

2026 Legislative Priority Proposal
Updated: 9/15/25

Amending Utility Condemnation Authority	
Elbert County (Commissioner Dallas Schroeder)	
Preferred Contact:	dallas.schroeder@elbertcounty-co.gov
Co-Sponsoring Counties/Commissioners:	None yet.
Who is your subject matter expert?	Dallas Schroeder, Elbert County Commissioner. dallas.schroeder@elbertcounty-co.gov
Has this proposal been approved by your BoCC?	Yes.
Have you reviewed the CCI Instructional Memo?	Yes.
Describe the problem your proposal will solve.	Utilities using condemnation authority before appearing before a PC or BOOC/Town Board that currently allows for speculative takings that undermine constitutional rights and weakens local land use authority and public trust.
Areas of Impact:	Power/Authority/Mandate of county government; Local landowner property rights.
What is the ultimate source of this problem?	A utility proposed traversing Elbert County from north to south with a transmission line. Condemnation proceedings were initiated before the utility appeared at the public hearing for either the PC or the BOCC. This hurt the individual landowner and disregarded the local land use authority.
What is your initial proposal to solve this problem?	This proposed bill strives to ensure that utilities cannot initiate condemnation proceedings until all required local governments' permits are approved, protecting private property owners from speculative takings and supporting local control over land use decisions.
Please provide sample language for this solution.	Section 1: Legislative Declaration: Reaffirms public utilities and responsibility of government to protect individual property rights Section 2: Amend 40-5-105: PUC Certification of Need (CPCN) does not authorize condemnation without local approval. Section 3. New 40-5-106 Prohibits condemnation without final permits; ensures identified property Section 4: Effective date and petition Clause: Effective Jan 1, 2027, unless overturned by voters.
Are there any solutions that do not require state-level legislation? Has your county	No alternatives.

explored these alternatives?	
Has CCI or any other organizations sought a solution to this problem before?	Not that I am aware of.
What possible organization(s) would support your proposed solution?	CML, Colorado Farm Bureau and others who generally support local control and property rights.
What possible organization(s) would oppose your proposed solution?	Colorado Energy Office, Xcel and other PUC regulated utilities.
Have you spoken with any legislators about your proposed solution? If so, what was their response?	Rep. Richardson and Sen. R. Pelton have committed as sponsors.
What are the financial implications of this problem to your county? Are there any financial implications to this solution either?	Potential for reduced property values. Reduced areas for economic growth.
What are the financial implications of this problem to any other impacted parties? What are the financial implications of this solution to any other impacted parties? <i>Please consider any relevant Colorado State Departments.</i>	<u>Problem:</u> Reduced values for landowners. Infringement of property rights. Infringement of 1st amendment. <u>Solution:</u> May extend the timeline of projects.
Staff Feedback	<u>Risk/Difficulties:</u> High – This proposal is already viewed to be an attack on one specific utility provider, who while unpopular, has a very robust, strong presence at the Capitol.

	<u>Time Commitment:</u> High – It will require a high degree of grassroots advocacy from the membership to create the necessary amount of pressure on legislators to penalize the utility provider.
--	---