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Amending 29-1-203.1, Colorado Revised Statutes 1973, as Amended, to Authorize Intergovernmental Contracts With Municipalities of Adjoining States, and Providing for the Effects Thereof.

Colorado General Assembly

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CHAPTER 134

GOVERNMENT — LOCAL

INTERGOVERNMENTAL RELATIONSHIPS

SENATE BILL NO. 61. BY SENATORS Wunsch, Allshouse, Bishop, Cole, Darby, DeBerard, MacManus, and Minister; also REPRESENTATIVES Burns, DeMoulin, Hamlin, Massari, and Waldow.

AN ACT

AMENDING 29-1-203.1, COLORADO REVISED STATUTES 1973, AS AMENDED, TO AUTHORIZE INTERGOVERNMENTAL CONTRACTS WITH MUNICIPALITIES OF ADJOINING STATES, AND PROVIDING FOR THE EFFECTS THEREOF.

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

Section 1. 29-1-203.1 (1), (3) (b), and (4), Colorado Revised Statutes 1973, as amended, are amended to read:

29-1-203.1. Establishment of separate governmental entity. (1) Any combination of cities and towns of this state which own and operate electric systems may, by contract with each other OR WITH CITIES AND TOWNS OF ANY ADJOINING STATE, establish a separate governmental entity, to be known as a power authority, to be used by such contracting municipalities to effect the development of electric energy resources or production and transmission of electric energy in whole or in part for the benefit of the inhabitants of such contracting municipalities.

(3) (b) To make and enter INTO contracts, INCLUDING, WITHOUT LIMITATION, CONTRACTS WITH CITIES AND TOWNS IN ANY ADJOINING STATE, IRRESPECTIVE OF WHETHER SUCH CITIES AND TOWNS ARE PARTIES TO THE CONTRACT ESTABLISHING THE SEPARATE GOVERNMENTAL ENTITY;

(4) The separate governmental entity established by such contracting municipalities shall be a political subdivision and a public corporation of the state, separate from the parties to the contract, AND SHALL BE A VALIDLY CREATED AND EXISTING POLITICAL SUBDIVISION AND PUBLIC CORPORATION OF THE STATE, IRRESPECTIVE OF WHETHER A CONTRACTING MUNICIPALITY, INCLUDING A CITY

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

OR TOWN OF AN ADJOINING STATE, WITHDRAWS (WHETHER VOLUNTARILY, BY OPERATION OF LAW, OR OTHERWISE) FROM SUCH ENTITY SUBSEQUENT TO ITS CREATION UNDER CIRCUMSTANCES NOT RESULTING IN THE RESCISSION OR TERMINATION OF THE CONTRACT ESTABLISHING SUCH ENTITY PURSUANT TO ITS TERMS. It shall have the duties, privileges, immunities, rights, liabilities, and disabilities of a public body politic and corporate. The provisions of part 7 of article 1 of title 32; C.R.S. 1973, shall apply to moneys of the entity.

Section 2. 29-1-203.1, Colorado Revised Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

29-1-203.1. Establishment of separate governmental entity. (10) For the purposes of subsection (1) and paragraph (b) of subsection (3) of this section, "cities and towns of any adjoining state" means any city or town located in any state sharing a common border with the state of Colorado which owns an electric system and which is located not more than fifteen miles from the common border of the state of Colorado and such adjoining state.

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

Approved: May 7, 1976