

CHAPTER 130

GOVERNMENT - LOCAL

SENATE BILL 07-145

BY SENATOR(S) Tupa, Fitz-Gerald, Gordon, Schwartz, Brophy, Groff, Morse, Renfroe, Romer, Sandoval, Shaffer, Bacon, Boyd, Johnson, Kopp, McElhany, Tochtrop, Veiga, Wiens, and Windels;
 also REPRESENTATIVE(S) Gibbs, Green, Carroll M., Carroll T., Fischer, Gardner C., Kerr A., Levy, Madden, Marostica, McFadyen, McNulty, Merrifield, Primavera, Stephens, Todd, Weissmann, Witwer, Butcher, Casso, Frangas, Hicks, Hodge, Jahn, Kefalas, Kerr J., Massey, Peniston, Roberts, Rose, Solano, Stafford, and Summers.

AN ACT

CONCERNING THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO OFFER INCENTIVES FOR THE USE OF RENEWABLE ENERGY FIXTURES, AND, IN CONNECTION THEREWITH, ENACTING THE "RENEWABLE ENERGY INCENTIVES ACT".

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

SECTION 1. Short title. This act shall be known and may be cited as the "Renewable Energy Incentives Act".

SECTION 2. Part 1 of article 11 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

30-11-107.3. Incentives for installation of renewable energy fixtures - definitions. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY COUNTY MAY OFFER AN INCENTIVE, IN THE FORM OF A COUNTY PROPERTY TAX OR SALES TAX CREDIT OR REBATE, TO A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER WHO INSTALLS A RENEWABLE ENERGY FIXTURE ON HIS OR HER RESIDENTIAL OR COMMERCIAL PROPERTY.

(2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COUNTY" MEANS ANY COUNTY OR CITY AND COUNTY.

(b) "RENEWABLE ENERGY FIXTURE" MEANS ANY FIXTURE, PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES THAT PRODUCE ELECTRICITY FROM RENEWABLE RESOURCES, INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC

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

SYSTEMS, SOLAR THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR GEOTHERMAL SYSTEMS.

SECTION 3. Part 1 of article 20 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

31-20-101.3. Incentives for installation of renewable energy fixtures - definitions. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A GOVERNING BODY OF ANY MUNICIPALITY MAY OFFER AN INCENTIVE, IN THE FORM OF A MUNICIPAL PROPERTY TAX OR SALES TAX CREDIT OR REBATE, TO A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER WHO INSTALLS A RENEWABLE ENERGY FIXTURE ON HIS OR HER RESIDENTIAL OR COMMERCIAL PROPERTY.

(2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "RENEWABLE ENERGY FIXTURE" MEANS ANY FIXTURE, PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES THAT PRODUCE ELECTRICITY FROM RENEWABLE RESOURCES, INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR GEOTHERMAL SYSTEMS.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 16, 2007