

**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**

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**HOUSE SPONSORSHIP**

**Hansen, Valdez A.**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Energy & Environment  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING COMMUNITY SOLAR GARDENS.**

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**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.

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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, 40-2-127, **amend**  
13 **(2)(b)(I)(A) and (2)(b)(II); and add (3.5) as follows:**

14 **40-2-127. Community energy funds - community solar**  
15 **gardens - definitions - rules - legislative declaration.** (2) **Definitions.**  
16 As used in this section, unless the context otherwise requires:

17 (b) In addition:

18 (I) (A) "Community solar garden" means a solar electric  
19 generation facility with a nameplate rating of ~~two~~ **FIVE** megawatts or less  
20 that is located in or near a community served by a qualifying retail utility  
21 where the beneficial use of the electricity generated by the facility  
22 belongs to the subscribers to the community solar garden. There shall be  
23 at least ten subscribers. The owner of the community solar garden may be  
24 the qualifying retail utility or any other for-profit or nonprofit entity or  
25 organization, including a subscriber organization organized under this

1 section, that contracts to sell the output from the community solar garden  
2 to the qualifying retail utility. A community solar garden shall be deemed  
3 to be "located on the site of customer facilities".

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

13 (3.5) **Standards for construction and operation.** THE  
14 FOLLOWING REQUIREMENTS APPLY TO ANY COMMUNITY SOLAR GARDEN  
15 EXCEEDING TWO MEGAWATTS:

16 (a) THE PERFORMANCE OF ALL PHOTOVOLTAIC ELECTRICAL WORK,  
17 INCLUDING THE INSTALLATION OF PHOTOVOLTAIC MODULES,  
18 INTERCONNECTION OF THE MODULES, GROUNDING OF THE MODULES, AND  
19 THE CUSTOMER-SIDE POINT OF CONNECTION TO THE UTILITY GRID, IS  
20 SUBJECT TO ON-SITE SUPERVISION BY A LICENSED MASTER ELECTRICIAN,  
21 LICENSED JOURNEYMAN ELECTRICIAN, OR LICENSED RESIDENTIAL  
22 WIREMAN, AS THOSE TERMS ARE DEFINED IN SECTION 12-23-101, AND  
23 MUST COMPLY WITH ALL APPLICABLE REQUIREMENTS OF ARTICLE 23 OF  
24 TITLE 12, INCLUDING SECTIONS 12-23-105 AND 12-23-110.5, AND ALL  
25 APPLICABLE RULES OF THE STATE ELECTRICAL BOARD.

26 (b) THE INITIAL INSTALLATION OF ANY PHOTOVOLTAIC MODULE OR  
27 OTHER ELECTRICAL EQUIPMENT LISTED IN SUBSECTION (3.5)(a) OF THIS

1 SECTION IS SUBJECT TO FINAL INSPECTION AND APPROVAL IN ACCORDANCE  
2 WITH SECTION 12-23-116.

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

7 **SECTION 3. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2020 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.