

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0499.01 Duane Gall x4335

**SENATE BILL 21-072**

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**SENATE SPONSORSHIP**

**Hansen and Coram,**

**HOUSE SPONSORSHIP**

**Valdez A.,**

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**Senate Committees**

Transportation & Energy  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101       **CONCERNING THE EXPANSION OF ELECTRIC TRANSMISSION FACILITIES**  
102               **TO ENABLE COLORADO TO MEET ITS CLEAN ENERGY GOALS,**  
103               **AND, IN CONNECTION THEREWITH, CREATING THE COLORADO**  
104               **ELECTRIC TRANSMISSION AUTHORITY, REQUIRING**  
105               **TRANSMISSION UTILITIES TO JOIN ORGANIZED WHOLESALE**  
106               **MARKETS, AND ALLOWING ADDITIONAL CLASSES OF**  
107               **TRANSMISSION UTILITIES TO OBTAIN REVENUE THROUGH THE**  
108               **COLOCATION OF BROADBAND FACILITIES WITHIN THEIR**  
109               **EXISTING RIGHTS-OF-WAY.**

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**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*

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.

*applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Section 1** of the bill directs the public utilities commission (PUC) to approve utilities' applications to build new transmission facilities if the PUC, in its discretion, finds that the new facilities would assist the utilities in meeting the state's clean energy goals established in 2019. In constructing or expanding transmission facilities, a utility must use its own employees, engage a contractor whose employees have access to federally approved apprenticeship programs, or both. Section 1 also requires the PUC to consider the ability of the proposed facilities to support future expansion as needed to enable the utility to participate in a regional transmission organization (RTO). An application for construction or expansion of transmission facilities is deemed approved if the PUC does not deny it within 180 days after the application is complete and public notice has been given.

**Sections 4 and 5** create the Colorado electric transmission authority (CETA) as an independent special purpose authority, and section 4 specifies the composition and manner of appointment of the board of directors that governs the authority. CETA is authorized to select a qualified transmission operator to finance, plan, acquire, maintain, and operate eligible electric transmission and interconnected storage facilities (eligible facilities).

Under **sections 4 and 6**, CETA is granted various powers necessary to accomplish its purposes, including the power to:

- Issue revenue bonds;
- Identify and establish intrastate electric transmission corridors;
- Coordinate with other entities to establish interstate electric transmission corridors;
- Exercise the power of eminent domain to acquire eligible facilities; and
- Collect payments of reasonable rates, fees, interest, or other charges from persons using eligible facilities.

CETA is generally subject to state open records and open meetings requirements, but proprietary confidential information that it holds, including power purchase agreements, costs of production, costs of transmission, transmission service agreements, credit reviews, detailed power models, and financing statements, is not subject to inspection. **Section 8** authorizes payment of CETA's administrative expenses, not to exceed \$500,000 annually, from an existing cash fund administered by the PUC.

**Section 2** sets out deadlines and conditions under which an electric utility that owns and controls transmission facilities is required to join an RTO. The commission may delay or waive this requirement for a utility

that is unable, despite its best efforts, to find a viable and available RTO to join or if the commission finds, in the course of its ongoing study of RTOs under Senate Bill 19-236, that requiring the utility to join an RTO would not be in the public interest.

Under current law, a cooperative electric association with an electric easement on real property is authorized to install or to allow a commercial broadband supplier to install broadband facilities on the real property, subject to notice and procedural requirements. **Section 3** expands the authorization to also apply to either of the following entities with an electric easement:

- A generation and transmission cooperative electric association; or
- The federal western area power administration within the United States department of energy.

**Section 7** specifies that when a right-of-way is taken for an interstate electric transmission line, the court shall evaluate public purpose in light of the transmission system as a whole, including public use and benefits occurring both within Colorado and at a regional level.

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

2 **SECTION 1. In Colorado Revised Statutes, 40-2-126, amend (3)**  
3 **introductory portion and (3)(a); add (5); and recreate and reenact, with**  
4 **amendments, (4) as follows:**

5 **40-2-126. Transmission facilities - biennial review - energy**  
6 **resource zones - definition - plans - approval - cost recovery. (3) The**  
7 **commission shall MAY, CONSISTENT WITH ITS AUTHORITY, approve a**  
8 **utility's application for a certificate of public convenience and necessity**  
9 **for the COST-EFFECTIVE construction or expansion of transmission**  
10 **facilities pursuant to paragraph (b) of subsection (2) SUBSECTION (2)(b)**  
11 **of this section if the commission finds that:**

12 **(a) The construction or expansion:**

13 **(I) Is required to:**

14 **(A) Ensure the reliable delivery of electricity to Colorado**  
15 **consumers, or to EITHER ALONE OR IN COMBINATION WITH THE**

1 CONSUMERS OF OTHER STATES SERVED BY AN ORGANIZED WHOLESALE  
2 MARKET AS DEFINED IN SECTION 40-5-108 (1)(a); OR

3 (B) Enable the utility to meet the renewable energy standards set  
4 forth in section 40-2-124 OR ACHIEVE EMISSION REDUCTIONS UNDER  
5 SECTION 25-7-102 OR 40-2-125.5;

6 (II) CAN REASONABLY ACCOMMODATE FUTURE EXPANSION,  
7 THROUGH THE ADDITION OF MORE LINES OR GREATER CAPACITY, AS MAY  
8 BE REQUIRED TO SUPPORT THE UTILITY'S PARTICIPATION IN AN ORGANIZED  
9 WHOLESALE MARKET AS DEFINED IN SECTION 40-5-108 (1)(a); and

10 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN  
11 RESPONSE TO ANY APPLICATION FOR A CERTIFICATE OF PUBLIC  
12 CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OR EXPANSION OF  
13 TRANSMISSION FACILITIES THAT IS SUBMITTED TO THE COMMISSION  
14 PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION, THE COMMISSION  
15 SHALL ISSUE A FINAL ORDER WITHIN ONE HUNDRED EIGHTY DAYS AFTER  
16 THE APPLICATION IS DEEMED COMPLETE AND PUBLIC NOTICE OF THE  
17 APPLICATION IS GIVEN; EXCEPT THAT THE APPLICANT MAY WAIVE THIS  
18 ONE-HUNDRED-EIGHTY-DAY DEADLINE. ABSENT SUCH WAIVER, IF THE  
19 COMMISSION DOES NOT ISSUE A FINAL ORDER WITHIN THAT PERIOD, THE  
20 APPLICATION IS DEEMED APPROVED.

21 (5) IN ANY CONSTRUCTION OR EXPANSION APPROVED PURSUANT  
22 TO THIS SECTION, THE UTILITY SHALL USE ITS OWN EMPLOYEES OR  
23 QUALIFIED CONTRACTORS, OR BOTH, BUT SHALL NOT USE A CONTRACTOR  
24 UNLESS THE CONTRACTOR'S EMPLOYEES HAVE ACCESS TO AN  
25 APPRENTICESHIP PROGRAM REGISTERED WITH THE UNITED STATES  
26 DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP OR BY A STATE  
27 APPRENTICESHIP COUNCIL RECOGNIZED BY THAT OFFICE; EXCEPT THAT

1 THIS APPRENTICESHIP REQUIREMENT DOES NOT APPLY TO:

2 (a) THE DESIGN, PLANNING, OR ENGINEERING OF THE  
3 TRANSMISSION FACILITIES;

4 (b) MANAGEMENT FUNCTIONS TO OPERATE THE TRANSMISSION  
5 FACILITIES; OR

6 (c) ANY WORK PERFORMED IN RESPONSE TO A WARRANTY CLAIM.

7 SECTION 2. In Colorado Revised Statutes, add 40-5-108 as  
8 follows:

9 **40-5-108. Electric utility participation in organized wholesale**  
10 **markets required - conditions - authority of commission - definitions.**

11 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
12 REQUIRES:

13 (a) (I) "ORGANIZED WHOLESALE MARKET" OR "OWM" MEANS AN  
14 ENTITY ESTABLISHED FOR THE PURPOSE OF COORDINATING AND  
15 EFFICIENTLY MANAGING THE DISPATCH AND TRANSMISSION OF  
16 ELECTRICITY AMONG PUBLIC UTILITIES ON A MULTISTATE OR REGIONAL  
17 BASIS AND THAT:

18 (A) IS APPROVED BY THE FEDERAL ENERGY REGULATORY  
19 COMMISSION;

20 (B) EFFECTS SEPARATE CONTROL OF TRANSMISSION FACILITIES  
21 FROM CONTROL OF GENERATION FACILITIES;

22 (C) IMPLEMENTS, TO THE EXTENT REASONABLY POSSIBLE, POLICIES  
23 AND PROCEDURES DESIGNED TO MINIMIZE PANCAKED TRANSMISSION  
24 RATES WITHIN COLORADO;

25 (D) IMPROVES, TO THE EXTENT REASONABLY POSSIBLE, SERVICE  
26 RELIABILITY WITHIN COLORADO;

27 (E) ACHIEVES, TO THE EXTENT REASONABLY POSSIBLE, THE

1 OBJECTIVES OF AN OPEN AND COMPETITIVE ELECTRIC GENERATION  
2 MARKETPLACE, ELIMINATION OF BARRIERS TO MARKET ENTRY, AND  
3 PRECLUSION OF CONTROL OF BOTTLENECK ELECTRIC TRANSMISSION  
4 FACILITIES IN THE PROVISION OF RETAIL ELECTRIC SERVICE;

5 (F) IS OF SUFFICIENT SCOPE OR OTHERWISE OPERATES TO  
6 SUBSTANTIALLY INCREASE ECONOMICAL SUPPLY OPTIONS FOR  
7 CUSTOMERS;

8 (G) HAS A STRUCTURE OF GOVERNANCE OR CONTROL THAT IS  
9 INDEPENDENT OF THE OWNERSHIP AND OPERATION OF THE TRANSMISSION  
10 FACILITIES, AND NO MEMBER OF ITS BOARD OF DIRECTORS HAS AN  
11 AFFILIATION WITH A USER OR WITH AN AFFILIATE OF A USER DURING THE  
12 MEMBER'S TENURE ON THE BOARD SO AS TO UNDULY AFFECT THE OWM'S  
13 PERFORMANCE. AS USED IN THIS SUBSECTION (1)(a)(I)(G), "USER" MEANS  
14 ANY ENTITY OR AFFILIATE OF THAT ENTITY THAT BUYS OR SELLS ELECTRIC  
15 ENERGY IN THE OWM'S REGION OR IN A NEIGHBORING REGION.

16 (H) OPERATES UNDER POLICIES THAT PROMOTE POSITIVE  
17 PERFORMANCE DESIGNED TO SATISFY THE ELECTRICITY REQUIREMENTS OF  
18 CUSTOMERS;

19 (I) HAS AN INCLUSIVE AND OPEN STAKEHOLDER PROCESS THAT  
20 DOES NOT PLACE UNREASONABLE BURDENS ON, OR PRECLUDE  
21 MEANINGFUL PARTICIPATION BY, ANY STAKEHOLDER GROUP;

22 (J) PROMOTES AND ASSISTS NEW ECONOMIC DEVELOPMENT IN  
23 COLORADO; AND

24 (K) CONSISTENT WITH AND IN SUPPORT OF FERC POLICIES AND  
25 LOCAL PLANNING BY COLORADO PUBLIC UTILITIES, IS CAPABLE OF:  
26 PLANNING FOR IMPROVED EFFICIENCY OF USE, FUTURE EXPANSION, AND  
27 CONSIDERATION OF ALL OPTIONS FOR MEETING TRANSMISSION NEEDS;

1 PROVIDING EFFECTIVE COST ALLOCATIONS THAT REFLECT BENEFITS OF  
2 TRANSMISSION INVESTMENTS; MAINTAINING REAL-TIME RELIABILITY OF  
3 THE ELECTRIC TRANSMISSION SYSTEM; ENSURING COMPARABLE AND  
4 NONDISCRIMINATORY TRANSMISSION ACCESS AND NECESSARY SERVICES;  
5 MINIMIZING SYSTEM CONGESTION; AND FURTHER ADDRESSING REAL OR  
6 POTENTIAL TRANSMISSION CONSTRAINTS.

7 (II) "ORGANIZED WHOLESALE MARKET" INCLUDES A REGIONAL  
8 TRANSMISSION ORGANIZATION, ALSO KNOWN AS AN RTO, AND AN  
9 INDEPENDENT SYSTEM OPERATOR, ALSO KNOWN AS AN ISO.

10 (b) "TRANSMISSION UTILITY" MEANS A PUBLIC UTILITY THAT:

11 (I) IS A WHOLESALE ELECTRICITY SUPPLIER; AND

12 (II) OWNS AND OPERATES ELECTRIC TRANSMISSION LINES CAPABLE  
13 OF TRANSMITTING ELECTRIC ENERGY AT A VOLTAGE OF ONE HUNDRED  
14 KILOVOLTS OR MORE.

15 (2) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
16 (2)(a)(II) OF THIS SECTION, AND EXCEPT FOR MUNICIPALLY OWNED  
17 UTILITIES AND POWER AUTHORITIES, ALL COLORADO TRANSMISSION  
18 UTILITIES SHALL JOIN AN ORGANIZED WHOLESALE MARKET ON OR BEFORE  
19 JANUARY 1, 2030.

20 (II) UPON APPLICATION BY A TRANSMISSION UTILITY, THE  
21 COMMISSION MAY WAIVE OR DELAY THE REQUIREMENT STATED IN  
22 SUBSECTION (2)(a)(I) OF THIS SECTION IF:

23 (A) THE TRANSMISSION UTILITY HAS MADE ALL REASONABLE  
24 EFFORTS TO COMPLY WITH THE REQUIREMENT BUT IS UNABLE TO FIND A  
25 VIABLE AND AVAILABLE OWM THAT IT CAN JOIN BY JANUARY 1, 2030; OR

26 (B) THE COMMISSION HAS DETERMINED, BASED ON THE STUDY  
27 CONDUCTED IN ACCORDANCE WITH ARTICLE 2.3 OF THIS TITLE 40, THAT

1 REQUIRING THE TRANSMISSION UTILITY TO JOIN AN OWM IS NOT IN THE  
2 PUBLIC INTEREST.

3 (b) THE COMMISSION IS DIRECTED TO PARTICIPATE ON BEHALF OF  
4 THE STATE OF COLORADO, AS IT DEEMS APPROPRIATE, IN PROCEEDINGS  
5 BEFORE THE FERC INVOLVING THE MANAGEMENT OF PHYSICAL  
6 CONNECTIONS, SHARING OF DATA, AND INTERPRETATION AND  
7 IMPLEMENTATION OF TARIFF AND BUSINESS PRACTICES BETWEEN OWMs  
8 WHOSE BOUNDARIES MEET WITHIN COLORADO.

9 (3) THE COMMISSION SHALL CONSIDER ALLOWING, AND MAY  
10 ALLOW, A TRANSMISSION UTILITY THAT JOINS AN OWM TO RECOVER  
11 OWM SUBSCRIPTION FEES AND OTHER PRUDENTLY INCURRED COSTS OF  
12 PARTICIPATION IN THE OWM THROUGH RATES OR THROUGH A NEW OR  
13 EXISTING TRANSMISSION RIDER.

14 **SECTION 3.** In Colorado Revised Statutes, 40-15-601, **amend**  
15 **(6); and add (6.5) as follows:**

16 **40-15-601. Definitions.** As used in this part 6, unless the context  
17 otherwise requires:

18 (6) "Electric utility" means:

19 (a) A cooperative electric association, as defined in section  
20 40-9.5-102;

21 (b) A GENERATION AND TRANSMISSION COOPERATIVE ELECTRIC  
22 ASSOCIATION; OR

23 (c) THE FEDERAL WESTERN AREA POWER ADMINISTRATION WITHIN  
24 THE UNITED STATES DEPARTMENT OF ENERGY.

25 (6.5) "GENERATION AND TRANSMISSION COOPERATIVE ELECTRIC  
26 ASSOCIATION" HAS THE SAME MEANING AS "WHOLESALE ELECTRIC  
27 COOPERATIVE" AS SET FORTH IN SECTION 40-2-136 (3)(c).



1           **SECTION 4.** In Colorado Revised Statutes, **add** article 42 to title  
2     40 as follows:

3   **ARTICLE 42**

4   **Colorado Electric Transmission Authority Act**

5           **40-42-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 42 IS  
6     THE "COLORADO ELECTRIC TRANSMISSION AUTHORITY ACT".

7           **40-42-102. Definitions.** AS USED IN THIS ARTICLE 42, UNLESS THE  
8     CONTEXT OTHERWISE REQUIRES:

9           (1) "ACQUIRE" MEANS TO OBTAIN ELIGIBLE FACILITIES BY LEASE,  
10    CONSTRUCTION, RECONSTRUCTION, PURCHASE, OR, AS AUTHORIZED BY  
11    SECTION 40-42-104 (1)(q) AND SUBJECT TO THE REQUIREMENTS OF  
12    ARTICLES 1 TO 7 OF TITLE 38, THE EXERCISE OF THE POWER OF EMINENT  
13    DOMAIN.

14          (2) "AUTHORITY" MEANS THE COLORADO ELECTRIC TRANSMISSION  
15    AUTHORITY CREATED IN SECTION 40-42-103.

16          (3) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE  
17    AUTHORITY.

18          (4) "BONDS" MEANS ELECTRIC TRANSMISSION BONDS ISSUED AS  
19    AUTHORIZED BY THIS ARTICLE 42 AND INCLUDES NOTES, WARRANTS,  
20    BONDS, TEMPORARY BONDS, AND ANTICIPATION NOTES ISSUED BY THE  
21    AUTHORITY.

22          (5) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION  
23    CREATED IN SECTION 40-2-101.

24          (6) "ELECTRIC TRANSMISSION AUTHORITY OPERATIONAL FUND" OR  
25    "OPERATIONAL FUND" MEANS THE FUND CREATED IN SECTION 40-42-106.

26          (7) "ELECTRIC TRANSMISSION BONDING FUND" OR "BONDING  
27    FUND" MEANS THE FUND CREATED IN SECTION 40-42-105 (3).

1           (8) "ELECTRIC UTILITY" MEANS AN ENTITY OPERATING FOR THE  
2 PURPOSE OF SUPPLYING OR TRANSMITTING ELECTRICITY TO THE PUBLIC  
3 FOR DOMESTIC, MECHANICAL, OR PUBLIC USES AND INCLUDES AN  
4 INVESTOR-OWNED ELECTRIC UTILITY SUBJECT TO REGULATION UNDER  
5 ARTICLES 1 TO 7 OF THIS TITLE 40, A MUNICIPALLY OWNED UTILITY, A  
6 TRANSMISSION UTILITY, AS DEFINED IN SECTION 40-5-108 (1)(b), A  
7 COOPERATIVE ELECTRIC ASSOCIATION, A NONPROFIT ELECTRIC  
8 CORPORATION OR ASSOCIATION, AND EVERY OTHER VERTICALLY  
9 INTEGRATED SUPPLIER OF ELECTRIC ENERGY SUPPLYING ELECTRIC ENERGY  
10 FOR ITS CUSTOMERS OR FOR THE USE OF ITS OWN MEMBERS.

11           (9) "ELIGIBLE FACILITIES" MEANS FACILITIES THAT ARE FINANCED  
12 OR ACQUIRED BY THE AUTHORITY.

13           10) "FACILITIES" MEANS ELECTRIC TRANSMISSION FACILITIES AND  
14 ALL RELATED STRUCTURES, PROPERTIES, AND SUPPORTING  
15 INFRASTRUCTURE, INCLUDING ANY INTERESTS THEREIN. THE TERM DOES  
16 NOT INCLUDE INTERCONNECTION FACILITIES FROM AN ELECTRIC  
17 GENERATOR OR STORAGE PROJECT TO A FACILITY.

18           (11) "FERC" MEANS THE FEDERAL ENERGY REGULATORY  
19 COMMISSION.

20           (12) "FINANCE" OR "FINANCING" MEANS THE LENDING OF BOND  
21 PROCEEDS BY THE AUTHORITY TO A PUBLIC UTILITY OR OTHER PRIVATE  
22 PERSON FOR THE PURPOSE OF PLANNING, ACQUIRING, OPERATING, AND  
23 MAINTAINING ELIGIBLE FACILITIES IN WHOLE OR IN PART BY THE PUBLIC  
24 UTILITY OR OTHER PRIVATE PERSON.

25           (13) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR  
26 STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND  
27 COUNTY.

1           (14) "PROJECT" MEANS AN UNDERTAKING BY THE AUTHORITY TO  
2 FINANCE OR TO PLAN, ACQUIRE, MAINTAIN, AND OPERATE ELIGIBLE  
3 FACILITIES LOCATED PARTLY OR ENTIRELY WITHIN COLORADO.

4           (15) "STORAGE" MEANS THE CONSTRUCTION, EXPANSION, OR USE  
5 OF AN ENERGY STORAGE SYSTEM, AS DEFINED IN SECTION 40-2-202 (2).

6           **40-42-103. Authority - creation - board - open meetings and**  
7 **open records.** (1) THE COLORADO ELECTRIC TRANSMISSION AUTHORITY  
8 IS HEREBY CREATED AS AN INDEPENDENT PUBLIC BODY POLITIC AND  
9 CORPORATE. THE AUTHORITY IS A PUBLIC INSTRUMENTALITY, AND ITS  
10 EXERCISE OF THE POWERS AS AUTHORIZED BY THIS ARTICLE 42 IS THE  
11 PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION. THE AUTHORITY IS A  
12 POLITICAL SUBDIVISION OF THE STATE, IS NOT AN AGENCY OF STATE  
13 GOVERNMENT, AND IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION BY  
14 ANY DEPARTMENT, COMMISSION, BOARD, OR AGENCY OF THE STATE.

15           (2) (a) THE POWERS OF THE AUTHORITY ARE VESTED IN A BOARD  
16 OF DIRECTORS, WHICH CONSISTS OF THE FOLLOWING NINE MEMBERS:

17           (I) TWO MEMBERS APPOINTED BY THE GOVERNOR WITH THE  
18 CONSENT OF THE SENATE;

19           (II) THE DIRECTOR OF THE COLORADO ENERGY OFFICE CREATED  
20 IN SECTION 24-38.5-101 OR THE DIRECTOR'S DESIGNEE;

21           (III) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE  
22 OF REPRESENTATIVES; AND

23           (IV) THREE MEMBERS APPOINTED BY THE PRESIDENT OF THE  
24 SENATE.

25           (b) THE APPOINTED MEMBERS OF THE BOARD MUST HAVE THE  
26 FOLLOWING QUALIFICATIONS:

27           (I) OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE MUST

1 HAVE EXPERTISE IN FINANCIAL MATTERS INVOLVING THE FINANCING OF  
2 MAJOR ELECTRIC TRANSMISSION PROJECTS AND THE OTHER MUST  
3 REPRESENT THE INTERESTS OF ELECTRIC UTILITY CUSTOMERS RESIDING  
4 WEST OF THE CONTINENTAL DIVIDE;

5 (II) OF THE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE  
6 OF REPRESENTATIVES, ONE MUST HAVE UTILITY EXPERIENCE;

7 (III) OF THE MEMBERS APPOINTED BY THE PRESIDENT OF THE  
8 SENATE, ONE MUST REPRESENT THE INTERESTS OF WILDLIFE  
9 CONSERVATION AND LAND USE;

10 (IV) OF THE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE  
11 OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE:

12 (A) ONE MUST REPRESENT THE INTERESTS OF ORGANIZED LABOR;

13 (B) ONE MUST REPRESENT THE INTERESTS OF RESIDENTIAL  
14 CUSTOMERS OF ELECTRIC UTILITIES;

15 (C) ONE MUST REPRESENT THE INTERESTS OF COMMERCIAL OR  
16 INDUSTRIAL CUSTOMERS OF ELECTRIC UTILITIES; AND

17 (D) ONE MUST HAVE KNOWLEDGE OF RENEWABLE ENERGY  
18 DEVELOPMENT.

19 (c) A MEMBER OF THE BOARD SHALL NOT REPRESENT A PERSON  
20 THAT OWNS OR OPERATES FACILITIES.

21 (d) BOARD MEMBERS SHALL SERVE FOUR-YEAR TERMS; EXCEPT  
22 THAT, OF THE APPOINTED MEMBERS INITIALLY APPOINTED TO THE BOARD,  
23 ONE OF THE MEMBERS APPOINTED BY THE GOVERNOR AND ONE OF THE  
24 MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
25 REPRESENTATIVES SHALL SERVE INITIAL TERMS OF THREE YEARS AND ONE  
26 OF THE MEMBERS APPOINTED BY THE GOVERNOR AND ONE OF THE  
27 MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE SHALL SERVE

1 INITIAL TERMS OF TWO YEARS. THE REMAINDER OF THE APPOINTED  
2 MEMBERS INITIALLY APPOINTED TO THE BOARD SHALL SERVE FOUR-YEAR  
3 TERMS. THEREAFTER, ALL APPOINTED MEMBERS OF THE BOARD SHALL  
4 SERVE FOUR-YEAR TERMS. A VACANCY IN THE MEMBERSHIP OF THE BOARD  
5 MUST BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT  
6 FOR THE REMAINDER OF THE EXPIRED TERM ONLY.

7 (e) AN APPOINTED MEMBER OF THE BOARD IS ELIGIBLE FOR  
8 REAPPOINTMENT. AN APPOINTING AUTHORITY MAY REMOVE A MEMBER OF  
9 THE BOARD FOR CAUSE.

10 (f) BOARD MEMBERS SHALL NOT RECEIVE COMPENSATION FOR  
11 THEIR SERVICES BUT SHALL BE REIMBURSED FOR THEIR REASONABLE AND  
12 NECESSARY TRAVEL AND OTHER EXPENSES INCURRED IN THE  
13 PERFORMANCE OF THEIR OFFICIAL DUTIES.

14 (3) THE MEMBERS OF THE BOARD SHALL ELECT A CHAIR AND A  
15 VICE-CHAIR. FOUR MEMBERS OF THE BOARD CONSTITUTE A QUORUM.

16 (4) THE AUTHORITY IS SUBJECT TO THE OPEN MEETINGS  
17 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", ARTICLE 6 OF  
18 TITLE 24, AND TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
19 ARTICLE 72 OF TITLE 24. HOWEVER, INFORMATION OBTAINED BY THE  
20 AUTHORITY THAT IS DESIGNATED BY THE BOARD AS PROPRIETARY  
21 TECHNICAL OR BUSINESS INFORMATION IS CONFIDENTIAL AND IS NOT  
22 SUBJECT TO INSPECTION PURSUANT TO THE "COLORADO OPEN RECORDS  
23 ACT". INFORMATION THAT THE BOARD MAY DESIGNATE AS PROPRIETARY  
24 CONFIDENTIAL INFORMATION INCLUDES POWER PURCHASE AGREEMENTS,  
25 COSTS OF PRODUCTION, COSTS OF TRANSMISSION, TRANSMISSION SERVICE  
26 AGREEMENTS, CREDIT REVIEWS, DETAILED POWER MODELS, AND  
27 FINANCING STATEMENTS.

1           **40-42-104. General and specific powers and duties of the**  
2 **authority. (1) EXCEPT AS OTHERWISE LIMITED BY THIS ARTICLE 42, THE**  
3 **AUTHORITY, ACTING THROUGH THE BOARD, HAS THE POWER TO:**  
4           **(a) HOLD AND EXERCISE ALL RIGHTS, DUTIES, PRIVILEGES,**  
5 **IMMUNITIES, LIABILITIES, AND DISABILITIES OF A BODY CORPORATE AND**  
6 **A POLITICAL SUBDIVISION OF THE STATE;**  
7           **(b) SUE AND BE SUED;**  
8           **(c) HAVE AN OFFICIAL SEAL AND ALTER THE SEAL AT THE BOARD'S**  
9 **PLEASURE;**  
10           **(d) ESTABLISH REASONABLE ADMINISTRATIVE AND PROCEDURAL**  
11 **BYLAWS FOR ITS ORGANIZATION AND INTERNAL MANAGEMENT AND FOR**  
12 **THE CONDUCT OF ITS AFFAIRS AND BUSINESS;**  
13           **(e) MAINTAIN AN OFFICE AT ANY PLACE IN COLORADO THAT IT**  
14 **MAY DETERMINE;**  
15           **(f) ACQUIRE, HOLD, USE, OWN IN WHOLE OR IN PART, LEASE, RENT,**  
16 **AND DISPOSE OF REAL AND PERSONAL PROPERTY AND ITS INCOME,**  
17 **REVENUE, FUNDS, AND MONEY;**  
18           **(g) SOLICIT AND RECEIVE AND EXPEND GIFTS, GRANTS, AND**  
19 **DONATIONS;**  
20           **(h) MAKE AND ENTER INTO ALL CONTRACTS, LEASES, AND**  
21 **AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS AND**  
22 **ASSIGNMENTS OF PAYMENTS TO HOST LANDOWNERS, THAT ARE**  
23 **NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF ITS DUTIES AND THE**  
24 **EXERCISE OF ITS POWERS UNDER THIS ARTICLE 42, INCLUDING:**  
25           **(I) CONTRACTS TO PURCHASE AND DISPOSE OF ELIGIBLE**  
26 **FACILITIES;**  
27           **(II) CONTRACTS FOR THE LEASE AND OPERATION BY THE**

1 AUTHORITY OF ELIGIBLE FACILITIES OWNED BY AN ELECTRIC UTILITY OR  
2 OTHER PRIVATE PERSON; AND

3 (III) CONTRACTS FOR LEASING ELIGIBLE FACILITIES OWNED BY THE  
4 AUTHORITY, SUBJECT TO THE REQUIREMENT THAT THE AUTHORITY  
5 DEPOSIT ANY REVENUE DERIVED PURSUANT TO THE LEASE INTO THE  
6 ELECTRIC TRANSMISSION BONDING FUND;

7 (i) UNLESS OTHERWISE SPECIFICALLY PROHIBITED BY THIS ARTICLE  
8 42, DEPOSIT MONEY OF THE AUTHORITY IN ANY BANKING INSTITUTION  
9 WITHIN OR OUTSIDE THE STATE;

10 (j) FIX THE TIME AND PLACE OR PLACES AT WHICH ITS REGULAR  
11 AND SPECIAL MEETINGS ARE TO BE HELD;

12 (k) HIRE A CHIEF EXECUTIVE OFFICER OF THE AUTHORITY AND  
13 AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO HIRE OTHER STAFF AS  
14 NECESSARY FOR THE OPERATION OF THE AUTHORITY;

15 (l) USE THE SERVICES OF EXECUTIVE DEPARTMENTS OF THE STATE  
16 UPON MUTUALLY AGREEABLE TERMS AND CONDITIONS;

17 (m) ENTER INTO PARTNERSHIPS WITH PUBLIC OR PRIVATE ENTITIES;

18 (n) IDENTIFY AND ESTABLISH CORRIDORS FOR THE TRANSMISSION  
19 OF ELECTRICITY WITHIN THE STATE, SUBJECT TO SITING AND LAND USE  
20 APPROVAL BY THE LOCAL GOVERNMENT WITH SITING AND LAND USE  
21 AUTHORITY PURSUANT TO ARTICLE 65.1 OF TITLE 24;

22 (o) THROUGH PARTICIPATION IN APPROPRIATE REGIONAL  
23 TRANSMISSION FORUMS AND OTHER ORGANIZATIONS, INCLUDING  
24 ORGANIZED WHOLESALE MARKETS, AS DEFINED IN SECTION 40-5-108  
25 (1)(a), COORDINATE, INVESTIGATE, PLAN, PRIORITIZE, AND NEGOTIATE  
26 WITH ENTITIES WITHIN AND OUTSIDE COLORADO FOR THE ESTABLISHMENT  
27 OF INTERSTATE TRANSMISSION CORRIDORS AND ENGAGE IN OTHER

1 TRANSMISSION PLANNING ACTIVITIES THAT WOULD INCREASE GRID  
2 RELIABILITY, HELP COLORADO MEET ITS CLEAN ENERGY GOALS, AND AID  
3 IN ECONOMIC DEVELOPMENT;

4 (p) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2) OF THIS  
5 SECTION, CONDUCT A TRANSPARENT AND COMPETITIVE PROCESS TO  
6 SELECT A QUALIFIED TRANSMISSION OPERATOR, AS DEFINED BY THE  
7 COMMISSION, TO ASSUME THE RESPONSIBILITY TO CARRY OUT ALL  
8 REQUIRED FINANCING, PLANNING, ACQUISITION, MAINTENANCE, AND  
9 OPERATION OF ELIGIBLE FACILITIES NECESSARY OR USEFUL FOR THE  
10 ACCOMPLISHMENT OF THE PURPOSES OF THIS ARTICLE 42;

11 (q) SUBJECT TO THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE  
12 38, HAVE AND EXERCISE THE POWER OF EMINENT DOMAIN FOR ACQUIRING  
13 PROPERTY OR RIGHTS-OF-WAY, EXCEPT PROPERTY OR RIGHTS-OF-WAY  
14 OWNED BY A LOCAL GOVERNMENT, IF NEEDED FOR PROJECTS AND IF THE  
15 COMMISSION DETERMINES THAT THE ACQUISITION DOES NOT INVOLVE A  
16 TAKING OF THE PROPERTY OF AN ELECTRIC UTILITY OR MATERIALLY  
17 DIMINISH ELECTRIC SERVICE RELIABILITY OF THE TRANSMISSION SYSTEM  
18 IN COLORADO; EXCEPT THAT, IF LAND TO BE ACQUIRED THROUGH EMINENT  
19 DOMAIN IS SUBJECT TO A PERPETUAL CONSERVATION EASEMENT, THE  
20 AUTHORITY SHALL PAY COMPENSATION TO THE OWNER AS THOUGH THE  
21 LAND WERE NOT SUBJECT TO A PERPETUAL CONSERVATION EASEMENT.

22 (r) FOR ANY PROJECT, PROVIDE INFORMATION AND TRAINING TO  
23 EMPLOYEES OF THE PROJECT REGARDING:

24 (I) ANY UNIQUE HAZARDS THAT MAY BE POSED BY THE PROJECT;

25 (II) SAFE WORK PRACTICES; AND

26 (III) EMERGENCY PROCEDURES;

27 (s) ISSUE BONDS AS NECESSARY TO UNDERTAKE A PROJECT;



1           (t) COLLECT PAYMENTS OF REASONABLE RATES, FEES, INTEREST,  
2           OR OTHER CHARGES FROM PERSONS USING ELIGIBLE FACILITIES TO  
3           FINANCE ELIGIBLE FACILITIES AND FOR OTHER SERVICES RENDERED BY THE  
4           AUTHORITY, SUBJECT TO THE REQUIREMENT THAT ANY REVENUE DERIVED  
5           FROM PAYMENTS MADE TO THE AUTHORITY SHALL BE DEPOSITED IN THE  
6           ELECTRIC TRANSMISSION BONDING FUND;

7           (u) MAKE DETERMINATIONS ABOUT THE EFFICIENT USE OF  
8           EXISTING RIGHTS-OF-WAY ON PROJECTS IT PROPOSES TO DEVELOP AS A  
9           PRECONDITION TO PIONEERING NEW RIGHTS-OF-WAY FOR SUCH PROJECTS;

10          AND

11          (v) DO ANY AND ALL THINGS NECESSARY OR CONVENIENT TO  
12          CARRY OUT ITS PURPOSES AND EXERCISE THE POWERS GIVEN AND  
13          GRANTED IN THIS ARTICLE 42.

14          (2) EXCEPT AS PROVIDED IN THIS SUBSECTION (2), THE AUTHORITY  
15          SHALL NOT ENTER INTO A PROJECT IF AN ELECTRIC UTILITY OR A  
16          NONINCUMBENT TRANSMISSION PROVIDER OR OTHER ENTITY IS  
17          CONSTRUCTING OR HAS CONSTRUCTED THE FACILITIES OR IS PROVIDING  
18          THE SERVICES CONTEMPLATED BY THE AUTHORITY. BEFORE THE  
19          AUTHORITY ENTERS INTO A PROJECT, THE FOLLOWING PROCEDURAL  
20          REQUIREMENTS MUST BE MET:

21          (a) THE AUTHORITY SHALL PROVIDE TO EACH ELECTRIC UTILITY  
22          AND THE COMMISSION AND PUBLISH AT LEAST ONCE IN A NEWSPAPER OF  
23          GENERAL CIRCULATION IN COLORADO, AT LEAST ONCE IN A NEWSPAPER OF  
24          GENERAL CIRCULATION IN THE AREA WHERE THE ELIGIBLE FACILITIES WILL  
25          BE LOCATED, AND CONTINUOUSLY ON A PUBLICLY ACCESSIBLE WEB PAGE  
26          MAINTAINED BY THE AUTHORITY AN INITIAL NOTICE DESCRIBING THE  
27          PROJECT THAT THE AUTHORITY IS CONSIDERING.

1           (b) ANY PERSON WITH AN INTEREST THAT MAY BE AFFECTED BY  
2           THE PROPOSED PROJECT HAS THIRTY DAYS AFTER THE DATE OF THE LAST  
3           PRINTED PUBLICATION OF THE INITIAL NOTICE TO SUBMIT A WRITTEN  
4           CHALLENGE CONCERNING THE PROPOSED PROJECT TO THE AUTHORITY. IF  
5           THE AUTHORITY RECEIVES A CHALLENGE WITHIN THE THIRTY DAYS, THE  
6           AUTHORITY SHALL HOLD A PUBLIC HEARING NO SOONER THAN THIRTY  
7           DAYS AFTER RECEIVING THE CHALLENGE AND AT LEAST TWO WEEKS AFTER  
8           POSTING NOTICE OF THE HEARING IN THE SAME NEWSPAPERS IN WHICH AND  
9           WEB PAGE ON WHICH THE INITIAL NOTICE WAS GIVEN. FOLLOWING THE  
10          PUBLIC HEARING, THE AUTHORITY SHALL MAKE A FINAL DETERMINATION  
11          ON WHETHER THE AUTHORITY WILL IMPLEMENT THE PROPOSED PROJECT  
12          AND GIVE NOTICE OF THE DETERMINATION IN THE SAME NEWSPAPERS AND  
13          ON THE SAME WEB PAGE AS THE INITIAL NOTICE GIVEN. ANY PERSON OR  
14          GOVERNMENTAL ENTITY PARTICIPATING IN THE HEARING MAY APPEAL THE  
15          FINAL DETERMINATION BY FILING A NOTICE OF APPEAL WITH THE DISTRICT  
16          COURT FOR THE CITY AND COUNTY OF DENVER WITHIN THIRTY-FIVE DAYS  
17          AFTER THE DATE OF THE FINAL DETERMINATION.

18           (c) ELECTRIC UTILITIES AND OTHER PERSONS WILLING AND ABLE  
19           TO PROVIDE MONEY FOR, ACQUIRE, MAINTAIN, AND OPERATE THE ELIGIBLE  
20           FACILITIES DESCRIBED IN THE NOTICE HAVE THE FOLLOWING PERIOD  
21           WITHIN WHICH TO NOTIFY THE AUTHORITY OF INTENTION AND ABILITY TO  
22           PROVIDE MONEY FOR, ACQUIRE, MAINTAIN, AND OPERATE THE ELIGIBLE  
23           FACILITIES DESCRIBED IN THE NOTICE:

24           (I) WITHIN NINETY DAYS AFTER THE DATE OF THE LAST PRINTED  
25           PUBLICATION OF THE INITIAL NOTICE IF NO CHALLENGE IS RECEIVED  
26           PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION; OR

27           (II) WITHIN NINETY DAYS AFTER THE DATE OF THE NOTICE OF

1 DETERMINATION IF A CHALLENGE IS RECEIVED PURSUANT TO SUBSECTION  
2 (2)(b) OF THIS SECTION.

3 (d) ABSENT NOTIFICATION BY AN ELECTRIC UTILITY OR OTHER  
4 PERSON PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION, OR IF A  
5 PERSON, HAVING GIVEN NOTICE OF INTENTION TO PROVIDE MONEY FOR,  
6 ACQUIRE, MAINTAIN, AND OPERATE THE ELIGIBLE FACILITIES  
7 CONTEMPLATED BY THE AUTHORITY, FAILS TO MAKE A GOOD-FAITH  
8 EFFORT TO BEGIN TO DO SO WITHIN SIX MONTHS AFTER THE DATE THE  
9 PERSON NOTIFIED THE AUTHORITY OF ITS INTENTION, THE AUTHORITY MAY  
10 PROCEED TO FINANCE, PLAN, ACQUIRE, MAINTAIN, AND OPERATE THE  
11 ELIGIBLE FACILITIES ORIGINALLY CONTEMPLATED. HOWEVER, A PERSON  
12 THAT, WITHIN THE TIME REQUIRED, HAS MADE NECESSARY APPLICATIONS  
13 TO ACQUIRE FEDERAL, STATE, LOCAL, OR PRIVATE PERMITS, CERTIFICATES,  
14 OR OTHER APPROVALS NECESSARY TO ACQUIRE THE ELIGIBLE FACILITIES  
15 IS DEEMED TO HAVE COMMENCED THE ACQUISITION AS LONG AS THE  
16 PERSON DILIGENTLY PURSUES THE PERMITS, CERTIFICATES, OR OTHER  
17 APPROVALS.

18 (3) IN SOLICITING AND ENTERING INTO CONTRACTS FOR THE  
19 TRANSMISSION OR STORAGE OF ELECTRICITY, THE AUTHORITY AND ANY  
20 PERSON LEASING OR OPERATING ELIGIBLE FACILITIES FINANCED OR  
21 ACQUIRED BY THE AUTHORITY SHALL, IF PRACTICABLE, GIVE PRIORITY TO  
22 THOSE CONTRACTS THAT WILL TRANSMIT OR STORE ELECTRICITY TO BE  
23 SOLD AND CONSUMED IN COLORADO.

24 (4) NEITHER THE AUTHORITY NOR ANY ELIGIBLE FACILITIES  
25 ACQUIRED BY THE AUTHORITY ARE SUBJECT TO THE SUPERVISION,  
26 REGULATION, CONTROL, OR JURISDICTION OF THE COMMISSION.

27 (5) (a) OWNERSHIP OF ELIGIBLE FACILITIES BY THE AUTHORITY

1 MAY NOT EXCEED THE EXTENT AND DURATION NECESSARY OR USEFUL TO  
2 PROMOTE THE PUBLIC INTEREST. BEFORE BECOMING AN OWNER OR  
3 PARTIAL OWNER OF AN ELIGIBLE FACILITY, THE AUTHORITY SHALL  
4 DEVELOP A PLAN IDENTIFYING:

5 (I) THE PUBLIC PURPOSES OF THE AUTHORITY'S OWNERSHIP;  
6 (II) THE CONDITIONS THAT WOULD MAKE THE AUTHORITY'S  
7 OWNERSHIP NO LONGER NECESSARY FOR ACCOMPLISHING THOSE PUBLIC  
8 PURPOSES; AND

9 (III) A PLAN TO DIVEST THE AUTHORITY OF OWNERSHIP OF THE  
10 FACILITY AS SOON AS ECONOMICALLY PRUDENT ONCE THOSE CONDITIONS  
11 OCCUR.

12 (b) FOR ELIGIBLE FACILITIES THAT ARE LEASED TO ANOTHER  
13 ENTITY BY THE AUTHORITY, AT THE END OF THE LEASE, ABSENT DEFAULT  
14 BY THE LESSEE, THE AUTHORITY SHALL CONVEY ITS INTEREST IN THE  
15 FACILITIES TO THE LESSEE AT A PRICE THAT REFLECTS THE CURRENT FAIR  
16 MARKET VALUE.

17 (c) ELIGIBLE FACILITIES OWNED BY THE AUTHORITY ARE SUBJECT  
18 TO THE REQUIREMENTS OF VALUATION AND TAXATION AS SET FORTH IN  
19 ARTICLES 4 AND 5 OF TITLE 39.

20 (d) NEITHER THE AUTHORITY NOR ANY ENERGY ASSETS OWNED OR  
21 CONTROLLED BY THE AUTHORITY OR ANY ELECTRIC UTILITY, OTHER THAN  
22 MUNICIPAL UTILITIES OR POWER AUTHORITIES, PURSUANT TO THIS ARTICLE  
23 42 ARE EXEMPT FROM PROPERTY TAXES.

24 (6) (a) AN ELECTRIC UTILITY THAT IS SUBJECT TO RATE  
25 REGULATION BY THE COMMISSION MAY RECOVER THE CAPITAL COST OF A  
26 PROJECT UNDERTAKEN PURSUANT TO THIS ARTICLE 42 FROM ITS RETAIL  
27 CUSTOMERS ONLY IF THE PROJECT HAS RECEIVED A CERTIFICATE OF PUBLIC

1 CONVENIENCE AND NECESSITY FROM THE COMMISSION. AN ELECTRIC  
2 UTILITY THAT IS A MUNICIPALLY OWNED UTILITY EXEMPT FROM  
3 REGULATION BY THE COMMISSION MAY RECOVER SUCH COSTS ONLY IF THE  
4 PROJECT HAS BEEN APPROVED BY THE GOVERNING BODY OF THE  
5 MUNICIPALITY. A COOPERATIVE ELECTRIC ASSOCIATION EXEMPT FROM  
6 REGULATION BY THE COMMISSION MAY RECOVER SUCH COSTS ONLY IF THE  
7 PROJECT HAS BEEN APPROVED BY THE BOARD OF DIRECTORS OF THE  
8 COOPERATIVE ELECTRIC ASSOCIATION.

9 (b) COSTS ASSOCIATED WITH A PROJECT UNDERTAKEN PURSUANT  
10 TO THIS ARTICLE 42 ARE NOT RECOVERABLE FROM RETAIL UTILITY  
11 CUSTOMERS EXCEPT TO THE EXTENT THE COSTS ARE PRUDENTLY  
12 INCURRED AND THE PROJECT IS USED AND USEFUL IN SERVING THOSE  
13 CUSTOMERS.

14 (7) THE AUTHORITY MAY SELL ANY OF ITS FACILITIES TO A  
15 COLORADO ELECTRIC UTILITY.

16 (8) THE AUTHORITY MAY PETITION THE FERC FOR A  
17 CLARIFICATION OF THE EXCLUSIVE OR CONCURRENT JURISDICTION OF THE  
18 FERC OVER ANY MATTER CONSIDERED OR ACTION TAKEN BY THE  
19 AUTHORITY UNDER THIS ARTICLE 42. THE GENERAL ASSEMBLY DECLARES  
20 ITS INTENT THAT THE AUTHORITY AND THE COMMISSION BE ABLE TO  
21 CARRY OUT THEIR POWERS AND DUTIES TO THE BROADEST EXTENT  
22 POSSIBLE, CONSISTENT WITH PRINCIPLES OF FEDERALISM, TO ACHIEVE THE  
23 GOALS AND EFFECTUATE THE PURPOSES OF THIS ARTICLE 42.

24 (9) NOTHING IN THIS SECTION WAIVES OR SUPERSEDES THE  
25 APPLICATION OF SECTION 29-20-108 OR 40-5-101 (3) TO A PROJECT  
26 PROPOSED OR DEVELOPED BY THE AUTHORITY.

27 **40-42-105. Electric transmission bonds - conditions of issuance**

1 - electric transmission bonding fund creation - auditor examination  
2 - payment from bonding fund - exemption from taxation. (1) THE  
3 AUTHORITY MAY ISSUE AND SELL ELECTRIC TRANSMISSION BONDS,  
4 PAYABLE SOLELY FROM THE ELECTRIC TRANSMISSION BONDING FUND, IN  
5 COMPLIANCE WITH THIS ARTICLE 42 FOR THE PURPOSE OF ENTERING INTO  
6 A PROJECT WHEN THE AUTHORITY DETERMINES THAT THE PROJECT IS  
7 NEEDED. THIS ARTICLE 42 IS, WITHOUT REFERENCE TO ANY OTHER LAW,  
8 FULL AUTHORITY FOR THE ISSUANCE AND SALE OF BONDS. BONDS HAVE  
9 ALL THE QUALITIES OF INVESTMENT SECURITIES UNDER THE "UNIFORM  
10 COMMERCIAL CODE", TITLE 4, AND SHALL NOT BE DEEMED INVALID FOR  
11 ANY IRREGULARITY OR DEFECT OR BE CONTESTABLE IN THE HANDS OF  
12 BONA FIDE PURCHASERS OR HOLDERS OF THE BONDS FOR VALUE.

13 (2) (a) BONDS MAY BE EXECUTED AND DELIVERED BY THE  
14 AUTHORITY AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS  
15 AND INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO  
16 OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR  
17 WITHOUT A PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER  
18 FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR  
19 SUCH CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS  
20 AND AT SUCH TIMES NOT EXCEEDING THIRTY YEARS; MAY BE PAYABLE AT  
21 SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE; MAY  
22 BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE  
23 FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS  
24 DETERMINED BY THE AUTHORITY OR ITS AGENTS, WITHOUT REGARD TO  
25 ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE  
26 STATE; MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR  
27 THE AUTHORITY; MAY BE EVIDENCED IN SUCH MANNER; MAY BE EXECUTED

1 BY SUCH OFFICERS OF THE AUTHORITY, INCLUDING THE USE OF ONE OR  
2 MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL  
3 SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER  
4 OF THE AUTHORITY OR OF AN AGENT AUTHENTICATING THE SAME; MAY BE  
5 IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST  
6 COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF  
7 THE AUTHORITY; AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT  
8 WITH THIS ARTICLE 42, ALL AS PROVIDED IN THE RESOLUTION OF THE  
9 AUTHORITY UNDER WHICH THE BONDS ARE AUTHORIZED TO BE ISSUED OR  
10 AS PROVIDED IN A TRUST INDENTURE BETWEEN THE AUTHORITY AND ANY  
11 COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST POWERS.

12 (b) (I) BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH  
13 PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED  
14 BY THE BOARD, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND  
15 COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN  
16 CONNECTION WITH THE SALE OF BONDS.

17 (II) THE BOARD MAY DELEGATE TO AN OFFICER OR AGENT OF THE  
18 BOARD THE POWER TO:

19 (A) FIX THE DATE OF SALE OF BONDS;

20 (B) RECEIVE BIDS OR PROPOSALS;

21 (C) AWARD AND SELL BONDS;

22 (D) FIX INTEREST RATES; AND

23 (E) TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER  
24 BONDS.

25 (III) THE AUTHORITY MAY REFUND ANY OUTSTANDING BONDS  
26 PURSUANT TO ARTICLE 56 OF TITLE 11.

27 (IV) ALL BONDS AND ANY INTEREST COUPONS APPLICABLE TO THE

1 BONDS ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

2 (c) BONDS ARE EXEMPT FROM TAXATION BY THE STATE AND ANY  
3 COUNTY, CITY AND COUNTY, MUNICIPALITY, OR OTHER POLITICAL  
4 SUBDIVISION OF THE STATE.

5 (d) PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), MAY  
6 INVEST PUBLIC MONEY IN BONDS SO LONG AS THE BONDS SATISFY THE  
7 INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF  
8 TITLE 24.

9 (e) NEITHER A MEMBER OF THE BOARD NOR AN EMPLOYEE OF THE  
10 AUTHORITY NOR ANY PERSON EXECUTING BONDS IS LIABLE PERSONALLY  
11 ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF  
12 THE ISSUANCE OF THE BONDS.

13 (3) (a) (I) THE ELECTRIC TRANSMISSION BONDING FUND IS  
14 CREATED IN THE AUTHORITY. THE BONDING FUND CONSISTS OF:

15 (A) REVENUE RECEIVED BY THE AUTHORITY FROM OPERATING OR  
16 LEASING ELIGIBLE FACILITIES;

17 (B) FEES AND SERVICE CHARGES COLLECTED;

18 (C) BOND PROCEEDS;

19 (D) MONEY FROM PAYMENTS OF PRINCIPAL AND INTEREST ON  
20 LOANS IF THE AUTHORITY HAS PROVIDED FINANCING FOR ELIGIBLE  
21 FACILITIES; AND

22 (E) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
23 INVESTMENT OF MONEY IN THE BONDING FUND.

24 (II) THE AUTHORITY MAY CREATE SEPARATE ACCOUNTS WITHIN  
25 THE BONDING FUND IN CONNECTION WITH ANY ISSUANCE OF BONDS AND  
26 MAY DEPOSIT IN THE SEPARATE ACCOUNTS REVENUE RECEIVED BY THE  
27 AUTHORITY FROM THE FINANCING OR LEASING OF ELIGIBLE FACILITIES.



1 ANY SEPARATE ACCOUNT SHALL BE HELD BY A TRUSTEE ACTING UNDER A  
2 TRUST INDENTURE RELATING TO THE BONDS CONNECTED TO THE  
3 ACCOUNT. INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
4 INVESTMENT OF MONEY IN A SEPARATE ACCOUNT SHALL BE CREDITED TO  
5 THE ACCOUNT.

6 (III) BALANCES IN THE BONDING FUND AT THE END OF ANY STATE  
7 FISCAL YEAR REMAIN IN THE BONDING FUND, EXCEPT AS OTHERWISE  
8 PROVIDED IN THIS SECTION.

9 (b) (I) MONEY IN THE BONDING FUND SHALL BE DEPOSITED IN A  
10 BANK DESIGNATED BY THE AUTHORITY IN AN ACCOUNT OR ACCOUNTS AS  
11 THE AUTHORITY MAY ESTABLISH. MONEY IN ACCOUNTS SHALL BE  
12 WITHDRAWN ON THE ORDER OF PERSONS THE AUTHORITY MAY AUTHORIZE.  
13 ALL DEPOSITS OF MONEY SHALL BE SECURED IN SUCH MANNER AS THE  
14 AUTHORITY MAY DETERMINE.

15 (II) ALL FUNDS AND ACTIVITIES OF THE AUTHORITY, INCLUDING ITS  
16 RECEIPTS, DISBURSEMENTS, CONTRACTS, LEASES, FUNDS, INVESTMENTS,  
17 AND ANY OTHER RECORDS AND PAPERS RELATING TO ITS FINANCIAL  
18 STANDING, ARE SUBJECT TO ANNUAL AUDIT, AT THE AUTHORITY'S  
19 EXPENSE, IN ACCORDANCE WITH SECTION 29-1-603.

20 (c) MONEY IN THE BONDING FUND IS PLEDGED FOR THE PAYMENT  
21 OF PRINCIPAL AND INTEREST ON BONDS ISSUED PURSUANT TO THIS ARTICLE  
22 42. MONEY IN ANY SEPARATE ACCOUNT MAY BE PLEDGED SOLELY TO  
23 PAYMENT OF THE BONDS FOR WHICH THE SEPARATE ACCOUNT WAS  
24 CREATED. THE AUTHORITY MAY EXPEND MONEY IN THE BONDING FUND OR  
25 A SEPARATE ACCOUNT FOR THE PURPOSE OF PAYING DEBT SERVICE,  
26 INCLUDING REDEMPTION PREMIUMS, ON BONDS AND EXPENSES INCURRED  
27 IN THE ISSUANCE, PAYMENT, AND ADMINISTRATION OF THE BONDS.

1           (4) TWICE ANNUALLY THE AUTHORITY SHALL ESTIMATE THE  
2           AMOUNTS NEEDED TO MAKE DEBT SERVICE AND OTHER PAYMENTS ON  
3           BONDS DURING THE NEXT TWELVE MONTHS FROM THE BONDING FUND AND  
4           FROM ANY SEPARATE ACCOUNT CREATED IN THE BONDING FUND PLUS THE  
5           AMOUNT THAT MAY BE NEEDED FOR ANY REQUIRED RESERVES OR OTHER  
6           REQUIREMENTS AS MAY BE SET FORTH IN THE TRUST INDENTURE RELATED  
7           TO THE BONDS. THE AUTHORITY SHALL TRANSFER TO THE ELECTRIC  
8           TRANSMISSION AUTHORITY OPERATIONAL FUND ANY BALANCE IN THE  
9           BONDING FUND OR ANY SEPARATE ACCOUNT CREATED IN THE BONDING  
10           FUND ABOVE THE ESTIMATED AMOUNTS. PAYMENTS FOR ADMINISTRATIVE  
11           COSTS SHALL BE DEPOSITED IN THE OPERATIONAL FUND.

12           (5) BONDS ARE PAYABLE SOLELY FROM THE BONDING FUND OR  
13           FROM ANY SEPARATE ACCOUNT CREATED WITHIN THE BONDING FUND OR,  
14           WITH THE APPROVAL OF THE BONDHOLDERS, SUCH OTHER SPECIAL FUNDS  
15           AS MAY BE PROVIDED BY LAW, AND THE BONDS DO NOT CREATE AN  
16           OBLIGATION OR INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF  
17           ANY CONSTITUTIONAL PROVISION OR LAW. A BREACH OF A CONTRACTUAL  
18           OBLIGATION INCURRED PURSUANT TO THIS ARTICLE 42 DOES NOT IMPOSE  
19           A PECUNIARY LIABILITY OR A CHARGE UPON THE GENERAL CREDIT OR  
20           TAXING POWER OF THE STATE.

21           (6) THE STATE PLEDGES THAT THE BONDING FUND, INCLUDING ANY  
22           SEPARATE ACCOUNT WITHIN THE BONDING FUND, SHALL BE USED ONLY  
23           FOR THE PURPOSES SPECIFIED IN THIS SECTION AND IS PLEDGED FIRST TO  
24           REPAY BONDS ISSUED PURSUANT TO THIS ARTICLE 42. THE STATE FURTHER  
25           PLEDGES THAT ANY LAW REQUIRING THE DEPOSIT OF REVENUE IN THE  
26           BONDING FUND OR AUTHORIZING EXPENDITURES FROM THE BONDING FUND  
27           SHALL NOT BE AMENDED OR REPEALED OR OTHERWISE MODIFIED SO AS TO

1 IMPAIR THE BONDS TO WHICH THE BONDING FUND IS DEDICATED AS  
2 PROVIDED IN THIS SECTION.

3 **40-42-106. Electric transmission authority operational fund -**  
4 **creation.** THE ELECTRIC TRANSMISSION AUTHORITY OPERATIONAL FUND  
5 IS CREATED IN THE AUTHORITY. THE OPERATIONAL FUND CONSISTS OF  
6 MONEY TRANSFERRED TO THE OPERATIONAL FUND PURSUANT TO SECTION  
7 40-42-105 (4), ANY OTHER MONEY THAT THE AUTHORITY MAY TRANSFER  
8 TO THE OPERATIONAL FUND, AND INTEREST AND INCOME DERIVED FROM  
9 THE DEPOSIT AND INVESTMENT OF MONEY IN THE OPERATIONAL FUND. THE  
10 AUTHORITY MAY EXPEND MONEY FROM THE OPERATIONAL FUND FOR THE  
11 PURPOSE OF CARRYING OUT THIS ARTICLE 42, AND THE AUTHORITY MAY  
12 ESTABLISH PROCEDURES TO ADMINISTER THE OPERATIONAL FUND IN  
13 ACCORDANCE WITH THIS ARTICLE 42 AND ANY OTHER APPLICABLE  
14 PROVISION OF STATE LAW.

15 **40-42-107. Labor standards - apprenticeship - supervision.**  
16 (1) THE AUTHORITY SHALL ENSURE THAT, IN ANY CONSTRUCTION OR  
17 EXPANSION OF FACILITIES UNDERTAKEN IN COLORADO PURSUANT TO THIS  
18 ARTICLE 42, ALL LABOR IS PERFORMED EITHER BY THE EMPLOYEES OF AN  
19 ELECTRIC UTILITY OR BY QUALIFIED CONTRACTORS, OR BOTH, AND THAT,  
20 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN  
21 ELECTRIC UTILITY NOT USE A CONTRACTOR UNLESS:

22 (a) THE CONTRACTOR IS CHOSEN FROM A LIST OF QUALIFIED  
23 CONTRACTORS PREPARED AND UPDATED, AT LEAST ANNUALLY, BY THE  
24 DEPARTMENT OF LABOR AND EMPLOYMENT; AND

25 (b) THE CONTRACTOR'S EMPLOYEES HAVE ACCESS TO AN  
26 APPRENTICESHIP PROGRAM REGISTERED WITH THE UNITED STATES  
27 DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP OR BY A STATE

1 APPRENTICESHIP COUNCIL RECOGNIZED BY THAT OFFICE AND MEETING THE  
2 ADDITIONAL CRITERIA SPECIFIED IN SUBSECTION (2) OF THIS SECTION;  
3 EXCEPT THAT THIS APPRENTICESHIP REQUIREMENT DOES NOT APPLY TO:

- 4 (I) THE DESIGN, PLANNING, OR ENGINEERING OF THE FACILITIES;
- 5 (II) MANAGEMENT FUNCTIONS TO OPERATE THE FACILITIES; OR
- 6 (III) ANY WORK PERFORMED IN RESPONSE TO A WARRANTY CLAIM.

7 (2) To QUALIFY PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
8 AN APPRENTICESHIP PROGRAM MUST CERTIFY TO THE ENTITY  
9 COMMISSIONING THE WORK THAT:

10 (a) ITS CURRICULUM INCLUDES REQUIREMENTS FOR COMPLETION  
11 OF:

12 (I) AT LEAST SEVEN THOUSAND HOURS OF ON-THE-JOB TRAINING  
13 TO ACHIEVE JOURNEYMEN LINEMAN STATUS, WITH AT LEAST SIX HUNDRED  
14 FIFTY OF THOSE HOURS SPENT WORKING ON ENERGIZED POWER LINES AT  
15 VOLTAGES OF AT LEAST SIX HUNDRED VOLTS; AND

16 (II) A CLASS IN ELECTRIC TRANSMISSION AND DISTRIBUTION  
17 OFFERED BY THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH  
18 ADMINISTRATION AND COMPRISING CONTENT SUBSTANTIALLY  
19 EQUIVALENT TO THAT OF THE "OSHA 10" CLASS OFFERED DURING  
20 CALENDAR YEAR 2021; AND

21 (b) SUPERVISION OF APPRENTICES MEETS THE FOLLOWING  
22 STANDARDS:

23 (I) APPRENTICES MUST WORK UNDER THE SUPERVISION OF A  
24 JOURNEYMAN LINEMAN AT ALL TIMES;

25 (II) THE RATIO OF APPRENTICES TO JOURNEYMAN LINEMEN DOES  
26 NOT EXCEED FOUR TO ONE WHEN WORKING ON A TRANSMISSION LINE OR  
27 OTHER EQUIPMENT THAT IS NOT ENERGIZED; AND

1           (III) THE RATIO OF APPRENTICES TO JOURNEYMAN LINEMEN DOES  
2 NOT EXCEED TWO TO ONE WHEN WORKING ON A TRANSMISSION LINE OR  
3 OTHER EQUIPMENT THAT IS ENERGIZED.

4           (3) THE REQUEST FOR PROPOSAL FOR ANY CONTRACT WORK ON  
5 FACILITIES SUBJECT TO THIS SECTION MUST BE SUBMITTED TO THE LIST OF  
6 QUALIFIED CONTRACTORS DESCRIBED IN SUBSECTION (1)(a) OF THIS  
7 SECTION FOR AT LEAST SIXTY DAYS. IF NONE OF THE CONTRACTORS ON THE  
8 LIST SUBMITS A QUALIFYING BID WITHIN SIXTY DAYS, THEN THE ENTITY  
9 PROCURING THE WORK MAY SOLICIT BIDS FROM CONTRACTORS WHO ARE  
10 NOT ON THE LIST BUT OTHERWISE QUALIFY UNDER THE TERMS OF THE  
11 REQUEST FOR PROPOSAL SO LONG AS THOSE TERMS INCLUDE COMPLIANCE  
12 WITH ALL APPLICABLE LAWS AND REGULATIONS RELATED TO SAFETY.

13           **40-42-108. Report to general assembly.** COMMENCING IN 2022,  
14 THE AUTHORITY SHALL SUBMIT A REPORT OF ITS ACTIVITIES TO THE  
15 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF  
16 REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY COMMITTEE  
17 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, NOT LATER THAN  
18 DECEMBER 1 OF EACH YEAR. THE REPORT SHALL SET FORTH A COMPLETE  
19 OPERATING AND FINANCIAL STATEMENT COVERING THE OPERATIONS OF  
20 THE AUTHORITY FOR THE PREVIOUS STATE FISCAL YEAR.  
21 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO  
22 SUBMIT THE REPORT CONTINUES INDEFINITELY.

23           **SECTION 5.** In Colorado Revised Statutes, **add 2-3-126 as**  
24 follows:

25           **2-3-126. Performance audits of Colorado electric transmission**  
26 **authority.** AT THE DISCRETION OF THE LEGISLATIVE AUDIT COMMITTEE,  
27 THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE CONDUCTED A

1 PERFORMANCE AUDIT OF THE COLORADO ELECTRIC TRANSMISSION  
2 AUTHORITY CREATED IN ARTICLE 42 OF TITLE 40. THE STATE AUDITOR  
3 SHALL PREPARE A REPORT AND RECOMMENDATIONS ON EACH AUDIT  
4 CONDUCTED AND SHALL PRESENT THE REPORT AND RECOMMENDATIONS  
5 TO THE COMMITTEE. THE STATE AUDITOR SHALL PAY THE COSTS OF ANY  
6 AUDIT CONDUCTED PURSUANT TO THIS SECTION.

7 **SECTION 6.** In Colorado Revised Statutes, 24-65.1-501, **add**  
8 **(2)(d)** as follows:

9 **24-65.1-501. Permit for development in area of state interest**  
10 **or to conduct an activity of state interest required.** (2) (d) IF THE  
11 DEVELOPMENT OR ACTIVITY INVOLVES THE CONSTRUCTION OR EXPANSION  
12 OF TRANSMISSION FACILITIES FOR WHICH THE APPLICANT HAS SOUGHT A  
13 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM THE PUBLIC  
14 UTILITIES COMMISSION PURSUANT TO SECTION 40-2-126, THE LOCAL  
15 GOVERNMENT SHALL APPROVE OR DENY ISSUANCE OF THE PERMIT WITHIN  
16 ONE HUNDRED EIGHTY DAYS AFTER THE APPLICATION IS DEEMED  
17 COMPLETE AND PUBLIC NOTICE OF THE APPLICATION IS GIVEN. IF THE  
18 LOCAL GOVERNMENT DOES NOT DENY ISSUANCE OF THE PERMIT WITHIN  
19 THAT PERIOD, THE APPLICATION IS DEEMED APPROVED.

20 **SECTION 7.** In Colorado Revised Statutes, 24-77-102, **amend**  
21 **the introductory portion; and add (15)(b)(XIX)** as follows:

22 **24-77-102. Definitions.** As used in this ~~article~~ ARTICLE 77, unless  
23 the context otherwise requires:

24 (15) (b) "Special purpose authority" includes, but is not limited to:  
25 (XIX) THE COLORADO ELECTRIC TRANSMISSION AUTHORITY  
26 CREATED IN SECTION 40-42-103 (1).

27 **SECTION 8.** In Colorado Revised Statutes, 38-1-202, **amend**

1 (1)(f) introductory portion, (1)(f)(XXXIX), and (1)(f)(XL); and add  
2 (1)(f)(XLI) as follows:

3 **38-1-202. Governmental entities, corporations, and persons**  
4 **authorized to use eminent domain.** (1) The following governmental  
5 entities, types of governmental entities, and public corporations, in  
6 accordance with all procedural and other requirements specified in this  
7 article 1 and articles 2 to 7 of this title 38 and to the extent and within any  
8 time frame specified in the applicable authorizing statute, may exercise  
9 the power of eminent domain:

10 (f) The following types of single purpose districts, special  
11 districts, authorities, boards, commissions, and other governmental  
12 entities that serve limited governmental purposes or that may exercise  
13 eminent domain for limited purposes: ~~on behalf of a county, city and~~  
14 county, city, or town:

15 (XXXIX) A regional transportation authority created pursuant to  
16 section 43-4-603 C.R.S., as authorized in section 43-4-604 (1)(a)(IV);  
17 C.R.S.; and

18 (XL) The Colorado aeronautical board created in section  
19 43-10-104 C.R.S., as authorized in section 43-10-106 (1); C.R.S. AND

20 (XLI) THE COLORADO ELECTRIC TRANSMISSION AUTHORITY  
21 CREATED IN SECTION 40-42-103 (1) AS AUTHORIZED IN SECTION 40-42-104  
22 (1)(q).

23 **SECTION 9.** In Colorado Revised Statutes, 38-5-104, amend (1)  
24 as follows:

25 **38-5-104. Right-of-way across private lands.** (1) Such A  
26 telegraph, telephone, electric light, power, gas, or pipeline company, AN  
27 ELECTRIC TRANSMISSION AUTHORITY, or ~~such~~ A city or town shall be IS

1 entitled to the right-of-way over or under the land, property, privileges,  
2 rights-of-way, and easements of other persons and corporations and to the  
3 right to erect its poles, wires, pipes, regulator stations, substations,  
4 systems, and offices upon making just compensation therefor in the  
5 manner provided by law. WHEN A RIGHT-OF-WAY IS TAKEN UNDER THIS  
6 SECTION FOR AN INTERSTATE ELECTRIC TRANSMISSION LINE, THE COURT  
7 SHALLEVALUATE PUBLIC PURPOSE IN LIGHT OF THE TRANSMISSION SYSTEM  
8 AS A WHOLE, INCLUDING PUBLIC USE AND BENEFITS OCCURRING EITHER  
9 WITHIN COLORADO OR AT A REGIONAL LEVEL. The rights granted by this  
10 section and section 38-5-105 to such electric light, power, gas, or pipeline  
11 companies or to such cities and towns shall not extend to the taking of  
12 any portion of the right-of-way of a railroad company, except to the  
13 extent of acquiring any necessary easement to cross the same or to serve  
14 such railroad company with electric light, power, or gas service. The  
15 rights granted by this section and section 38-5-105 to telegraph or  
16 telephone companies shall not extend to the taking of any portion of the  
17 right-of-way of a railroad company, except to the extent of acquiring any  
18 easement which does not materially interfere with the existing use by the  
19 railroad company, or except to the extent of acquiring any necessary  
20 easement to cross the same or to serve such railroad company with  
21 telegraph or telephone service.

22 **SECTION 10.** In Colorado Revised Statutes, 40-2-114, **amend**  
23 (2) as follows:

24 **40-2-114. Disposition of fees collected - telecommunications**  
25 **utility fund - fixed utility fund.** (2) (a) ~~Moneys~~ MONEY in the funds  
26 created in subsection (1) of this section shall be expended only to defray  
27 the full amount determined by the general assembly for:



1           (I) The administrative expenses of the commission for the  
2 supervision and regulation of the public utilities paying the fees; and for

3           (II) The financing of the office of consumer counsel created in  
4 article 6.5 of this title TITLE 40; AND

5           (III) WITH REGARD ONLY TO EXPENDITURES FROM THE PUBLIC  
6 UTILITIES COMMISSION FIXED UTILITY FUND CREATED IN SUBSECTION  
7 (1)(b) OF THIS SECTION, THE ADMINISTRATIVE EXPENSES, NOT TO EXCEED  
8 FIVE HUNDRED THOUSAND DOLLARS ANNUALLY, INCURRED BY THE  
9 COLORADO ELECTRIC TRANSMISSION AUTHORITY IN CARRYING OUT ITS  
10 DUTIES UNDER ARTICLE 42 OF THIS TITLE 40. THE COLORADO ELECTRIC  
11 TRANSMISSION AUTHORITY SHALL REMIT TO THE FIXED UTILITY FUND ANY  
12 AMOUNTS IT RECEIVES IN EXCESS OF ITS ACTUAL ADMINISTRATIVE  
13 EXPENSES PLUS A FIFTEEN PERCENT RESERVE MARGIN.

14           (b) The state treasurer shall retain any unexpended balance  
15 remaining in either fund at the end of any fiscal year to defray the  
16 administrative expenses of the commission during subsequent fiscal  
17 years, and the executive director of the department of revenue shall take  
18 any such unexpended balance into account when computing the  
19 percentage upon which fees for the ensuing fiscal year will be based.

20           **SECTION 11. Applicability.** This act applies to conduct  
21 occurring on or after the effective date of this act.

22           **SECTION 12. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.