

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0622.01 Sarah Lozano x3858

HOUSE BILL 22-1020

HOUSE SPONSORSHIP

Woog,

SENATE SPONSORSHIP

Kirkmeyer,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A GUARANTEE OF A CUSTOMER'S RIGHT TO USE ENERGY.

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://leg.colorado.gov>.)

The bill prohibits a state agency, local government, and common interest community from limiting or prohibiting the use of natural gas, propane, solar photovoltaics, micro wind turbines, or small hydroelectric power for electricity generation, cooking, hot water, or space heating in residences, units, or businesses.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
3 (3) as follows:

4 **38-33.3-106.5. Prohibitions contrary to public policy -**
5 **patriotic, political, or religious expression - emergency vehicles - fire**
6 **prevention - renewable energy generation devices - affordable**
7 **housing - drought prevention measures - child care - right to use**
8 **energy - definitions.** (3) (a) AS USED IN THIS SUBSECTION (3), UNLESS
9 THE CONTEXT OTHERWISE REQUIRES:

10 (I) "MICRO HYDROELECTRICITY" MEANS HYDROELECTRIC POWER
11 TO GENERATE ELECTRICITY USING THE NATURAL FLOW OF WATER AT A
12 MAXIMUM CAPACITY OF ONE HUNDRED KILOWATTS OR LESS.

13 (II) "MICRO WIND TURBINE" MEANS A TURBINE HAVING A VANED
14 WHEEL ROTATED BY THE WIND TO GENERATE ELECTRICITY AT A MAXIMUM
15 CAPACITY OF ONE HUNDRED KILOWATTS OR LESS.

16 (b) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
17 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
18 CONTRARY, AN ASSOCIATION SHALL NOT LIMIT OR PROHIBIT THE
19 INSTALLATION OR USE OF, IN A UNIT, ANY SYSTEM OR APPLIANCE THAT
20 USES NATURAL GAS, PROPANE, SOLAR PHOTOVOLTAICS, MICRO WIND
21 TURBINES, OR SMALL HYDROELECTRIC POWER FOR ELECTRICITY
22 GENERATION, COOKING, HOT WATER, OR SPACE HEATING.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 40-2-135.5 as
24 follows:

25 **40-2-135.5. Use of energy - customers' rights - definition.**
26 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
2 COUNTY, MUNICIPALITY, OR CITY AND COUNTY OR A METROPOLITAN
3 DISTRICT, AS DEFINED IN SECTION 32-1-103 (10).

4 (b) "MICRO HYDROELECTRICITY" MEANS HYDROELECTRIC POWER
5 TO GENERATE ELECTRICITY USING THE NATURAL FLOW OF WATER AT A
6 MAXIMUM CAPACITY OF ONE HUNDRED KILOWATTS OR LESS.

7 (c) "MICRO WIND TURBINE" MEANS A TURBINE THAT HAS A VANED
8 WHEEL ROTATED BY THE WIND TO GENERATE ELECTRICITY AT A MAXIMUM
9 CAPACITY OF ONE HUNDRED KILOWATTS OR LESS.

10 (2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A STATE
11 AGENCY SHALL NOT PROMULGATE OR ENFORCE A RULE AND A LOCAL
12 GOVERNMENT SHALL NOT ENACT OR ENFORCE AN ORDINANCE,
13 RESOLUTION, REGULATION, OR OTHER LAW THAT LIMITS OR PROHIBITS THE
14 INSTALLATION OR USE OF, IN A RESIDENCE OR BUSINESS, ANY SYSTEM OR
15 APPLIANCE THAT USES NATURAL GAS, PROPANE, SOLAR PHOTOVOLTAICS,
16 MICRO WIND TURBINES, OR SMALL HYDROELECTRIC POWER FOR
17 ELECTRICITY GENERATION, COOKING, HOT WATER, OR SPACE HEATING.

18 **SECTION 3. 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; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2022 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.