

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

March 9, 2021

Mr. Speaker:

Your **ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE**, to whom has been referred

**SENATE TAX, BUSINESS AND TRANSPORTATION COMMITTEE
SUBSTITUTE FOR SENATE BILL 84, as amended**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike Items 1 through 3, 5, 9 and 12 of Senate Floor Amendment number 1.

2. On page 4, line 8, after "facility", strike the remainder of the line and insert in lieu thereof "and that is by rate class a residential retail customer or a small commercial retail customer or, regardless of rate class, is a nonprofit organization, a religious organization, an Indian nation, tribe or pueblo or apolitical subdivision of an Indian nation, tribe or pueblo or a governmental entity, including a state educational institution, a public school, a public housing authority or other political subdivision of the state or agency, instrumentality or institution of a political subdivision;".

3. On page 4, line 10, after "include", insert "a qualifying utility,".

4. On page 6, between lines 18 and 19, insert the following new subsection:

"C. Notwithstanding any provision of the Public Utility Act to the contrary, a person not otherwise a public utility shall not be deemed to be a public utility subject to the provisions of the Public Utility Act solely because the person owns, controls or operates all or any part of a community solar facility.".

5. On page 10, line 15, after "facility", insert ", such that a qualifying utility and its non-subscribing customers do not subsidize the costs attributable to the subscriber organization pursuant to this paragraph".

6. On page 11, line 4, after "charges", insert ";

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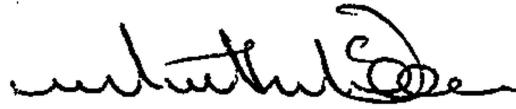
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provided that non-subscribers do not unduly subsidize costs attributable to subscribers".,

and thence referred to the **STATE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS COMMITTEE.**

Respectfully submitted,



Matthew McQueen, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 6 For 4 Against

Yes: 6

No: Montoya, RD, Scott, Strickler, Townsend

Excused: McQueen

Absent: None

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