

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

PREAMENDED

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

LLS NO. 10-0746.01 Duane Gall

HOUSE BILL 10-1342

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENCOURAGE ADDITIONAL INVESTMENT IN**
102 **SOLAR ENERGY GENERATION FACILITIES, AND, IN CONNECTION**
103 **THEREWITH, AUTHORIZING THE CREATION OF COMMUNITY**
104 **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/billsummaries>.)

Existing law directs the Colorado public utilities commission (PUC) to adopt rules implementing the renewable energy portfolio

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.*

standards (RPS) for electric utilities, under which increasing amounts of electricity must be generated from renewable sources. The current rules provide for standard rebates for the cost of installation and renewable energy credits (RECs) to promote customer-sited solar generation facilities.

The bill directs the PUC to adopt new rules under which standard offers can apply to solar generation facilities that are beneficially owned by 10 or more customers at a shared location, called a "community solar garden". This will help customers participate in solar generation even though solar facilities on their own properties may not be feasible due to cost, the physical characteristics of their sites, their status as renters, or other factors.

Section 1 of the bill amends an existing legislative declaration to state that it is in the public interest to allow renters and low-income utility customers to own interests in solar generation facilities, to make interests in solar generation facilities portable and transferable, and to leverage Colorado's solar generating capacity through economies of scale. Section 1 also:

- ! Defines a solar community garden as an on-site eligible solar electric generation facility with a nameplate rating of 2 megawatts or less and in which subscriptions are owned by 10 or more customers of a qualifying retail utility;
- ! Limits the size of a subscription to 120% of the average annual electric consumption of each subscriber at the premises to which the subscription is attributed;
- ! Allows the creation of a community solar garden owned by a subscriber organization, subject to rules adopted by the PUC by October 1, 2010;
- ! Specifies that, in their first 2 compliance plan years after the effective date of the bill, qualifying retail utilities must purchase the greater of 3 megawatts, or half their total purchases of electricity from community solar gardens, from gardens that are sized at 500 kilowatts or smaller;
- ! Exempts community solar gardens from the definition of a utility; and
- ! Specifies that section 1 does not apply to cooperative electric associations or municipally owned utilities.

Section 2 makes conforming amendments to the existing RPS statute (a/k/a "Amendment 37").

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

2 **SECTION 1.** 40-2-127, Colorado Revised Statutes, is amended

1 to read:

2 **40-2-127. Community energy funds - community solar**
3 **gardens - definitions - rules - legislative declaration - repeal.**

4 (1) **Legislative declaration.** The general assembly hereby finds and
5 declares that:

6 (a) Local communities can benefit from the further development
7 of renewable energy, energy efficiency, conservation, and environmental
8 improvement projects, and the general assembly hereby encourages
9 electric utilities to establish community energy funds for the development
10 of such projects;

11 (b) IT IS IN THE PUBLIC INTEREST THAT BROADER PARTICIPATION
12 IN SOLAR ELECTRIC GENERATION BY COLORADO RESIDENTS AND
13 COMMERCIAL ENTITIES BE ENCOURAGED BY THE DEVELOPMENT AND
14 DEPLOYMENT OF DISTRIBUTED SOLAR ELECTRIC GENERATING FACILITIES
15 KNOWN AS COMMUNITY SOLAR GARDENS, IN ORDER TO:

16 (I) PROVIDE COLORADO RESIDENTS AND COMMERCIAL ENTITIES
17 WITH THE OPPORTUNITY TO PARTICIPATE IN SOLAR GENERATION IN
18 ADDITION TO THE OPPORTUNITIES AVAILABLE FOR ROOFTOP SOLAR
19 GENERATION ON HOMES AND BUSINESSES;

20 (II) ALLOW RENTERS AND LOW-INCOME UTILITY CUSTOMERS TO
21 OWN INTERESTS IN SOLAR GENERATION FACILITIES;

22 (III) ALLOW INTERESTS IN SOLAR GENERATION FACILITIES TO BE
23 PORTABLE AND TRANSFERRABLE; AND

24 (IV) LEVERAGE COLORADO'S SOLAR GENERATING CAPACITY
25 THROUGH ECONOMIES OF SCALE.

26 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
27 OTHERWISE REQUIRES:

1 (a) THE DEFINITIONS IN SECTION 40-2-124 APPLY; AND

2 (b) IN ADDITION:

3 (I) (A) "COMMUNITY SOLAR GARDEN" MEANS A SOLAR ELECTRIC
4 GENERATION FACILITY WITH A NAMEPLATE RATING OF TWO MEGAWATTS
5 OR LESS THAT IS LOCATED IN OR NEAR A COMMUNITY SERVED BY A
6 QUALIFYING RETAIL UTILITY WHERE THE BENEFICIAL USE OF THE
7 ELECTRICITY GENERATED BY THE FACILITY BELONGS TO THE SUBSCRIBERS
8 TO THE COMMUNITY SOLAR GARDEN. THERE SHALL BE AT LEAST TEN
9 SUBSCRIBERS. THE OWNER OF THE COMMUNITY SOLAR GARDEN MAY BE
10 THE QUALIFYING RETAIL UTILITY OR ANY OTHER FOR-PROFIT OR
11 NONPROFIT ENTITY OR ORGANIZATION, INCLUDING A SUBSCRIBER
12 ORGANIZATION ORGANIZED UNDER THIS SECTION, THAT CONTRACTS TO
13 SELL THE OUTPUT FROM THE COMMUNITY SOLAR GARDEN TO THE
14 QUALIFYING RETAIL UTILITY. A COMMUNITY SOLAR GARDEN SHALL BE
15 DEEMED TO BE "LOCATED ON THE SITE OF CUSTOMER FACILITIES" AND
16 SHALL BE SUBJECT TO THE ONE HUNDRED TWENTY PERCENT REQUIREMENT
17 FOR SUCH CUSTOMER FACILITIES FOR THE PURPOSES OF SECTION 40-2-124.
18 A COMMUNITY SOLAR GARDEN ALSO SHALL BE CONSIDERED TO BE A
19 "COMMUNITY-BASED PROJECT" WITHIN THE MEANING OF SECTION
20 40-2-124 (1) (c) (VI) IF THE LOCAL GOVERNMENTAL RESOLUTION OF
21 SUPPORT REQUIRED BY SAID SUBSECTION IS ADOPTED.

22 (B) A COMMUNITY SOLAR GARDEN SHALL CONSTITUTE "RETAIL
23 DISTRIBUTED GENERATION" WITHIN THE MEANING OF SECTION 40-2-124,
24 AS AMENDED BY HOUSE BILL 10-1001, ENACTED IN 2010. IF HOUSE BILL
25 10-1001 DOES NOT TAKE EFFECT, THIS SUB-SUBPARAGRAPH (B) IS
26 REPEALED, EFFECTIVE JULY 1, 2011.

27 (II) "SUBSCRIBER" MEANS A RETAIL CUSTOMER OF A QUALIFYING

1 RETAIL UTILITY WHO OWNS A SUBSCRIPTION AND WHO HAS IDENTIFIED ONE
2 OR MORE PHYSICAL LOCATIONS TO WHICH THE SUBSCRIPTION SHALL BE
3 ATTRIBUTED. SUCH PHYSICAL LOCATIONS SHALL BE WITHIN EITHER THE
4 SAME MUNICIPALITY OR THE SAME COUNTY AS THE COMMUNITY SOLAR
5 GARDEN. THE SUBSCRIBER MAY CHANGE FROM TIME TO TIME THE
6 PREMISES TO WHICH THE COMMUNITY SOLAR GARDEN ELECTRICITY
7 GENERATION SHALL BE ATTRIBUTED, SO LONG AS THE PREMISES ARE
8 WITHIN THE GEOGRAPHICAL LIMITS ALLOWED FOR A SUBSCRIBER.

9 (III) "SUBSCRIPTION" MEANS A PROPORTIONAL INTEREST IN SOLAR
10 ELECTRIC GENERATION FACILITIES INSTALLED AT A COMMUNITY SOLAR
11 GARDEN, TOGETHER WITH THE RENEWABLE ENERGY CREDITS ASSOCIATED
12 WITH OR ATTRIBUTABLE TO SUCH FACILITIES UNDER SECTION 40-2-124.
13 EACH SUBSCRIPTION SHALL BE SIZED TO REPRESENT AT LEAST ONE
14 KILOWATT OF THE COMMUNITY SOLAR GARDEN'S GENERATING CAPACITY
15 AND TO SUPPLY NO MORE THAN ONE HUNDRED TWENTY PERCENT OF THE
16 AVERAGE ANNUAL CONSUMPTION OF ELECTRICITY BY EACH SUBSCRIBER
17 AT THE PREMISES TO WHICH THE SUBSCRIPTION IS ATTRIBUTED, WITH A
18 DEDUCTION FOR THE AMOUNT OF ANY EXISTING SOLAR FACILITIES AT SUCH
19 PREMISES. SUBSCRIPTIONS IN A COMMUNITY SOLAR GARDEN MAY BE
20 TRANSFERRED OR ASSIGNED TO A SUBSCRIBER ORGANIZATION OR TO ANY
21 PERSON OR ENTITY WHO QUALIFIES TO BE A SUBSCRIBER UNDER THIS
22 SECTION.

23 (3) **Subscriber organization - subscriber qualifications -**
24 **transferability of subscriptions.** (a) THE COMMUNITY SOLAR GARDEN
25 MAY BE OWNED BY A SUBSCRIBER ORGANIZATION, WHOSE SOLE PURPOSE
26 SHALL BE BENEFICIALLY OWNING AND OPERATING A COMMUNITY SOLAR
27 GARDEN. THE SUBSCRIBER ORGANIZATION MAY BE ANY FOR-PROFIT OR

1 NONPROFIT ENTITY PERMITTED BY COLORADO LAW. THE COMMUNITY
2 SOLAR GARDEN MAY ALSO BE BUILT, OWNED, AND OPERATED BY A THIRD
3 PARTY UNDER CONTRACT WITH THE SUBSCRIBER ORGANIZATION.

4 (b) ON OR BEFORE OCTOBER 1, 2010, THE COMMISSION SHALL
5 ~~COMMENCE A RULE-MAKING PROCEEDING TO ADOPT RULES AS NECESSARY~~
6 TO IMPLEMENT THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES TO
7 FACILITATE THE FINANCING OF SUBSCRIBER-OWNED COMMUNITY SOLAR
8 GARDENS. SUCH RULES SHALL INCLUDE:

9 (I) MINIMUM CAPITALIZATION;

10 (II) THE SHARE OF A COMMUNITY SOLAR GARDEN'S ELIGIBLE
11 SOLAR ELECTRIC GENERATION FACILITIES THAT A SUBSCRIBER
12 ORGANIZATION MAY AT ANY TIME OWN IN ITS OWN NAME; AND

13 (III) AUTHORIZING SUBSCRIBER ORGANIZATIONS TO ENTER INTO
14 LEASES, SALE-AND-LEASEBACK TRANSACTIONS, OPERATING AGREEMENTS,
15 AND OTHER OWNERSHIP ARRANGEMENTS WITH THIRD PARTIES.

16 (c) IF A SUBSCRIBER CEASES TO BE A CUSTOMER AT THE PREMISES
17 ON WHICH THE SUBSCRIPTION IS BASED BUT, WITHIN A REASONABLE
18 PERIOD AS DETERMINED BY THE COMMISSION, BECOMES A CUSTOMER AT
19 ANOTHER PREMISES IN THE SERVICE TERRITORY OF THE QUALIFYING
20 RETAIL UTILITY AND WITHIN THE GEOGRAPHIC AREA SERVED BY THE
21 COMMUNITY SOLAR GARDEN, THE SUBSCRIPTION SHALL CONTINUE IN
22 EFFECT BUT THE BILL CREDIT AND OTHER FEATURES OF THE SUBSCRIPTION
23 SHALL BE ADJUSTED AS NECESSARY TO REFLECT ANY DIFFERENCES
24 BETWEEN THE NEW AND PREVIOUS PREMISES' CUSTOMER CLASSIFICATION
25 AND AVERAGE ANNUAL CONSUMPTION OF ELECTRICITY.

26 (4) **Community solar gardens not subject to regulation.**

27 NEITHER THE OWNERS OF NOR THE SUBSCRIBERS TO A COMMUNITY SOLAR

1 GARDEN SHALL BE CONSIDERED PUBLIC UTILITIES SUBJECT TO REGULATION
2 BY THE COMMISSION SOLELY AS A RESULT OF THEIR INTEREST IN THE
3 COMMUNITY SOLAR GARDEN. PRICES PAID FOR SUBSCRIPTIONS IN
4 COMMUNITY SOLAR GARDENS SHALL NOT BE SUBJECT TO REGULATION BY
5 THE COMMISSION.

6 (5) **Purchases of the output from community solar gardens.**

7 (a) (I) EACH QUALIFYING RETAIL UTILITY SHALL SET FORTH IN ITS [REDACTED]
8 [REDACTED] PLAN FOR ACQUISITION OF RENEWABLE RESOURCES A PLAN TO
9 PURCHASE THE ELECTRICITY AND RENEWABLE ENERGY CREDITS
10 GENERATED FROM ONE OR MORE COMMUNITY SOLAR GARDENS OVER THE
11 PERIOD COVERED BY THE PLAN.

12 (II) FOR THE FIRST TWO COMPLIANCE [REDACTED] YEARS COMMENCING
13 WITH THE 2011 COMPLIANCE [REDACTED] YEAR, EACH QUALIFYING RETAIL
14 UTILITY SHALL ISSUE ONE OR MORE STANDARD OFFERS TO PURCHASE THE
15 OUTPUT FROM COMMUNITY SOLAR GARDENS OF FIVE HUNDRED KILOWATTS
16 OR LESS [REDACTED] AT PRICES THAT ARE COMPARABLE TO THE PRICES OFFERED
17 BY THE QUALIFYING RETAIL UTILITY UNDER STANDARD OFFERS ISSUED FOR
18 ON-SITE SOLAR GENERATION. DURING THESE TWO COMPLIANCE YEARS,
19 THE QUALIFYING RETAIL UTILITY SHALL ACQUIRE, THROUGH THESE
20 STANDARD OFFERS, THE GREATER OF THREE MEGAWATTS OR ONE-HALF OF
21 THE SOLAR GARDEN GENERATION IT PLANS TO ACQUIRE, [REDACTED] TO THE
22 EXTENT THE QUALIFYING RETAIL UTILITY RECEIVES RESPONSES TO ITS
23 STANDARD OFFERS. THE QUALIFYING RETAIL UTILITY SHALL NOT BE
24 OBLIGATED TO PURCHASE THE OUTPUT FROM MORE THAN SIX MEGAWATTS
25 OF NEWLY INSTALLED COMMUNITY SOLAR GARDEN GENERATION IN EITHER
26 OF THE FIRST TWO COMPLIANCE [REDACTED] YEARS.

27 (III) FOR EACH QUALIFYING RETAIL UTILITY'S COMPLIANCE [REDACTED]

1 YEARS COMMENCING IN 2013 AND THEREAFTER, THE COMMISSION SHALL
2 DETERMINE THE MINIMUM AND MAXIMUM PURCHASES OF
3 ELECTRICAL OUTPUT FROM NEWLY INSTALLED COMMUNITY SOLAR
4 GARDENS OF DIFFERENT OUTPUT CAPACITY THAT THE QUALIFYING RETAIL
5 UTILITY SHALL PLAN TO ACQUIRE, WITHOUT REGARD TO THE
6 SIX-MEGAWATT CEILING OF THE FIRST TWO COMPLIANCE YEARS. IN
7 ADDITION, AS NECESSARY, THE COMMISSION SHALL FORMULATE AND
8 IMPLEMENT POLICIES CONSISTENT WITH THIS SECTION THAT
9 SIMULTANEOUSLY ENCOURAGE:

10 (A) THE OWNERSHIP BY CUSTOMERS OF SUBSCRIPTIONS IN
11 COMMUNITY SOLAR GARDENS AND OF OTHER FORMS OF DISTRIBUTED
12 GENERATION, TO THE EXTENT THE COMMISSION FINDS THERE TO BE
13 CUSTOMER DEMAND FOR SUCH OWNERSHIP;

14 (B) OWNERSHIP IN COMMUNITY SOLAR GARDENS BY RESIDENTIAL
15 RETAIL CUSTOMERS, INCLUDING LOW-INCOME CUSTOMERS, TO THE EXTENT
16 THE COMMISSION FINDS THERE TO BE DEMAND FOR SUCH OWNERSHIP;

17 (C) THE DEVELOPMENT OF COMMUNITY SOLAR GARDENS WITH
18 ATTRIBUTES THAT THE COMMISSION FINDS RESULT IN LOWER OVERALL
19 TOTAL COSTS FOR THE QUALIFYING RETAIL UTILITY'S CUSTOMERS;

20 (D) SUCCESSFUL FINANCING AND OPERATION OF COMMUNITY
21 SOLAR GARDENS OWNED BY SUBSCRIBER ORGANIZATIONS; AND

22 (E) THE ACHIEVEMENT OF THE GOALS AND OBJECTIVES OF SECTION
23 40-2-124.

24 (b) (I) THE OUTPUT FROM A COMMUNITY SOLAR GARDEN SHALL BE
25 SOLD ONLY TO THE QUALIFYING RETAIL UTILITY SERVING THE GEOGRAPHIC
26 AREA WHERE THE COMMUNITY SOLAR GARDEN IS LOCATED. ONCE A
27 COMMUNITY SOLAR GARDEN IS PART OF A QUALIFYING RETAIL UTILITY'S

1 PLAN FOR ACQUISITION OF RENEWABLE RESOURCES, AS APPROVED BY
2 THE COMMISSION, THE QUALIFYING RETAIL UTILITY SHALL PURCHASE ALL
3 OF THE ELECTRICITY AND RENEWABLE ENERGY CREDITS GENERATED BY
4 THE COMMUNITY SOLAR GARDEN. THE AMOUNT OF ELECTRICITY AND
5 RENEWABLE ENERGY CREDITS GENERATED BY EACH COMMUNITY SOLAR
6 GARDEN SHALL BE DETERMINED BY A PRODUCTION METER INSTALLED BY
7 THE QUALIFYING RETAIL UTILITY OR THIRD-PARTY SYSTEM OWNER AND
8 PAID FOR BY THE OWNER OF THE COMMUNITY SOLAR GARDEN.

9 (II) THE PURCHASE OF THE OUTPUT OF A COMMUNITY SOLAR
10 GARDEN BY A QUALIFYING RETAIL UTILITY SHALL TAKE THE FORM OF A
11 NET METERING CREDIT AGAINST THE QUALIFYING RETAIL UTILITY'S
12 ELECTRIC BILL TO EACH COMMUNITY SOLAR GARDEN SUBSCRIBER AT THE
13 PREMISES SET FORTH IN THE SUBSCRIBER'S SUBSCRIPTION. THE NET
14 METERING CREDIT SHALL BE CALCULATED BY MULTIPLYING THE
15 SUBSCRIBER'S SHARE OF THE ELECTRICITY PRODUCTION FROM THE
16 COMMUNITY SOLAR GARDEN BY THE RETAIL RATE PER KILOWATT-HOUR OF
17 THE QUALIFYING RETAIL UTILITY, MINUS A REASONABLE CHARGE AS
18 DETERMINED BY THE COMMISSION TO COVER THE UTILITY'S COSTS OF
19 DELIVERING TO THE SUBSCRIBER'S PREMISES THE ELECTRICITY GENERATED
20 BY THE COMMUNITY SOLAR GARDEN, INTEGRATING THE SOLAR
21 GENERATION WITH THE UTILITY'S SYSTEM, AND ADMINISTERING THE
22 COMMUNITY SOLAR GARDEN'S CONTRACTS AND NET METERING CREDITS.
23 IF, AND TO THE EXTENT THAT, A SUBSCRIBER'S NET METERING CREDIT
24 EXCEEDS THE SUBSCRIBER'S ELECTRIC BILL IN ANY BILLING PERIOD, THE
25 NET METERING CREDIT SHALL BE CARRIED FORWARD AND APPLIED
26 AGAINST FUTURE BILLS. THE QUALIFYING RETAIL UTILITY AND THE OWNER
27 OF THE COMMUNITY SOLAR GARDEN SHALL AGREE ON WHETHER THE

1 PURCHASE OF THE RENEWABLE ENERGY CREDITS FROM SUBSCRIBERS WILL
2 BE ACCOMPLISHED THROUGH A CREDIT ON EACH SUBSCRIBER'S
3 ELECTRICITY BILL OR BY A PAYMENT TO THE OWNER OF THE COMMUNITY
4 SOLAR GARDEN.

5 (c) THE OWNER OF THE COMMUNITY SOLAR GARDEN SHALL
6 PROVIDE REAL-TIME PRODUCTION DATA TO THE QUALIFYING RETAIL
7 UTILITY TO FACILITATE INCORPORATION OF THE COMMUNITY SOLAR
8 GARDEN INTO THE UTILITY'S OPERATION OF ITS ELECTRIC SYSTEM AND TO
9 FACILITATE THE PROVISION OF NET METERING CREDITS.

10 (d) THE OWNER OF THE COMMUNITY SOLAR GARDEN SHALL BE
11 RESPONSIBLE FOR PROVIDING TO THE QUALIFYING RETAIL UTILITY, ON A
12 MONTHLY BASIS AND WITHIN REASONABLE PERIODS SET BY THE
13 QUALIFYING RETAIL UTILITY, THE PERCENTAGE SHARES THAT SHOULD BE
14 USED TO DETERMINE THE NET METERING CREDIT TO EACH SUBSCRIBER. IF
15 THE ELECTRICITY OUTPUT OF THE COMMUNITY SOLAR GARDEN IS NOT
16 FULLY SUBSCRIBED, THE QUALIFYING RETAIL UTILITY SHALL PURCHASE
17 THE UNSUBSCRIBED RENEWABLE ENERGY AND THE RENEWABLE ENERGY
18 CREDITS AT A RATE EQUAL TO THE QUALIFYING RETAIL UTILITY'S AVERAGE
19 HOURLY INCREMENTAL COST OF ELECTRICITY SUPPLY OVER THE
20 IMMEDIATELY PRECEDING CALENDAR YEAR.

21 (e) EACH QUALIFYING RETAIL UTILITY SHALL SET FORTH IN ITS
22 PLAN FOR ACQUISITION OF RENEWABLE RESOURCES A PROPOSAL FOR
23 INCLUDING LOW-INCOME CUSTOMERS AS SUBSCRIBERS TO A COMMUNITY
24 SOLAR GARDEN. THE UTILITY MAY GIVE PREFERENCE TO COMMUNITY
25 SOLAR GARDENS THAT HAVE LOW-INCOME SUBSCRIBERS.

26 (f) QUALIFYING RETAIL UTILITIES SHALL BE ELIGIBLE FOR THE
27 INCENTIVES SET FORTH IN SECTION 40-2-124 (1) (f) FOR UTILITY

1 INVESTMENTS IN COMMUNITY SOLAR GARDENS AND MAY RECOVER
2 THROUGH RATES A MARGIN ON ALL ENERGY AND RENEWABLE ENERGY
3 CREDITS PURCHASED FROM COMMUNITY SOLAR GARDENS. SUCH
4 INCENTIVE PAYMENTS SHALL BE EXCLUDED FROM THE COST ANALYSIS
5 REQUIRED BY SECTION 40-2-124 (1) (g).

6 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE OR
7 SUPERSEDE THE RETAIL RATE IMPACT LIMITATIONS IN SECTION 40-2-124
8 (1) (g). UTILITY EXPENDITURES FOR UNSUBSCRIBED ENERGY AND
9 RENEWABLE ENERGY CREDITS GENERATED BY COMMUNITY SOLAR
10 GARDENS SHALL BE INCLUDED IN THE CALCULATIONS OF RETAIL RATE
11 IMPACT REQUIRED BY THAT SECTION.

12 (7) **Applicability to cooperative electric associations and**
13 **municipally owned utilities.** THIS SECTION SHALL NOT APPLY TO
14 COOPERATIVE ELECTRIC ASSOCIATIONS OR TO MUNICIPALLY OWNED
15 UTILITIES.

16 **SECTION 2. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.