

CHAPTER 170

GOVERNMENT - STATE

SENATE BILL 17-179

BY SENATOR(S) Gardner and Kerr, Fenberg, Fields, Garcia, Guzman, Jones, Kagan, Kefalas, Lundberg, Merrifield, Priola, Todd, Williams A.;
also REPRESENTATIVE(S) Herod and Sias, Arndt, Becker K., Benavidez, Esgar, Exum, Gray, Hamner, Hansen, Hooton, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Pettersen, Rosenthal, Salazar, Singer, Valdez, Weissman, Winter, Young, Duran.

AN ACT

CONCERNING THE LIMITATION ON THE AMOUNT OF FEES THAT CAN BE ASSESSED FOR ALLOWING SOLAR ENERGY DEVICE INSTALLATIONS, AND, IN CONNECTION THEREWITH, EXTENDING THE REPEAL DATE.

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

SECTION 1. In Colorado Revised Statutes, 24-48.5-113, **amend** (1)(a) introductory portion and (2) as follows:

24-48.5-113. Limit on solar device fees - repeal. (1) An agency, institution, authority, or political subdivision of the state shall:

(a) Not charge permit, application review, or ANY other RELATED OR ASSOCIATED fees to install an active solar electric or solar thermal device or system that, in aggregate, exceed:

(2) This section is repealed, effective ~~July 1, 2018~~ JULY 1, 2025.

SECTION 2. In Colorado Revised Statutes, 30-28-113, **amend** (1)(b)(II) as follows:

30-28-113. Regulation of size and use - districts - repeal. (1) (b) (II) A county shall not charge permit, plan review, or ANY other RELATED OR ASSOCIATED fees to install an active solar electric or solar thermal device or system that, in aggregate, exceed the lesser of the county's actual costs in issuing the permit or five hundred dollars for a residential application or one thousand dollars for a nonresidential

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

application if the device or system produces fewer than two megawatts of direct current electricity or an equivalent-sized thermal energy system, or that exceed the county's actual costs in issuing the permit if the device or system produces at least two megawatts of direct current electricity or an equivalent-sized thermal energy system. The county shall clearly and individually identify all fees and taxes assessed on an application subject to this ~~subparagraph (H)~~ SUBSECTION (1)(b)(II) on the invoice. The general assembly hereby finds that there is a statewide need for certainty regarding the fees that can be assessed for permitting such devices or systems, and therefore declares that this ~~subparagraph (H)~~ SUBSECTION (1)(b)(II) is a matter of statewide concern. This ~~subparagraph (H)~~ SUBSECTION (1)(b)(II) is repealed, effective ~~July 1, 2018~~ JULY 1, 2025.

SECTION 3. In Colorado Revised Statutes, 31-15-602, **amend** (4)(b) as follows:

31-15-602. Energy-efficient building codes - legislative declaration - definitions - repeal. (4) (b) (I) A municipality shall not charge permit, plan review, or ANY other RELATED OR ASSOCIATED fees to install an active solar electric or solar thermal device or system that, in aggregate, exceed the lesser of the municipality's actual costs in issuing the permit or five hundred dollars for a residential application or one thousand dollars for a nonresidential application if the device or system produces fewer than two megawatts of direct current electricity or an equivalent-sized thermal energy system, or that exceed the municipality's actual costs in issuing the permit if the device or system produces at least two megawatts of direct current electricity or an equivalent-sized thermal energy system. The municipality shall clearly and individually identify all fees and taxes assessed on an application subject to this ~~subparagraph (I)~~ SUBSECTION (4)(b)(I) on the invoice. The general assembly hereby finds that there is a statewide need for certainty regarding the fees that can be assessed for permitting such devices or systems, and therefore declares that this ~~paragraph (b)~~ SUBSECTION (4)(b) is a matter of statewide concern.

(II) This ~~paragraph (b)~~ SUBSECTION (4)(b) is repealed, effective ~~July 1, 2018~~ JULY 1, 2025.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 28, 2017