

CHAPTER 82

GOVERNMENT - STATE

HOUSE BILL 14-1129

BY REPRESENTATIVE(S) Lebsack, Wright, Exum, Fields, Schafer;
also SENATOR(S) Hodge, Nicholson.

AN ACT

CONCERNING THE SUBMISSION BY A STATE AGENCY TO A LOCAL GOVERNMENT OF INFORMATION RELATED TO AN APPLICATION TO THE LOCAL GOVERNMENT TO APPROVE A MAJOR UTILITY FACILITY.

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

SECTION 1. In Colorado Revised Statutes, 29-20-108, **amend** (2) as follows:

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~~ **MUST** 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 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~~ **is** 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~~ **MUST** 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~~ **COMMENCES** 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 information is required to complete 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.

application, the one hundred twenty- or ninety-day period, as applicable, ~~shall commence~~ COMMENCES 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~~ DOES not extend the applicable deadline for final local government action in accordance with the requirements of this subsection (2). A LOCAL GOVERNMENT MAY REQUEST ADDITIONAL INFORMATION FROM A STATE AGENCY, AND THE STATE AGENCY SHALL SUBMIT THE ADDITIONAL INFORMATION WITHIN THE INITIAL TWENTY-EIGHT-DAY PERIOD IF THE REQUEST IS MADE WITHIN A REASONABLE AMOUNT OF TIME. IN NO EVENT SHALL A REQUEST FOR ADDITIONAL INFORMATION, OR A FAILURE BY A STATE AGENCY TO PROVIDE THE ADDITIONAL INFORMATION REQUESTED, EXTEND ANY DEADLINE FOR LOCAL GOVERNMENT ACTION OR NOTIFICATION AS SET FORTH IN THIS SECTION. Nothing in this subsection (2) shall be construed to supersede any timeline set by agreement between a local government and a utility or 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. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 27, 2014