

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Richardson

1 Amend the Finance Committee Report, dated April 30, 2026, strike page
2 1.

3 Page 2 of the report, strike lines 1 through 35 and substitute:

4 "Amend printed bill, page 5, before line 1 insert:

5 **"SECTION 1. Legislative declaration.** (1) The general
6 assembly finds and declares that:

7 (a) Projects built by public utilities fulfill an essential public need,
8 supporting the health, safety, economic prosperity, and welfare of
9 Coloradans by ensuring access to electricity, gas, water, and
10 telecommunications services;

11 (b) Individual property rights are fundamental to our constitutional
12 order, protected by the fifth amendment of the United States constitution
13 and section 15 of article II of the state constitution, which states that
14 "[p]rivate property shall not be taken or damaged, for public or private
15 use, without just compensation";

16 (c) These constitutional provisions prohibit the taking of private
17 property for speculative or undefined public uses, ensuring that
18 condemnations are necessary, justified, and executed with due process;

19 (d) Under Colorado law, investor-owned electric utilities that hold
20 a certificate of public convenience and necessity issued by the public
21 utilities commission may initiate condemnation proceedings prior to
22 obtaining all required local government land use permits and approvals,
23 which creates circumstances in which private property is condemned
24 without certainty that the property is necessary for a final, approved
25 project;

26 (e) Speculative acquisitions of property via condemnation
27 undermine constitutional protections, burden landowners, and erode
28 public trust in both government and utility providers; and

29 (f) Local governments exercise their land use powers to regulate
30 development in harmony with local needs, environmental stewardship,
31 and community priorities. Preserving these powers ensures that
32 investor-owned electric utility projects are implemented with full
33 consideration of local impacts while serving statewide and regional public
34 needs.

35 (2) Therefore, it is the intent of the general assembly to protect
36 private property rights, uphold constitutional takings standards, and
37 reinforce local government land use authority by clarifying that no
38 condemnation action taken by an investor-owned electric utility may
39 occur until final approval of the project, including local government

1 authorization, has been granted."

2 Renumber succeeding sections accordingly.

3 Page 7 of the bill, after line 4 insert:

4 "SECTION 6. In Colorado Revised Statutes, **add** 40-5-101.3 as
5 follows:

6 **40-5-101.3. Construction of electric transmission**
7 **infrastructure - certificate of public convenience and necessity -**
8 **eminent domain - approval by local government - definitions.**

9 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "INVESTOR-OWNED ELECTRIC UTILITY" OR "UTILITY" MEANS AN
12 INVESTOR-OWNED UTILITY THAT PROVIDES RETAIL ELECTRIC SERVICE AND
13 IS REGULATED BY THE COMMISSION.

14 (b) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR
15 STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND
16 COUNTY.

17 (c) "TRANSMISSION INFRASTRUCTURE" MEANS HIGH-VOLTAGE
18 TRANSMISSION INFRASTRUCTURE THAT EXCEEDS ONE HUNDRED
19 KILOVOLTS AND IS OWNED AND OPERATED BY AN INVESTOR-OWNED
20 ELECTRIC UTILITY.

21 (2) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
22 ISSUED BY THE COMMISSION PURSUANT TO THIS ARTICLE 5 DOES NOT
23 CONFER THE POWER OF EMINENT DOMAIN UPON AN INVESTOR-OWNED
24 ELECTRIC UTILITY UNLESS AND UNTIL:

25 (a) ALL LOCAL GOVERNMENT LAND USE PERMITS AND APPROVALS
26 REQUIRED FOR THE TRANSMISSION INFRASTRUCTURE HAVE BEEN ISSUED
27 BY THE RELEVANT ENTITIES OF THE LOCAL GOVERNMENT WHERE THE
28 TRANSMISSION INFRASTRUCTURE WILL BE LOCATED; AND

29 (b) ANY TAKING OR DAMAGING OF PRIVATE PROPERTY FOR THE
30 TRANSMISSION INFRASTRUCTURE IS CONDUCTED CONSISTENT WITH
31 SECTION 15 OF ARTICLE II OF THE STATE CONSTITUTION TO ENSURE JUST
32 COMPENSATION AND PROHIBIT SPECULATIVE TAKING OF PRIVATE
33 PROPERTY.

34 (3) (a) AN INVESTOR-OWNED ELECTRIC UTILITY THAT HAS
35 RECEIVED A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM
36 THE COMMISSION FOR TRANSMISSION INFRASTRUCTURE SHALL NOT
37 INITIATE CONDEMNATION PROCEEDINGS FOR ANY PROPERTY RELATED TO
38 THE INFRASTRUCTURE UNLESS AND UNTIL THE INVESTOR-OWNED ELECTRIC
39 UTILITY OBTAINS:

40 (I) ALL LOCAL GOVERNMENT LAND USE PERMITS AND APPROVALS
41 ISSUED BY THE LOCAL GOVERNMENT WHERE THE TRANSMISSION

1 INFRASTRUCTURE WILL BE LOCATED; AND
2 (II) CONFIRMATION OF THE FINAL APPROVED PROJECT DESIGN
3 FROM THE LOCAL GOVERNMENT SUCH THAT THE SPECIFIC PROPERTY
4 REQUIRED FOR THE TRANSMISSION INFRASTRUCTURE IS IDENTIFIED AND
5 ANY TAKING OR DAMAGING OF PRIVATE PROPERTY REQUIRED FOR THE
6 TRANSMISSION INFRASTRUCTURE IS CONDUCTED CONSISTENT WITH
7 SECTION 15 OF ARTICLE II OF THE STATE CONSTITUTION.

8 (b) IF THE TRANSMISSION INFRASTRUCTURE WILL BE LOCATED
9 WITHIN THE JURISDICTION OF MULTIPLE LOCAL GOVERNMENTS, THE
10 INVESTOR-OWNED ELECTRIC UTILITY SHALL MEET THE REQUIREMENTS OF
11 SUBSECTION (2) OF THIS SECTION AND THIS SUBSECTION (3) FOR EACH
12 SPECIFIC LOCAL GOVERNMENT JURISDICTION WHERE THE TRANSMISSION
13 INFRASTRUCTURE WILL BE LOCATED BEFORE INITIATING A CONDEMNATION
14 PROCEEDING RELATED TO THE TRANSMISSION INFRASTRUCTURE WITHIN A
15 SPECIFIC LOCAL GOVERNMENT JURISDICTION THAT HAS NOT YET APPROVED
16 THE TRANSMISSION INFRASTRUCTURE.

17 (4) THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND
18 NECESSITY BY THE COMMISSION PURSUANT TO THIS ARTICLE 5 DOES NOT
19 RELIEVE AN INVESTOR-OWNED ELECTRIC UTILITY FROM THE UTILITY'S
20 OBLIGATION TO OBTAIN ALL NECESSARY LOCAL GOVERNMENT LAND USE
21 PERMITS AND APPROVALS PRIOR TO EXERCISING THE UTILITY'S EMINENT
22 DOMAIN AUTHORITY.

23 (5) THIS SECTION SHALL NOT IMPACT OR DELAY EXISTING
24 APPLICATION REVIEW PROCESSES OR TIMELINES ESTABLISHED BY THE
25 COMMISSION OR A RELEVANT LOCAL GOVERNMENT."

26 Renumber succeeding sections accordingly.

27 Page 16 of the bill, line 17, after "(5)(b.5)" insert "and (8)".

28 Page 17 of the bill, after line 25 insert:

29 "(8) (a) THIS SECTION DOES NOT APPLY TO LOCAL GOVERNMENT
30 LAND USE PERMITS AND APPROVALS REQUIRED FOR INVESTOR-OWNED
31 ELECTRIC UTILITIES' TRANSMISSION INFRASTRUCTURE, AS GOVERNED BY
32 SECTION 40-5-101.3.

33 (b) AS USED IN THIS SUBSECTION (8):

34 (I) "INVESTOR-OWNED ELECTRIC UTILITY" HAS THE MEANING SET
35 FORTH IN SECTION 40-5-101.3 (1)(a).

36 (II) "TRANSMISSION INFRASTRUCTURE" HAS THE MEANING SET
37 FORTH IN SECTION 40-5-101.3 (1)(c).".

** *** ** *** **