

SB072_L.007

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.

SB21-072 be amended as follows:

1 Amend proposed committee amendment (SB072_L.002), page 5, after
2 line 30 insert:

3 "(13) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR
4 STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND
5 COUNTY."

6 Renumber succeeding subsections accordingly.

7 Page 7, line 36, after "USE," insert "OWN IN WHOLE OR IN PART, LEASE,
8 RENT,".

9 Page 7, after line 44 insert:

10 "(I) CONTRACTS TO PURCHASE AND DISPOSE OF ELIGIBLE
11 FACILITIES;"

12 Renumber succeeding subparagraphs accordingly.

13 Page 8, line 19, strike "STATE;" and substitute "STATE, SUBJECT TO SITING
14 AND LAND USE APPROVAL BY THE LOCAL GOVERNMENT WITH SITING AND
15 LAND USE AUTHORITY PURSUANT TO ARTICLE 65.1 OF TITLE 24;"

16 Page 8, strike lines 38 and 39 and substitute "PROPERTY OR
17 RIGHTS-OF-WAY, EXCEPT PROPERTY OR RIGHTS-OF-WAY OWNED BY A
18 LOCAL GOVERNMENT, IF NEEDED FOR PROJECTS AND IF THE COMMISSION
19 DETERMINES THAT THE ACQUISITION DOES NOT INVOLVE A TAKING"

20 Page 11, strike lines 4 through 19 and substitute:

21 "(5) (a) OWNERSHIP OF ELIGIBLE FACILITIES BY THE AUTHORITY
22 MAY NOT EXCEED THE EXTENT AND DURATION NECESSARY OR USEFUL TO
23 PROMOTE THE PUBLIC INTEREST. BEFORE BECOMING AN OWNER OR
24 PARTIAL OWNER OF AN ELIGIBLE FACILITY, THE AUTHORITY SHALL
25 DEVELOP A PLAN IDENTIFYING:

26 (I) THE PUBLIC PURPOSES OF THE AUTHORITY'S OWNERSHIP;

27 (II) THE CONDITIONS THAT WOULD MAKE THE AUTHORITY'S
28 OWNERSHIP NO LONGER NECESSARY FOR ACCOMPLISHING THOSE PUBLIC
29 PURPOSES; AND

30 (III) A PLAN TO DIVEST THE AUTHORITY OF OWNERSHIP OF THE
31 FACILITY AS SOON AS ECONOMICALLY PRUDENT ONCE THOSE CONDITIONS

1 OCCUR.

2 (b) FOR ELIGIBLE FACILITIES THAT ARE LEASED TO ANOTHER
3 ENTITY BY THE AUTHORITY, AT THE END OF THE LEASE, ABSENT DEFAULT
4 BY THE LESSEE, THE AUTHORITY SHALL CONVEY ITS INTEREST IN THE
5 FACILITIES TO THE LESSEE AT A PRICE THAT REFLECTS THE CURRENT FAIR
6 MARKET VALUE.

7 (c) ELIGIBLE FACILITIES OWNED BY THE AUTHORITY ARE SUBJECT
8 TO THE REQUIREMENTS OF VALUATION AND TAXATION AS SET FORTH IN
9 ARTICLES 4 AND 5 OF TITLE 39.

10 (d) NEITHER THE AUTHORITY NOR ANY ENERGY ASSETS OWNED OR
11 CONTROLLED BY THE AUTHORITY OR ANY ELECTRIC UTILITY, OTHER THAN
12 MUNICIPAL UTILITIES OR POWER AUTHORITIES, PURSUANT TO THIS ARTICLE
13 42 ARE EXEMPT FROM PROPERTY TAXES."

14 Page 12, after line 1 insert:

15 "(9) NOTHING IN THIS SECTION WAIVES OR SUPERSEDES THE
16 APPLICATION OF SECTION 29-20-108 OR 40-5-101 (3) TO A PROJECT
17 PROPOSED OR DEVELOPED BY THE AUTHORITY."

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