

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 10, 2021

Committee on Energy & Environment.

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

HB21-1131 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend page 3, after line 7 insert:
2 "SECTION 2. In Colorado Revised Statutes, 40-9.5-108, **amend**
3 (2); and **add** (1.5) and (4) as follows:
4 **40-9.5-108. Public meetings - definition.** (1.5) ALL MEETINGS
5 OF A GENERATION AND TRANSMISSION ASSOCIATION ARE DECLARED TO BE
6 OPEN MEETINGS AND OPEN TO THE MEMBERS, CONSUMERS, AND NEWS
7 MEDIA AT ALL TIMES; BUT SUCH ASSOCIATION, BY A TWO-THIRDS
8 AFFIRMATIVE VOTE OF THE BOARD MEMBERS PRESENT, MAY GO INTO
9 EXECUTIVE SESSION FOR CONSIDERATION OF DOCUMENTS OR TESTIMONY
10 GIVEN IN CONFIDENCE.
11 (2) (a) Before ~~the~~ A board of directors convenes in executive
12 session PURSUANT TO SUBSECTION (1) OR (1.5) OF THIS SECTION, the board
13 shall announce the general topic of the executive session.
14 (b) At every regular meeting of the board of directors OF AN
15 ASSOCIATION OR A GENERATION AND TRANSMISSION ASSOCIATION,
16 members of the association shall be given an opportunity to address the
17 board on any matter concerning the policies and business of the
18 association. The board may place reasonable, viewpoint-neutral
19 restrictions on the amount and duration of public comment.
20 (c) Written minutes shall be made of all meetings of the board of
21 directors OF AN ASSOCIATION OR A GENERATION AND TRANSMISSION
22 ASSOCIATION. The minutes shall be posted on the website of the
23 association OR GENERATION AND TRANSMISSION ASSOCIATION as soon as
24 they have been approved and shall remain posted until at least six months

- 1 after the date of the meeting. Upon request by a member of the board, that
2 member's own vote on any issue shall be noted in the minutes.
- 3 (4) AS USED IN THIS SECTION, "GENERATION AND TRANSMISSION
4 ASSOCIATION" MEANS A NONPROFIT GENERATION AND TRANSMISSION
5 ELECTRIC ASSOCIATION THAT PROVIDES WHOLESALE ELECTRIC SERVICE
6 DIRECTLY TO COLORADO COOPERATIVE ELECTRIC ASSOCIATIONS THAT ARE
7 ITS MEMBERS."
- 8 Renumber succeeding sections accordingly.
- 9 Page 4, lines 13 and 14, strike "TO THE ASSOCIATION".
- 10 Page 5, line 12, after "THROUGH" insert "MAIL BALLOT OR".
- 11 Page 7, line 20, strike "**policies - definitions.**" and substitute "**policies.**".
- 12 Page 7, line 23, strike "(I)".
- 13 Page 7, lines 25 and 26, strike "ANY BESTOWED GIFTS VALUED OVER THE
14 MINIMUM REPORTABLE AMOUNT AND THEIR VALUE,".
- 15 Page 8, strike lines 1 through 8.
- 16 Page 8, line 15, strike "DIRECTOR;" and substitute "DIRECTOR, IF THE
17 BENEFIT IS UNIQUE TO THAT DIRECTOR AND NOT SHARED BY SIMILARLY
18 SITUATED COOPERATIVE MEMBERS;".
- 19 Page 8, line 17, strike "DIRECTOR; OR" and substitute "DIRECTOR, IF THE
20 BENEFIT IS UNIQUE TO THAT PERSON AND NOT SHARED BY SIMILARLY
21 SITUATED COOPERATIVE MEMBERS; OR".
- 22 Page 8, line 19, strike "INTEREST." and substitute "INTEREST UNIQUE TO
23 THAT DIRECTOR.".
- 24 Page 9, strike lines 2 through 8 and substitute "OWES FIDUCIARY DUTIES
25 TO BOTH ASSOCIATIONS AND SHALL NOT BE REQUIRED TO GIVE PRIORITY
26 TO A FIDUCIARY DUTY THE DIRECTOR OWES TO ONE ASSOCIATION OVER
27 THE DUTIES THE DIRECTOR OWES TO THE OTHER ASSOCIATION.".
- 28 Page 10, line 1, strike "40-9.5-108,".



