

CHAPTER 85

GOVERNMENT - LOCAL

SENATE BILL 05-160

BY SENATOR(S) Takis;
also REPRESENTATIVE(S) McFadyen, Berens, and Hall.

AN ACT

CONCERNING PROCEDURES GOVERNING THE REVIEW BY LOCAL GOVERNMENTS OF APPLICATIONS BY UTILITY PROVIDERS FOR THE SITING OF MAJOR UTILITY FACILITIES.

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

SECTION 1. 29-20-108 (2), Colorado Revised Statutes, is amended to read:

29-20-108. Local government regulation - location, construction, or improvement of major electrical or natural gas facilities - legislative declaration. (2) Local government land use regulations shall require final local government action on any application of a public utility or a power authority 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~~ THE utility's or authority'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. WITHIN TWENTY-EIGHT DAYS OF THE SUBMISSION BY A UTILITY OR AUTHORITY OF AN APPLICATION PURSUANT TO THIS SUBSECTION (2), THE LOCAL GOVERNMENT SHALL NOTIFY THE UTILITY OR AUTHORITY OF ANY ADDITIONAL INFORMATION THAT MUST BE SUPPLIED BY THE UTILITY OR AUTHORITY TO COMPLETE THE APPLICATION. THE NOTICE SHALL SPECIFY THE PARTICULAR PROVISIONS OF THE LOCAL GOVERNMENT'S LAND USE REGULATIONS THAT NECESSITATE SUBMISSION OF THE REQUIRED INFORMATION. THE ONE HUNDRED TWENTY- OR NINETY-DAY PERIOD, AS APPLICABLE, DURING WHICH THE LOCAL GOVERNMENT IS TO TAKE ACTION ON AN APPLICATION SHALL COMMENCE ON THE DATE THAT THE UTILITY OR AUTHORITY PROVIDES THE REQUESTED INFORMATION TO THE LOCAL GOVERNMENT IN RESPONSE TO THE NOTICE REQUIRED BY THIS SUBSECTION (2). IF THE LOCAL GOVERNMENT DOES NOT NOTIFY THE UTILITY OR AUTHORITY WITHIN TWENTY-EIGHT DAYS THAT ADDITIONAL

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

INFORMATION IS REQUIRED TO COMPLETE THE APPLICATION, THE ONE HUNDRED TWENTY- OR NINETY-DAY PERIOD, AS APPLICABLE, SHALL COMMENCE ON THE DATE OF THE SUBMISSION BY THE UTILITY OR AUTHORITY OF ITS APPLICATION, AND ANY REQUEST BY A LOCAL GOVERNMENT FOR ADDITIONAL INFORMATION AFTER THE COMPLETION OF THE TWENTY-EIGHT-DAY PERIOD SHALL NOT EXTEND THE APPLICABLE DEADLINE FOR FINAL LOCAL GOVERNMENT ACTION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (2). Nothing in this subsection (2) shall be construed to supersede any timeline set by agreement between a local government and a public utility or power authority applying for local government approval of location, construction, or improvement of major ELECTRICAL OR NATURAL GAS facilities as defined in subsection (3) of this section.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to applications of a public utility or a power authority relating to the location, construction, or improvement of major electrical or natural gas facilities submitted on or after the applicable effective date of this act.

Approved: April 14, 2005