

CHAPTER 148

GOVERNMENT - STATE

HOUSE BILL 07-1087

BY REPRESENTATIVE(S) Kerr A., Borodkin, Carroll M., Carroll T., Casso, Fischer, Frangas, Gallegos, Gardner C., Gibbs, Hodge, Kefalas, Kerr J., Labuda, Lambert, Levy, Madden, Marshall, Massey, Peniston, Primavera, Riesberg, Romanoff, Rose, Solano, Summers, Todd, Weissmann, and Witwer;
also SENATOR(S) Romer, Bacon, Boyd, Fitz-Gerald, Gordon, Groff, Isgar, Keller, Kopp, Penry, Schwartz, Shaffer, Spence, Tochtrop, Tupa, Ward, Williams, and Windels.

AN ACT**CONCERNING THE WIND FOR SCHOOLS GRANT PROGRAM.**

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

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 89
Wind for Schools Grant Program

22-89-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "WIND FOR SCHOOLS GRANT PROGRAM".

22-89-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) COLORADO'S SCHOOLS FACE A PERENNIAL STRUGGLE WITH TIGHT BUDGETS, AND THEIR FINANCIAL DIFFICULTIES ARE WORSENER BY VOLATILE ELECTRICITY PRICES THAT OFTEN LEAD TO HIGH ELECTRICITY BILLS.

(b) A SMALL BUT GROWING NUMBER OF SCHOOLS HAVE RESPONDED TO THESE DIFFICULTIES BY BEGINNING TO PRODUCE THEIR OWN ELECTRICITY WITH WIND TURBINES.

(c) BY PRODUCING THEIR OWN ELECTRICITY WITH WIND TURBINES, SOME SCHOOLS HAVE REDUCED THEIR ELECTRICITY COSTS WHILE PROMOTING ENERGY

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

INDEPENDENCE AND ENVIRONMENTAL RESPONSIBILITY AND HAVE PROVIDED STUDENTS WITH AN OPPORTUNITY TO UNDERSTAND THIS BURGEONING TECHNOLOGY.

(d) THE GENERAL ASSEMBLY WOULD SERVE THE BEST INTERESTS OF COLORADO SCHOOLS BY SUPPORTING THE EFFORTS OF PUBLIC SCHOOLS AND COMMUNITY COLLEGES THAT ARE CONSIDERING WIND POWER PROJECTS.

22-89-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "OFFICE OF ENERGY MANAGEMENT AND CONSERVATION" MEANS THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION WITHIN THE OFFICE OF THE GOVERNOR OR ANY SUCCESSOR OFFICE THAT IS CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE PURPOSE OF PROMOTING ENERGY MANAGEMENT OR CONSERVATION.

(2) "QUALIFIED SCHOOL" MEANS A PUBLIC SCHOOL OR COMMUNITY COLLEGE IN THE STATE THAT IS WORKING WITH THE NATIONAL RENEWABLE ENERGY LABORATORY TO ESTABLISH A WIND FOR SCHOOLS PROJECT. A QUALIFIED SCHOOL SHALL HAVE A PROJECT TEAM INVOLVED THAT INCLUDES THE SCHOOL, COMMUNITY, AND TECHNICAL ASSISTANCE MEMBERSHIP.

(3) "WIND FOR SCHOOLS GRANT PROGRAM" OR "GRANT PROGRAM" MEANS THE GRANT PROGRAM CREATED PURSUANT TO SECTION 22-89-104 TO FUND WIND POWER PROJECTS AT A QUALIFIED SCHOOL.

(4) "WIND FOR SCHOOLS PROJECT" MEANS A PROJECT SUPPORTED BY THE NATIONAL RENEWABLE ENERGY LABORATORY AND WIND POWERING AMERICA TO HELP A QUALIFIED SCHOOL INSTALL A WIND TURBINE THAT WILL HELP DEFRAY THE SCHOOL'S ENERGY COSTS AND PROVIDE EDUCATIONAL OPPORTUNITIES FOR STUDENTS RELATING TO THE GENERATION OF WIND POWER.

22-89-104. Wind for schools grant program - created - applications.

(1) THERE IS HEREBY CREATED THE WIND FOR SCHOOLS GRANT PROGRAM TO FUND WIND FOR SCHOOLS PROJECTS AT QUALIFIED SCHOOLS. A QUALIFIED SCHOOL MAY, WITH THE WRITTEN AUTHORIZATION OF THE LOCAL BOARD OF EDUCATION, APPLY TO THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION, IN ACCORDANCE WITH PROCEDURES AND DEADLINES ADOPTED BY THE OFFICE, TO RECEIVE MONEYS THROUGH THE GRANT PROGRAM. THE OFFICE SHALL ADMINISTER THE GRANT PROGRAM AS PROVIDED IN THIS ARTICLE AND PURSUANT TO POLICIES ADOPTED BY THE OFFICE.

(2)(a) THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION SHALL ADOPT POLICIES SPECIFYING WHEN A QUALIFIED SCHOOL MAY REQUEST A GRANT AND THE PROCEDURE FOR MAKING THE REQUEST.

(b) A QUALIFIED SCHOOL THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL USE THE MONEYS RECEIVED TO PAY FOR TECHNICAL ASSISTANCE, EQUIPMENT, OR INSTALLATION COSTS ASSOCIATED WITH A WIND FOR SCHOOLS PROJECT.

22-89-105. Wind for schools grant program - rules - awarding grants.

(1) THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION SHALL ADOPT POLICIES FOR THE IMPLEMENTATION OF THE WIND FOR SCHOOLS GRANT PROGRAM. AT A MINIMUM, THE POLICIES SHALL SPECIFY THE PROCEDURES FOR APPLYING FOR A GRANT, THE FORM OF THE GRANT APPLICATION, THE INFORMATION TO BE PROVIDED BY THE APPLICANT, AND THE CRITERIA FOR AWARDING GRANTS.

(2)(a) THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION SHALL REVIEW EACH GRANT APPLICATION RECEIVED FROM A QUALIFIED SCHOOL PURSUANT TO SECTION 22-89-104 AND SHALL MAKE A DETERMINATION AS TO WHETHER THE GRANT SHOULD BE AWARDED AND, EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (2), THE AMOUNT OF THE GRANT. IF THE OFFICE DETERMINES AN APPLICATION IS MISSING ANY INFORMATION REQUIRED BY THE OFFICE'S POLICY TO BE INCLUDED WITH THE APPLICATION, THE OFFICE MAY CONTACT THE APPLICANT TO OBTAIN THE MISSING INFORMATION.

(b) IN AWARDING GRANTS PURSUANT TO THIS ARTICLE, THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION SHALL CONSIDER, AT A MINIMUM, WHETHER A QUALIFIED SCHOOL:

(I) WOULD REDUCE THEIR ELECTRICITY COSTS BY THE IMPLEMENTATION OF A WIND FOR SCHOOLS PROJECT; AND

(II) HAS A PLAN IN PLACE TO INCORPORATE THE IMPLEMENTATION OF A WIND FOR SCHOOLS PROJECT INTO THEIR EDUCATIONAL CURRICULUM.

(c) A QUALIFIED SCHOOL SHALL NOT RECEIVE AN AGGREGATE AMOUNT OF GRANTS PURSUANT TO THIS ARTICLE THAT EXCEEDS FIVE THOUSAND DOLLARS.

(3) THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION SHALL USE AT LEAST FIFTY THOUSAND DOLLARS FOR THE IMPLEMENTATION OF THIS GRANT PROGRAM FROM THE EXISTING RESOURCES OF THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION. THE MINIMUM FUNDING REQUIREMENT FOR THE IMPLEMENTATION OF THIS GRANT PROGRAM MAY BE MET IN ONE OR MORE FISCAL YEARS. THE OFFICE OF THE GOVERNOR SHALL NOT SUBMIT A REQUEST FOR AN APPROPRIATION OR A SUPPLEMENTAL APPROPRIATION FOR THIS PURPOSE.

SECTION 2. 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.

Approved: April 16, 2007