

CHAPTER 44

LABOR AND INDUSTRY

SENATE BILL 07-039

BY SENATOR(S) Brophy, and Schultheis;
also REPRESENTATIVE(S) Gardner C., Butcher, Lambert, Loooper, McFadyen, Rose, and Sonnenberg.

AN ACT

CONCERNING DUE PROCESS RIGHTS OF AFFECTED LANDOWNERS RELATING TO THE SALVAGE OF GAS TRANSMISSION LINES.

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

SECTION 1. Article 1.5 of title 9, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

9-1.5-107. Notice of removal of underground facilities. AT LEAST TEN DAYS BEFORE BEGINNING AN EXCAVATION TO REMOVE AN UNDERGROUND FACILITY THAT IS A GAS TRANSMISSION PIPELINE THAT HAS BEEN ABANDONED OR IS UNUSED AND IS NOT LOCATED IN A PUBLIC ROAD, STREET, ALLEY, OR RIGHT-OF-WAY DEDICATED TO PUBLIC USE, THE EXCAVATOR SHALL NOTIFY EACH OWNER OF RECORD AND OCCUPANT OF THE REAL PROPERTY WHERE SUCH UNDERGROUND FACILITY IS LOCATED. THE NOTICE SHALL STATE THE COMMENCEMENT, EXTENT, AND DURATION OF THE EXCAVATION IN ADDITION TO THE INFORMATION REQUIRED BY SECTION 9-1.5-103 (3) (c) AND SHALL BE SERVED IN THE SAME MANNER AS PERSONAL SERVICE UNDER THE COLORADO RULES OF CIVIL PROCEDURE; EXCEPT THAT, IF SUCH PERSONAL SERVICE CANNOT BE MADE THROUGH THE USE OF DUE DILIGENCE, NOTICE MAY BE SERVED BY MAIL TO THE OWNER'S OR OCCUPANT'S LAST-KNOWN ADDRESS. IF A VALID MAILING ADDRESS IS NOT AVAILABLE THROUGH THE USE OF DUE DILIGENCE, NOTICE MAY BE MADE BY PUBLICATION IN A NEWSPAPER PUBLISHED IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED. FOR PURPOSES OF THIS SECTION, AN UNDERGROUND FACILITY IS NOT CONSIDERED ABANDONED OR UNUSED IF IT IS IN OPERATION FOR ITS INTENDED PURPOSE OR IS BEING ACTIVELY MAINTAINED WITH REASONABLE ANTICIPATION OF A FUTURE USE.

SECTION 2. Effective date. 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

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

general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); 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.

Approved: March 22, 2007