

CHAPTER 93

PUBLIC UTILITIES

HOUSE BILL 05-1291

BY REPRESENTATIVE(S) Butcher, Buescher, Gallegos, McFadyen, McKinley, Ragsdale, Coleman, Curry, Madden, and Marshall;
also SENATOR(S) Isgar, Entz, Taylor, and Teck.

AN ACT

CONCERNING THE REQUIREMENT THAT SIGNATURES ON PETITIONS SEEKING TO REIMPOSE PUBLIC UTILITY COMMISSION REGULATION OVER COOPERATIVE ELECTRIC ASSOCIATIONS BE COLLECTED FROM MEMBER-CONSUMERS WITHIN A SPECIFIED PERIOD.

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

SECTION 1. 40-9.5-113, Colorado Revised Statutes, is amended to read:

40-9.5-113. Method of reimposing public utilities commission regulation.

Any cooperative electric association may vote no more than once a year to place said association under the regulation of the public utilities commission, as provided in the "Public Utilities Law", articles 1 to 7 of this title. Said question shall only be submitted to the ~~members and consumers~~ MEMBER-CONSUMERS of a ~~cooperative electric~~ THE association if at least five percent of the ~~members and consumers~~ MEMBER-CONSUMERS of the association sign a petition requesting such an election AND IF SUCH SIGNATURES ARE GATHERED WITHIN A SIX-MONTH PERIOD IMMEDIATELY PRECEDING THE SUBMISSION OF THE PETITION TO THE ASSOCIATION'S BOARD OF DIRECTORS. NO PETITION CIRCULATED PURSUANT TO THIS SECTION SHALL BE VALID UNLESS THE PETITION SPONSOR NOTIFIES THE BOARD IN WRITING PRIOR TO CIRCULATION FOR SIGNATURES. Such petition shall be submitted to, and signatures certified by, the ~~association's board of directors~~ at a regular scheduled meeting. SUCH CERTIFICATION SHALL INCLUDE A DETERMINATION AS TO WHETHER THE SIGNATURES ON THE PETITION WERE GATHERED WITHIN A SIX-MONTH PERIOD IMMEDIATELY PRECEDING THE SUBMISSION OF THE PETITION TO THE BOARD. After the petition has been certified by the board, the ~~public utilities~~ commission shall conduct an election within forty-five days on the question. If a majority of the persons voting at the election vote in favor of placing their association under ~~public utilities~~ commission regulation, the commission shall reassert its regulation upon determination of the

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

election results.

SECTION 2. 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: April 20, 2005