

CHAPTER 201

GOVERNMENT - LOCAL

SENATE BILL 25-204

BY SENATOR(S) Catlin and Ball;
also REPRESENTATIVE(S) Carter and Luck, Bradley, Duran.

AN ACT

CONCERNING THE RELOCATION OF A DEFINITION IN HOUSE BILL 24-1266 RELATED TO UTILITY COMPANY BETTERMENT DURING LOCAL GOVERNMENT UTILITY RELOCATION.

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

SECTION 1. In Colorado Revised Statutes, 38-5-109, **amend** (3)(c); and **add** (1)(j.5) as follows:

38-5-109. Utility relocation clearance letter - definitions. (1) As used in this section, unless the context otherwise requires:

(j.5) "UTILITY COMPANY BETTERMENT" MEANS ANY UPGRADE OF THE UTILITY FACILITIES BEING RELOCATED THAT IS NOT ATTRIBUTABLE TO THE ROAD IMPROVEMENT PROJECT AND THAT IS MADE SOLELY FOR THE BENEFIT AND AT THE ELECTION OF THE AFFECTED UTILITY COMPANY.

(3) (c) ~~(H)~~ The clearance letter may allow for utility company betterment at the expense of the utility company; except that any utility company betterment must not materially delay the utility relocation.

~~(H) As used in this subsection (3)(c), "utility company betterment" means any upgrade of the utility facilities being relocated that is not attributable to the road improvement project and that is made solely for the benefit and at the election of the affected utility company.~~

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; 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

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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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 16, 2025