 443, § 1, effective March 21; (1)(d) added, p. 444, § 1, effective March 21. **L. 79:** (1)(a) to (1)(c) amended, p. 1362, § 2, effective July 1. **L. 80:** (1)(c) amended, p. 699, § 3, effective May 2. **L. 81:** (1)(c) amended, p. 1770, § 4, effective June 16. **L. 85:** (2) and (3) added, p. 1153, § 4, effective June 2. **L. 92:** (1)(a) amended, p. 2284, § 5, effective May 27. **L. 93:** (1)(a) and (1)(b) amended, p. 3, § 2, effective February 16. **L. 96:** (1)(a) repealed, p. 671, § 27, effective August 7. **L. 2002:** IP(1) and (1)(b) amended, p. 453, § 20, effective May 23. **L. 2003:** (1)(b) amended, p. 1770, § 20, effective May 19. **L. 2004:** (1)(c) amended, p. 888, § 22, effective May 21.

Cross references: For the legislative declaration contained in the 1996 act repealing subsection (1)(a), see section 1 of chapter 141, Session Laws of Colorado 1996.

ANNOTATION

Law reviews. For article, "Principles and Law of Colorado's Nontributary Ground Water", see 62 Den. U. L. Rev. 809 (1985).