

## CHAPTER 316

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**PUBLIC UTILITIES**

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**SENATE BILL 07-091**

BY SENATOR(S) Schwartz, Boyd, Fitz-Gerald, Gordon, Groff, Isgar, Romer, Sandoval, Shaffer, Tapia, Tochtrop, Tupa, Veiga, Williams, and Windels;  
also REPRESENTATIVE(S) Massey, Carroll M., Frangas, Gibbs, Green, Hodge, Jahn, Kerr A., Kerr J., Labuda, McFadyen, Merrifield, Romanoff, Solano, Stafford, Stephens, Summers, and Todd.

**AN ACT**

**CONCERNING RENEWABLE RESOURCE GENERATION DEVELOPMENT AREAS, AND, IN CONNECTION THEREWITH, CREATING A TASK FORCE, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** Article 4 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**40-4-116. Renewable resource generation development areas - task force - fund - definitions - repeal.** (1) **Task force.** (a) THERE IS HEREBY CREATED THE TASK FORCE ON RENEWABLE RESOURCE GENERATION DEVELOPMENT AREAS, ALSO REFERRED TO IN THIS SECTION AS THE "TASK FORCE". THE TASK FORCE SHALL IDENTIFY RENEWABLE RESOURCE GENERATION DEVELOPMENT AREAS WITHIN COLORADO THAT HAVE POTENTIAL TO SUPPORT INDUSTRY DEVELOPMENT AMONG RENEWABLE ENERGY DEVELOPERS FOR DEVELOPMENT OF RENEWABLE RESOURCE GENERATION PROJECTS.

(b) THE TASK FORCE SHALL HOLD AT LEAST FOUR MEETINGS, WHICH SHALL BE OPEN TO THE PUBLIC. THE TASK FORCE SHALL ELECT A CHAIR AND A VICE-CHAIR FROM ITS MEMBERS AT ITS FIRST MEETING. THE TASK FORCE SHALL SOLICIT AND RECEIVE COMMENTS, INCLUDING WRITTEN COMMENTS, FROM MEMBERS OF THE PUBLIC. THE TASK FORCE MAY DETERMINE THE MANNER IN WHICH SUCH COMMENTS ARE RECEIVED.

(c) THE TASK FORCE SHALL CONSIDER AND GIVE WEIGHT TO ANY COMMENTS RECEIVED FROM THE GENERAL PUBLIC AS WELL AS WRITTEN COMMENTS FROM AFFECTED COUNTIES, CITIES, ELECTRIC UTILITIES AND THEIR CUSTOMERS,

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

ENVIRONMENTAL GROUPS, AND OTHER INTERESTED STAKEHOLDERS.

**(2) Membership.** (a) THE TASK FORCE SHALL CONSIST OF SIXTEEN MEMBERS AS FOLLOWS:

(I) THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE OR ANY SUCCESSOR OFFICE CREATED WITHIN THE OFFICE OF THE GOVERNOR, OR HIS OR HER DESIGNEE, WHO SHALL CONVENE THE TASK FORCE AND WHO IS AUTHORIZED TO CONTRACT WITH A MEDIATOR OR OTHER THIRD PARTY TO FACILITATE ACCOMPLISHMENT OF THE TASK FORCE'S DUTIES;

(II) SEVEN MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(A) ONE MEMBER REPRESENTING COOPERATIVE ELECTRIC ASSOCIATIONS THAT DISTRIBUTE ELECTRICITY;

(B) ONE MEMBER REPRESENTING INVESTOR-OWNED ELECTRIC UTILITIES;

(C) ONE MEMBER REPRESENTING SOLAR-GENERATION INTERESTS;

(D) ONE MEMBER REPRESENTING WIND-ELECTRIC GENERATION INTERESTS;

(E) ONE MEMBER REPRESENTING RENEWABLE ENERGY TECHNOLOGIES OTHER THAN WIND AND SOLAR;

(F) ONE MEMBER REPRESENTING COLORADO'S AGRICULTURAL INTERESTS; AND

(G) ONE MEMBER REPRESENTING MUNICIPAL UTILITIES;

(III) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE COLORADO HOUSE OF REPRESENTATIVES, ONE OF WHOM SHALL NOT BE AFFILIATED WITH ANY OF THE GROUPS REPRESENTED BY OTHER MEMBERS OF THE TASK FORCE;

(IV) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE COLORADO SENATE, ONE OF WHOM SHALL NOT BE AFFILIATED WITH ANY OF THE GROUPS REPRESENTED BY OTHER MEMBERS OF THE TASK FORCE;

(V) THE EXECUTIVE DIRECTOR OF THE COLORADO MUNICIPAL LEAGUE OR ITS SUCCESSOR ORGANIZATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(VI) THE EXECUTIVE DIRECTOR OF COLORADO COUNTIES, INCORPORATED, OR ITS SUCCESSOR ORGANIZATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(VII) THE DIRECTOR OF THE NATIONAL RENEWABLE ENERGY LABORATORY OR THE DIRECTOR'S DESIGNEE; AND

(VIII) ONE MEMBER APPOINTED BY MUTUAL AGREEMENT AND CONSENT OF THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE SENATE.

(b) MEMBERS OF THE TASK FORCE SHALL BE APPOINTED WITHIN THIRTY DAYS

AFTER THE EFFECTIVE DATE OF THIS SECTION.

(c) VACANCIES SHALL BE FILLED BY APPOINTMENT BY THE OFFICIAL WHO APPOINTED THE MEMBER WHOSE ABSENCE RESULTED IN THE VACANCY.

(3) **Scope of inquiry.** (a) AT A MINIMUM, THE TASK FORCE SHALL DEVELOP A MAP OF EXISTING GENERATION AND TRANSMISSION LINES AND POTENTIAL RENEWABLE RESOURCE GENERATION DEVELOPMENT AREAS WITHIN COLORADO THAT HAVE POTENTIAL TO SUPPORT COMPETITION AMONG RENEWABLE ENERGY DEVELOPERS FOR DEVELOPMENT OF RENEWABLE RESOURCE GENERATION PROJECTS.

(b) THE TASK FORCE SHALL CONSIDER, BUT NOT BE LIMITED TO:

(I) THE POTENTIAL USE OF ENTERPRISE ZONES IN THE DEVELOPMENT OF RENEWABLE RESOURCE GENERATION DEVELOPMENT AREAS;

(II) THE TRANSMISSION NEEDS OF THE RENEWABLE RESOURCE GENERATION DEVELOPMENT AREAS TO LOCATIONS IN WHICH CUSTOMERS CAN USE THE RENEWABLE RESOURCES; AND

(III) THE POTENTIAL DEVELOPMENT OF VARIOUS RENEWABLE RESOURCES, INCLUDING, BUT NOT LIMITED TO, WIND, SOLAR, HYDROPOWER, BIOMASS, BIOFUEL, ETHANOL, AND GEOTHERMAL RESOURCES.

(4) **Report.** THE TASK FORCE SHALL ADOPT AND DELIVER THE MAP DEVELOPED UNDER SUBSECTION (3) OF THIS SECTION TO THE GOVERNOR AND THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 31, 2007.

(5) **Funding.** (a) THE GOVERNOR'S ENERGY OFFICE OR ANY SUCCESSOR OFFICE CREATED WITHIN THE OFFICE OF THE GOVERNOR MAY ACCEPT PRIVATE GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSE OF PROVIDING SUPPORT TO THE TASK FORCE TO PERFORM ITS RESPONSIBILITIES SPECIFIED IN THIS SECTION. ANY SUCH GIFTS, GRANTS, AND DONATIONS SHALL BE HELD IN THE RENEWABLE RESOURCE GENERATION DEVELOPMENT AREAS FUND, ALSO REFERRED TO IN THIS SECTION AS THE "FUND", WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND SHALL ALSO CONSIST OF MONEYS APPROPRIATED AND TRANSFERRED TO THE FUND. EARNINGS FROM INVESTMENT OF THE FUND SHALL BE CREDITED TO THE FUND. MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED TO THE GOVERNOR'S ENERGY OFFICE OR ANY SUCCESSOR OFFICE CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION. ANY UNEXPENDED OR UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JANUARY 1, 2008, SHALL REVERT TO THE OFFICE OF THE GOVERNOR TO BE USED BY THE GOVERNOR'S ENERGY OFFICE OR ANY SUCCESSOR OFFICE CREATED WITHIN THE OFFICE OF THE GOVERNOR.

(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE GOVERNOR'S ENERGY OFFICE OR ANY SUCCESSOR OFFICE CREATED WITHIN THE OFFICE OF THE GOVERNOR NOT BE REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE FOR THE PURPOSES OF THIS SECTION AND THAT NO GENERAL FUND MONEYS BE USED TO PAY FOR GRANTS AWARDED PURSUANT TO THIS SECTION OR FOR ANY EXPENSES OF THE TASK FORCE.

(c) IF, BY JULY 1, 2007, MONEYS IN THE FUND CREATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) HAVE NOT REACHED AN AMOUNT SUFFICIENT TO PAY THE EXPENSES OF THE TASK FORCE, THE TASK FORCE SHALL NOT MEET, NOR UNDERTAKE ANY OTHER DUTIES PURSUANT TO THIS SECTION, AND THE GOVERNOR'S ENERGY OFFICE OR ANY SUCCESSOR OFFICE CREATED WITHIN THE OFFICE OF THE GOVERNOR SHALL RETURN TO EACH GRANTOR OR DONOR AN AMOUNT EQUAL TO SUCH GRANTOR'S OR DONOR'S CONTRIBUTION. THE INTEREST, IF ANY, EARNED FROM THE INVESTMENT OF MONEYS IN THE ACCOUNT SHALL BE TRANSFERRED TO THE GENERAL FUND.

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

(a) "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S ENERGY OFFICE, OR ANY SUCCESSOR OFFICE, CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE PURPOSE OF PROMOTING ENERGY MANAGEMENT OR CONSERVATION.

(b) "RENEWABLE ENERGY DEVELOPER" MEANS A PUBLIC UTILITY, COUNTY, MUNICIPALITY, SPECIAL DISTRICT, OR ANY OTHER PERSON OPERATING FOR THE PURPOSE OF SUPPLYING THE PUBLIC WITH ELECTRICITY.

(7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2007.

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the renewable resource generation development areas cash fund created in section 40-4-116 (5) (a), Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, office of energy management and conservation, for the creation of a renewable resource generation development area task force, for the fiscal year beginning July 1, 2007, the sum of forty-five thousand four hundred eleven dollars (\$45,411), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from gifts, grants, and donations.

**SECTION 3. 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: May 29, 2007