

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 11-1199

BY REPRESENTATIVE(S) Gardner B., Barker, Hamner, Hullinghorst, Miklosi, Nikkel, Pabon, Priola, Schafer S., Todd;
also SENATOR(S) Bacon, Lundberg, Williams S.

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

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 "Fair Permit Act".

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

30-28-113. Regulation of size and use - districts - repeal.
(1) (b) (II) A county ~~may~~ **SHALL** not charge permit, PLAN REVIEW, OR OTHER fees to install an active solar ~~energy~~ **ELECTRIC OR SOLAR THERMAL** device or system that, in aggregate, ~~are in excess of~~ **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 application **IF THE DEVICE OR SYSTEM PRODUCES FEWER THAN TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED**

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

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 (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 ~~an active solar energy device or system~~ SUCH DEVICES OR SYSTEMS, and therefore declares that this subparagraph (II) is a matter of statewide concern. This subparagraph (II) is repealed, effective July 1, ~~2011~~ 2018.

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

31-15-602. Energy-efficient building codes - legislative declaration - definitions - repeal. (4) (b) (I) A municipality ~~may~~ SHALL not charge permit, PLAN REVIEW, OR OTHER fees to install an active solar ~~energy~~ ELECTRIC OR SOLAR THERMAL device or system that, in aggregate, ~~are in excess of~~ 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) 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 ~~an active solar energy device or system~~ SUCH DEVICES OR SYSTEMS, and therefore declares that this paragraph (b) is a matter of statewide concern.

(II) This paragraph (b) is repealed, effective July 1, ~~2011~~ 2018.

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

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 OTHER FEES TO INSTALL AN ACTIVE SOLAR ELECTRIC OR SOLAR THERMAL DEVICE OR SYSTEM THAT, IN AGGREGATE, EXCEED:

(I) THE LESSER OF THE ACTUAL COSTS IN ISSUING THE PERMIT OR REVIEWING THE APPLICATION OR FIVE HUNDRED DOLLARS FOR A RESIDENTIAL APPLICATION OR TWO 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

(II) THE 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.

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

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

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

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

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

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO