

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 14-0515.01 Esther van Mourik x4215

HOUSE BILL 14-1101

HOUSE SPONSORSHIP

Tyler,

SENATE SPONSORSHIP

Schwartz,

House Committees

Transportation & Energy
Finance
Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PARTIAL BUSINESS PERSONAL PROPERTY TAX**
102 **EXEMPTION FOR COMMUNITY SOLAR GARDENS.**

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/bills summaries>.)

Business owners of community solar gardens are subject to personal property tax on the personal property used to generate electricity. Property tax assessors value the taxable personal property by using the cost approach. This entails determining the alternating current electricity generating capacity of the personal property and multiplying that by the

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.*

cost per kilowatt of alternating current electricity as published by the division of property taxation.

The bill specifies that the percentage of electricity generated by a community solar garden that is attributed to residential or governmental subscribers is exempt from the levy and collection of property tax so that a business owner of a community solar garden is levied a property tax on the electricity generating capacity used by businesses.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 39-3-118.7 as
3 follows:

4 **39-3-118.7. Community solar garden - partial business**
5 **personal property tax exemption - definitions.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "COMMUNITY SOLAR GARDEN" HAS THE SAME MEANING AS SET
8 FORTH IN SECTION 40-2-127 (2) (b) (I) (A), C.R.S.

9 (b) "SUBSCRIBER" HAS THE SAME MEANING AS SET FORTH IN
10 SECTION 40-2-127 (2) (b) (II), C.R.S.

11 (2) FOR PROPERTY TAX YEARS COMMENCING ON AND AFTER
12 JANUARY 1, 2015, THERE IS EXEMPT FROM THE LEVY AND COLLECTION OF
13 PROPERTY TAX THE PERCENTAGE OF ALTERNATING CURRENT ELECTRICITY
14 CAPACITY OF A COMMUNITY SOLAR GARDEN THAT IS ATTRIBUTED TO
15 RESIDENTIAL OR GOVERNMENTAL SUBSCRIBERS, OR TO SUBSCRIBERS THAT
16 ARE ORGANIZATIONS THAT HAVE BEEN GRANTED PROPERTY TAX
17 EXEMPTIONS PURSUANT TO SECTIONS 39-3-106 TO 39-3-113.5.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2014 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.