

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0692.01 Duane Gall x4335

HOUSE BILL 19-1003

HOUSE SPONSORSHIP

Hansen, Valdez A.

SENATE SPONSORSHIP

(None),

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COMMUNITY SOLAR GARDENS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the current statute authorizing the creation of community solar gardens (CSGs) by:

- ! Increasing the maximum size of a CSG from 2 megawatts to 10 megawatts; and
- ! Removing the requirement that a CSG subscriber's identified physical location be in the same county as, or a county adjacent to, that of the CSG, while retaining the requirement that it be within the service territory of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

same electric utility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-3-118.7, **amend**
3 (2) as follows:

4 **39-3-118.7. Community solar garden - partial business**
5 **personal property tax exemption - definitions.** (2) For property tax
6 years commencing on and after January 1, 2015, but before January 1,
7 ~~2021~~ 2026, there is exempt from the levy and collection of property tax
8 the percentage of alternating current electricity capacity of a community
9 solar garden that is attributed to residential or governmental subscribers,
10 or to subscribers that are organizations that have been granted property
11 tax exemptions pursuant to sections 39-3-106 to 39-3-113.5.

12 **SECTION 2.** In Colorado Revised Statutes, 39-29-106, **amend**
13 (2)(b) as follows:

14 **39-29-106. Tax on the severance of coal.** (2) (b) On and after
15 July 1, 1999, TO AND INCLUDING JUNE 30, 2019, no tax provided for in
16 subsection (1) of this section shall be imposed on the first three hundred
17 thousand tons of coal produced in each quarter of the taxable year.

18 **SECTION 3.** In Colorado Revised Statutes, 40-2-127, **amend**
19 (2)(b)(I)(A) and (2)(b)(II); and **add** (3.5) as follows:

20 **40-2-127. Community energy funds - community solar**
21 **gardens - definitions - rules - legislative declaration.** (2) **Definitions.**

22 As used in this section, unless the context otherwise requires:

23 (b) In addition:

24 (I) (A) "Community solar garden" means a solar electric
25 generation facility with a nameplate rating of ~~two~~ FIVE megawatts or less

1 that is located in or near a community served by a qualifying retail utility
2 where the beneficial use of the electricity generated by the facility
3 belongs to the subscribers to the community solar garden. There shall be
4 at least ten subscribers. The owner of the community solar garden may be
5 the qualifying retail utility or any other for-profit or nonprofit entity or
6 organization, including a subscriber organization organized under this
7 section, that contracts to sell the output from the community solar garden
8 to the qualifying retail utility. A community solar garden shall be deemed
9 to be "located on the site of customer facilities".

10 (II) "Subscriber" means a retail customer of a qualifying retail
11 utility who owns a subscription and who has identified one or more
12 physical locations to which the subscription is attributed. Such physical
13 locations must be within the service territory of the same qualifying retail
14 utility ~~and also in the same county as, or a county adjacent to, that of~~ AS
15 the community solar garden. The subscriber may change from time to
16 time the premises to which the community solar garden electricity
17 generation shall be attributed, so long as the premises are within the
18 ~~geographical limits allowed for a subscriber~~ SAME SERVICE TERRITORY.

19 **(3.5) Standards for construction and operation. THE**
20 **FOLLOWING REQUIREMENTS APPLY TO ANY COMMUNITY SOLAR GARDEN**
21 **EXCEEDING TWO MEGAWATTS:**

22 **(a) THE PERFORMANCE OF ALL PHOTOVOLTAIC ELECTRICAL WORK,**
23 **INCLUDING THE INSTALLATION OF PHOTOVOLTAIC MODULES,**
24 **INTERCONNECTION OF THE MODULES, GROUNDING OF THE MODULES, AND**
25 **THE CUSTOMER-SIDE POINT OF CONNECTION TO THE UTILITY GRID, IS**
26 **SUBJECT TO ON-SITE SUPERVISION BY A LICENSED MASTER ELECTRICIAN,**
27 **LICENSED JOURNEYMAN ELECTRICIAN, OR LICENSED RESIDENTIAL**

1 WIREMAN, AS THOSE TERMS ARE DEFINED IN SECTION 12-23-101, AND
2 MUST COMPLY WITH ALL APPLICABLE REQUIREMENTS OF ARTICLE 23 OF
3 TITLE 12, INCLUDING SECTIONS 12-23-105 AND 12-23-110.5, AND ALL
4 APPLICABLE RULES OF THE STATE ELECTRICAL BOARD.

5 (b) THE INITIAL INSTALLATION OF ANY PHOTOVOLTAIC MODULE OR
6 OTHER ELECTRICAL EQUIPMENT LISTED IN SUBSECTION (3.5)(a) OF THIS
7 SECTION IS SUBJECT TO FINAL INSPECTION AND APPROVAL IN ACCORDANCE
8 WITH SECTION 12-23-116.

9 (c) IF A QUALIFYING RETAIL UTILITY OWNS ALL OR PART OF A
10 COMMUNITY SOLAR GARDEN, THE UTILITY SHALL USE ITS OWN EMPLOYEES
11 TO OPERATE AND MAINTAIN THE MODULES AND OTHER ELECTRICAL
12 EQUIPMENT THAT THE UTILITY OWNS.

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