

CHAPTER 335

PUBLIC UTILITIES

SENATE BILL 00-197

BY SENATORS Wattenberg, Blickensderfer, Congrove, Musgrave, Chlouber, and Tebedo;
also REPRESENTATIVES George, Hoppe, King, McElhany, McKay, Spradley, Zimmerman, Mace, and Stengel.

AN ACT

CONCERNING DECISIONS MADE BY GOVERNMENTAL ENTITIES REGARDING APPLICATIONS BY PUBLIC UTILITIES FOR THE SITING OF MAJOR PUBLIC SERVICE FACILITIES.

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

SECTION 1. Part 1 of article 20 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

29-20-108. Local government regulation - location, construction, or improvement of major electrical or natural gas facilities - legislative declaration. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE LOCATION, CONSTRUCTION, AND IMPROVEMENT OF MAJOR ELECTRICAL AND NATURAL GAS FACILITIES ARE MATTERS OF STATEWIDE CONCERN. THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT:

(a) A RELIABLE SUPPLY OF ELECTRIC POWER AND NATURAL GAS STATEWIDE IS OF VITAL IMPORTANCE TO THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF COLORADO;

(b) ELECTRIC POWER IS TRANSMITTED BY MEANS OF AN INTERCONNECTED GRID SYSTEM SERVING EVERY AREA OF THE STATE, AND NATURAL GAS IS CARRIED THROUGH A SERIES OF INTERCONNECTED PIPELINES STATEWIDE;

(c) IMPACTS ON THE ELECTRIC GRID SYSTEM OR NATURAL GAS PIPELINES IN ONE AREA OF THE STATE MAY HAVE IMPACTS ON OTHER AREAS OF THE STATE; AND

(d) IT IS CRITICAL THAT PUBLIC UTILITIES THAT SUPPLY ELECTRIC OR NATURAL GAS SERVICE MAINTAIN THE ABILITY TO MEET THE DEMANDS FOR SUCH SERVICE AS GROWTH CONTINUES TO OCCUR STATEWIDE.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) LOCAL GOVERNMENT LAND USE REGULATIONS SHALL REQUIRE FINAL LOCAL GOVERNMENT ACTION ON ANY APPLICATION OF A PUBLIC UTILITY PROVIDING ELECTRIC OR NATURAL GAS SERVICE THAT RELATES TO THE LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR ELECTRICAL OR NATURAL GAS FACILITIES WITHIN ONE HUNDRED TWENTY DAYS AFTER SUCH UTILITY'S SUBMISSION OF A PRELIMINARY APPLICATION, IF A PRELIMINARY APPLICATION IS REQUIRED BY THE LOCAL GOVERNMENT'S LAND USE REGULATIONS, OR WITHIN NINETY DAYS AFTER SUBMISSION OF A FINAL APPLICATION. IF THE LOCAL GOVERNMENT DOES NOT TAKE FINAL ACTION WITHIN SUCH TIME, THE APPLICATION SHALL BE DEEMED APPROVED. NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO SUPERSEDE ANY TIMELINE SET BY AGREEMENT BETWEEN A LOCAL GOVERNMENT AND A PUBLIC UTILITY APPLYING FOR LOCAL GOVERNMENT APPROVAL OF LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR FACILITIES AS DEFINED IN SUBSECTION (3) OF THIS SECTION.

(3) AS USED IN THIS SECTION, "MAJOR ELECTRICAL OR NATURAL GAS FACILITIES" INCLUDES ONE OR MORE OF THE FOLLOWING:

- (a) ELECTRICAL GENERATING FACILITIES;
- (b) SUBSTATIONS USED FOR SWITCHING, REGULATING, TRANSFORMING, OR OTHERWISE MODIFYING THE CHARACTERISTICS OF ELECTRICITY;
- (c) TRANSMISSION LINES OPERATED AT A NOMINAL VOLTAGE OF SIXTY-NINE THOUSAND VOLTS OR ABOVE;
- (d) STRUCTURES AND EQUIPMENT ASSOCIATED WITH SUCH ELECTRICAL GENERATING FACILITIES, SUBSTATIONS, OR TRANSMISSION LINES; OR
- (e) STRUCTURES AND EQUIPMENT UTILIZED FOR THE LOCAL DISTRIBUTION OF NATURAL GAS SERVICE INCLUDING, BUT NOT LIMITED TO, COMPRESSORS, GAS MAINS, AND GAS LATERALS.

SECTION 2. Effective date. This act shall take effect July 1, 2000.

SECTION 3. 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.

Approved: June 1, 2000