

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0741.01 Thomas Morris

HOUSE BILL 11-1199

HOUSE SPONSORSHIP

Gardner B.,

SENATE SPONSORSHIP

Mitchell,

House Committees

Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITS ON FEES FOR THE APPROVAL OF THE**
102 **INSTALLATION OF SOLAR ENERGY DEVICES.**

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://www.leg.state.co.us/billsummaries>.)

Existing law, which will repeal on July 1, 2011, prohibits counties and municipalities from charging permit fees to install an active solar energy device or system that, in aggregate, exceed the lesser of the local government's actual costs in issuing the permit or \$500 for a residential application or \$1,000 for a nonresidential application. The bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- ! Applies these limits to plan review or other fees for solar electric or solar thermal devices or systems that produce fewer than 2 megawatts of direct current electricity or an equivalent-sized thermal energy system;
- ! Limits local governments' review fees to their actual costs for such systems that exceed 2 megawatts of direct current electricity or an equivalent-sized thermal energy system;
- ! Requires the local government to clearly and individually identify all fees and taxes assessed on an invoice; and
- ! Extends the repeal date to July 1, 2018.

Section 2 of the bill makes these changes with respect to counties; **section 3** makes them with respect to municipalities; and **section 4** applies the updated requirements to agencies, institutions, authorities, and political subdivisions of the state.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Fair Permit Act".

4 **SECTION 2.** 30-28-113 (1) (b) (II), Colorado Revised Statutes,
5 is amended to read:

6 **30-28-113. Regulation of size and use - districts - repeal.**

7 (1) (b) (II) A county ~~may~~ SHALL not charge permit, PLAN REVIEW, OR
8 OTHER fees to install an active solar ~~energy~~ ELECTRIC OR SOLAR THERMAL
9 device or system that, in aggregate, ~~are in excess of~~ EXCEED the lesser of
10 the county's actual costs in issuing the permit or five hundred dollars for
11 a residential application or one thousand dollars for a nonresidential
12 application IF THE DEVICE OR SYSTEM PRODUCES FEWER THAN TWO
13 MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED
14 THERMAL ENERGY SYSTEM, OR THAT EXCEED THE COUNTY'S ACTUAL
15 COSTS IN ISSUING THE PERMIT IF THE DEVICE OR SYSTEM PRODUCES AT
16 LEAST TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN
17 EQUIVALENT-SIZED THERMAL ENERGY SYSTEM. THE COUNTY SHALL

1 CLEARLY AND INDIVIDUALLY IDENTIFY ALL FEES AND TAXES ASSESSED ON
2 AN APPLICATION SUBJECT TO THIS SUBPARAGRAPH (II) ON THE INVOICE.
3 The general assembly hereby finds that there is a statewide need for
4 certainty regarding the fees that can be assessed for permitting ~~an active~~
5 ~~solar energy device or system~~ SUCH DEVICES OR SYSTEMS, and therefore
6 declares that this subparagraph (II) is a matter of statewide concern. This
7 subparagraph (II) is repealed, effective July 1, ~~2011~~ 2018.

8 **SECTION 3.** 31-15-602 (4) (b), Colorado Revised Statutes, is
9 amended to read:

10 **31-15-602. Energy-efficient building codes - legislative**
11 **declaration - definitions - repeal.** (4) (b) (I) A municipality ~~may~~ SHALL
12 not charge permit, PLAN REVIEW, OR OTHER fees to install an active solar
13 ~~energy~~ ELECTRIC OR SOLAR THERMAL device or system that, in aggregate,
14 ~~are in excess of~~ EXCEED the lesser of the municipality's actual costs in
15 issuing the permit or five hundred dollars for a residential application or
16 one thousand dollars for a nonresidential application IF THE DEVICE OR
17 SYSTEM PRODUCES FEWER THAN TWO MEGAWATTS OF DIRECT CURRENT
18 ELECTRICITY OR AN EQUIVALENT-SIZED THERMAL ENERGY SYSTEM, OR
19 THAT EXCEED THE MUNICIPALITY'S ACTUAL COSTS IN ISSUING THE PERMIT
20 IF THE DEVICE OR SYSTEM PRODUCES AT LEAST TWO MEGAWATTS OF
21 DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED THERMAL
22 ENERGY SYSTEM. THE MUNICIPALITY SHALL CLEARLY AND INDIVIDUALLY
23 IDENTIFY ALL FEES AND TAXES ASSESSED ON AN APPLICATION SUBJECT TO
24 THIS SUBPARAGRAPH (I) ON THE INVOICE. The general assembly hereby
25 finds that there is a statewide need for certainty regarding the fees that
26 can be assessed for permitting ~~an active solar energy device or system~~
27 SUCH DEVICES OR SYSTEMS, and therefore declares that this paragraph (b)

1 is a matter of statewide concern.

2 (II) This paragraph (b) is repealed, effective July 1, ~~2011~~ 2018.

3 **SECTION 4.** Part 1 of article 48.5 of title 24, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6 **24-48.5-113. Limit on solar device fees - repeal.** (1) AN
7 AGENCY, INSTITUTION, AUTHORITY, OR POLITICAL SUBDIVISION OF THE
8 STATE SHALL:

9 (a) NOT CHARGE PERMIT, APPLICATION REVIEW, OR OTHER FEES TO
10 INSTALL AN ACTIVE SOLAR ELECTRIC OR SOLAR THERMAL DEVICE OR
11 SYSTEM THAT, IN AGGREGATE, EXCEED:

12 (I) THE LESSER OF THE ACTUAL COSTS IN ISSUING THE PERMIT OR
13 REVIEWING THE APPLICATION OR FIVE HUNDRED DOLLARS FOR A
14 RESIDENTIAL APPLICATION OR **TWO** THOUSAND DOLLARS FOR A
15 NONRESIDENTIAL APPLICATION IF THE DEVICE OR SYSTEM PRODUCES
16 FEWER THAN TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN
17 EQUIVALENT-SIZED THERMAL ENERGY SYSTEM; OR

18 (II) THE ACTUAL COSTS IN ISSUING THE PERMIT IF THE DEVICE OR
19 SYSTEM PRODUCES AT LEAST TWO MEGAWATTS OF DIRECT CURRENT
20 ELECTRICITY OR AN EQUIVALENT-SIZED THERMAL ENERGY SYSTEM.

21 (b) CLEARLY AND INDIVIDUALLY IDENTIFY ALL FEES AND TAXES
22 ASSESSED ON AN APPLICATION SUBJECT TO THIS SUBSECTION (1) ON THE
23 INVOICE.

24 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

25 **SECTION 5. Applicability.** This act shall apply to fees assessed
26 on or after the effective date of this act.

27 **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.