

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0542.01 Ed DeCecco x4216

HOUSE BILL 21-1023

HOUSE SPONSORSHIP

Will,

SENATE SPONSORSHIP

Coram,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CLASSIFICATION OF REAL PROPERTY ON WHICH A
102 RENEWABLE ENERGY FACILITY IS LOCATED.

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>.)

Currently, the location of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility on real property does not affect the classification of that real property for purposes of determining the actual value of that real property. As a result, a county assessor cannot use the location of the facility as a basis for reclassifying the real

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.

property. The bill creates an exception to this requirement for real property that, immediately prior to the location of the facility, was classified as agricultural. Therefore, an assessor will be able to consider the location of the facility when determining whether the real property should be reclassified.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-4-102, **amend**
3 (1.5)(c) as follows:

4 **39-4-102. Valuation of public utilities.** (1.5) The administrator
5 shall determine the actual value of a small or low impact hydroelectric
6 energy facility, a geothermal energy facility, a biomass energy facility, a
7 wind energy facility, or a solar energy facility as follows:

8 (c) The location of a small or low impact hydroelectric energy
9 facility, a geothermal energy facility, a biomass energy facility, a wind
10 energy facility, or a solar energy facility on real property shall not affect
11 the classification of that real property for purposes of determining the
12 actual value of that real property, as provided in section 39-1-103; EXCEPT
13 THAT, IF THE REAL PROPERTY WAS CLASSIFIED AS AGRICULTURAL
14 IMMEDIATELY PRIOR TO THE LOCATION OF THE FACILITY, THEN THE
15 LOCATION OF THE FACILITY MAY AFFECT THE CLASSIFICATION OF THAT
16 REAL PROPERTY.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.