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Final Fiscal Note

Drafting Number:	LLS 22-0401	Date:	July 19, 2022
Prime Sponsors:	Rep. Pelton; Snyder Sen. Hisey; Winter	Bill Status:	Signed into Law
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Bill Topic: MICROGRIDS FOR COMMUNITY RESILIENCE GRANT PROGRAM

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates the Microgrids for Community Resilience Grant Program in the Department of Local Affairs to provide grants for cooperative electric associations and municipally owned utilities to purchase microgrid resources for eligible rural communities located within their service territories. Beginning in FY 2022-23, it increases state expenditures and local government revenue and expenditures until the program repeals on September 1, 2026.

Appropriation Summary: For FY 2022-23, the bill includes an appropriation of \$3,520,713 to multiple state agencies.

Fiscal Note Status: The fiscal note reflects the enacted bill.

**Table 1
State Fiscal Impacts Under HB 22-1013**

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures¹	General Fund	\$3,520,713	\$159,326
	Centrally Appropriated	\$46,154	\$57,899
	Total	\$3,566,867	\$217,225
	Total FTE	1.8 FTE	2.3 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$528,107	\$23,899

¹ The bill appropriates \$3.5 million to the Department of Local Affairs in FY 2022-23, which may be spent through FY 2025-26.

Summary of Legislation

The bill creates the Microgrids for Community Resilience Grant Program to be administered by the Division of Local Governments (DLG) in the Department of Local Affairs (DOLA), in collaboration with the Colorado Resiliency Office in DOLA and the Colorado Energy Office (CEO). Cooperative electric associations and municipally owned utilities may apply to the DLG for a grant to purchase microgrid resources in eligible rural communities within the utility's service territory that are at significant risk of severe weather or natural disaster events and where community anchor institutions, as defined in the bill, are located. The bill appropriates \$3.5 million to DOLA in FY 2022-23 to implement the grant program, and allows these funds to be used through FY 2025-26.

Microgrids are defined as groups of interconnected electric loads and distributed energy resources with clearly defined electrical boundaries that can be connected to or disconnected from the electric grid. The microgrid functions as a single, controllable entity with respect to the electric grid.

DOLA, the DLG, and the Resiliency Office are authorized to use a portion of the grant money for the direct and indirect costs associated with administering the grant program. The DLG is required to collaborate with the Resiliency Office and the CEO to develop a grant application process by January 1, 2023, and post information about the process on the department's website. The DLG, in collaboration with the Resiliency Office, must consider the eligible rural community's degree of exposure to, and nature of interests that are at risk from, severe weather or natural disaster events, and the availability of alternative resources and financial resources to mitigate the risks. The DLG is also required to prioritize microgrids with a higher reliance on non-fossil fuel-based generation.

Beginning December 1, 2023, the DLG must submit an annual report summarizing the grants awarded. The annual report must be published on DOLA's website and provided to relevant legislative committees. The grant program is repealed on September 1, 2026.

Background and Assumptions

The average capacity of an installed microgrid is typically under 10 megawatts and, according to one study, costs between \$2 million and \$4 million per megawatt.¹ This bill appropriates \$3.5 million to DOLA, which would support the development of approximately 2 megawatts of microgrid capacity annually, assuming that grant recipients cover about one-half of the costs on a per megawatt basis. The actual number of projects supported, the amount of grant awards, and financial terms would be established by DOLA.

The Infrastructure Investment and Jobs Act, enacted in November 2021, included \$3 billion in federal funds to the Smart Grid Investment Matching Grant Program, which remains available to fund eligible projects through September 30, 2026.² This federal funding may impact the demand for state-level funding for microgrid investments.

¹ National Renewable Energy Laboratory. 2018. Phase 1 Microgrid Cost Study: Data Collection and Analysis of Microgrid Costs in the United States. Available at: <https://www.nrel.gov/docs/fy19osti/67821.pdf>.

² Information about the Smart Grid Investment Grant Program can be found online at: https://www.smartgrid.gov/recovery_act/overview/smart_grid_investment_grant_program.html.

State Expenditures

The bill increases state expenditures in multiple state agencies by \$3,569,532 in FY 2022-23 and \$217,225 in FY 2023-24 and ongoing until the program is repealed, paid from the General Fund. Program costs are shown in Table 2 and detailed below.

**Table 2
Expenditures Under HB 22-1013**

	FY 2022-23	FY 2023-24
Department of Local Affairs		
Personal Services	\$96,755	\$129,008
Operating Expenses	\$2,160	\$2,700
Capital Outlay Costs	\$12,400	-
Grant Funding ¹	\$3,388,685	-
Centrally Appropriated Costs ²	\$42,291	\$52,415
FTE – Personal Services	1.6 FTE	2.0 FTE
DOLA Subtotal	\$3,542,291	\$184,123
Colorado Energy Office		
Personal Services	\$20,713	\$27,618
Centrally Appropriated Costs ²	\$3,863	\$5,484
FTE – Personal Services	0.2 FTE	0.3 FTE
CEO Subtotal	\$24,576	\$33,102
Total	\$3,566,867	\$217,225
Total FTE	1.8 FTE	2.3 FTE

¹ Grant funding appropriated in FY 2022-23 is further appropriated through FY 2025-26.

² Centrally appropriated costs are not included in the bill's appropriation.

Department of Local Affairs. The Department of Local Affairs requires 2.0 FTE to develop the grant application process, implement the grant program, conduct outreach, and prepare legislative reporting. Staff will be responsible for creating and managing the program, overseeing the grant application process, managing award recipients, and developing contracts. First-year costs assume a September 1 start date and are prorated for the General Fund pay date shift. Standard operating and capital outlay costs are included. After accounting for administrative costs, about \$3.4 million remains for available grant funding, which the department may expend through FY 2025-26.

Colorado Energy Office. The Colorado Energy Office (CEO) will require 0.3 FTE to provide technical assistance to the DOLA in designing the program, reviewing grant applications for technical requirements and feasibility, recommending and prioritizing applications based on need and suitability, and other technical assistance as needed. Costs are prorated in the first year for the September start date and General Fund pay date shift.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, which will decrease the amount of General Fund available for other purposes.

Local Government

Beginning in FY 2022-23, municipalities that apply for and are awarded grant funding will receive additional revenue and have additional workload and expenditures to implement the microgrid projects.

Effective Date

The bill was signed into law by the Governor on June 2, 2022, and takes effect on August 9, 2022, assuming no referendum petition is filed.

State Appropriations

For FY 2022-23, the bill requires and includes the following General Fund appropriations:

- \$3.5 million to the Department of Local Affairs, and 1.6 FTE; and
- \$20,713 to the Colorado Energy Office, and 0.2 FTE.

State and Local Government

Local Affairs
Law

Municipalities
Colorado Energy Office

Information Technology