

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 05-0786.01 Esther van Mourik

HOUSE BILL 05-1291

HOUSE SPONSORSHIP

Butcher, Buescher, Gallegos, McFadyen, McKinley, and Ragsdale

SENATE SPONSORSHIP

Isgar,

House Committees

Transportation & Energy

Senate Committees

Agriculture, Natural Resources & Energy

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires that signatures on petitions seeking to reimpose public utility commission regulation over cooperative electric associations be collected from member-consumers within a specified period.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 30, 2005

SENATE
Amended 2nd Reading
March 29, 2005

HOUSE
3rd Reading Unamended
March 2, 2005

HOUSE
2nd Reading Unamended
February 28, 2005

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

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

4 **40-9.5-113. Method of reimposing public utilities commission**
5 **regulation.** Any cooperative electric association may vote no more than
6 once a year to place said association under the regulation of the public
7 utilities commission, as provided in the "Public Utilities Law", articles 1
8 to 7 of this title. Said question shall only be submitted to the ~~members~~
9 ~~and consumers~~ MEMBER-CONSUMERS of a ~~cooperative electric~~ THE
10 association if at least five percent of the ~~members and consumers~~
11 MEMBER-CONSUMERS of the association sign a petition requesting such an
12 election AND IF SUCH SIGNATURES ARE GATHERED WITHIN A SIX-MONTH
13 PERIOD IMMEDIATELY PRECEDING THE SUBMISSION OF THE PETITION TO
14 THE ASSOCIATION'S BOARD OF DIRECTORS. NO PETITION CIRCULATED
15 PURSUANT TO THIS SECTION SHALL BE VALID UNLESS THE PETITION
16 SPONSOR NOTIFIES THE BOARD IN WRITING PRIOR TO CIRCULATION FOR
17 SIGNATURES. Such petition shall be submitted to, and signatures certified
18 by, the ~~association's board of directors~~ at a regular scheduled meeting.
19 SUCH CERTIFICATION SHALL INCLUDE A DETERMINATION AS TO WHETHER
20 THE SIGNATURES ON THE PETITION WERE GATHERED WITHIN A SIX-MONTH
21 PERIOD IMMEDIATELY PRECEDING THE SUBMISSION OF THE PETITION TO
22 THE BOARD. After the petition has been certified by the board, the ~~public~~
23 ~~utilities~~ commission shall conduct an election within forty-five days on
24 the question. If a majority of the persons voting at the election vote in
25 favor of placing their association under ~~public utilities~~ commission
26 regulation, the commission shall reassert its regulation upon

1 determination of the election results.

2 **SECTION 2. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.