

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

INTRODUCED

LLS NO. 23-0738.01 Christopher McMichael x4775

HOUSE BILL 23-1127

HOUSE SPONSORSHIP

Winter T., Hartsook, Weinberg

SENATE SPONSORSHIP

Baisley,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A GUARANTEE OF A CUSTOMER'S RIGHT TO USE ENERGY.**

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 prohibits a state agency, local government, or common interest community from limiting or prohibiting the use of natural gas, propane, solar photovoltaics, micro wind turbines, or micro hydroelectricity for generating electricity, cooking, heating water, or heating or cooling spaces in residences, units, or businesses.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
3 (3) as follows:

4 **38-33.3-106.5. Prohibitions contrary to public policy -**
5 **patriotic, political, or religious expression - public rights-of-way - fire**
6 **prevention - renewable energy generation devices - affordable**
7 **housing - drought prevention measures - child care - right to use**
8 **energy - definitions.** (3) (a) AS USED IN THIS SUBSECTION (3), UNLESS
9 THE CONTEXT OTHERWISE REQUIRES:

10 (I) "MICRO HYDROELECTRICITY" MEANS HYDROELECTRIC POWER
11 USED TO GENERATE ELECTRICITY:

12 (A) BY USING THE NATURAL FLOW OF WATER; AND

13 (B) UP TO A MAXIMUM CAPACITY OF ONE HUNDRED KILOWATTS.

14 (II) "MICRO WIND TURBINE" MEANS A TURBINE THAT HAS A VANED
15 WHEEL ROTATED BY THE WIND TO GENERATE ELECTRICITY UP TO A
16 MAXIMUM CAPACITY OF ONE HUNDRED KILOWATTS.

17 (b) NOTWITHSTANDING ANY PROVISIONS IN THE DECLARATION,
18 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
19 CONTRARY, AN ASSOCIATION SHALL NOT LIMIT OR PROHIBIT THE
20 INSTALLATION OR USE OF ANY SYSTEM OR APPLIANCE THAT USES NATURAL
21 GAS, PROPANE, SOLAR PHOTOVOLTAICS, MICRO WIND TURBINES, OR MICRO
22 HYDROELECTRICITY FOR GENERATING ELECTRICITY, COOKING, HEATING
23 WATER, OR HEATING OR COOLING SPACES IN A UNIT.

24 **SECTION 2.** In Colorado Revised Statutes, **add** 40-2-135.5 as
25 follows:

26 **40-2-135.5. Use of energy - customers' rights - definitions.**

27 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
3 COUNTY, CITY, OR CITY AND COUNTY OR A METROPOLITAN DISTRICT, AS
4 DEFINED IN SECTION 32-1-103 (10).

5 (b) "MICRO HYDROELECTRICITY" MEANS HYDROELECTRIC POWER
6 USED TO GENERATE ELECTRICITY:

7 (I) BY USING THE NATURAL FLOW OF WATER; AND

8 (II) UP TO A MAXIMUM CAPACITY OF ONE HUNDRED KILOWATTS.

9 (c) "MICRO WIND TURBINE" MEANS A TURBINE THAT HAS A VANED
10 WHEEL ROTATED BY THE WIND TO GENERATE ELECTRICITY UP TO A
11 MAXIMUM CAPACITY OF ONE HUNDRED KILOWATTS.

12 (2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A STATE
13 AGENCY SHALL NOT PROMULGATE OR ENFORCE A RULE AND A LOCAL
14 GOVERNMENT SHALL NOT ENACT OR ENFORCE AN ORDINANCE,
15 RESOLUTION, REGULATION, OR OTHER LAW THAT LIMITS OR PROHIBITS THE
16 INSTALLATION OR USE OF ANY SYSTEM OR APPLIANCE THAT USES NATURAL
17 GAS, PROPANE, SOLAR PHOTOVOLTAICS, MICRO WIND TURBINES, OR MICRO
18 HYDROELECTRICITY FOR GENERATING ELECTRICITY, COOKING, HEATING
19 WATER, OR HEATING OR COOLING SPACES IN A RESIDENCE OR BUSINESS.

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

1 November 2024 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.