

## CHAPTER 190

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**GOVERNMENT - STATE**

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**HOUSE BILL 10-1182**

BY REPRESENTATIVE(S) Solano, Benefield, Casso, Fischer, Frangas, Hullinghorst, Kerr A., Looper, McFadyen, Merrifield, Pace, Primavera, Todd, Tyler, Apuan, Kefalas, Labuda, Middleton, Pommer, Ryden, Schafer S., Soper, Summers, Vigil; also SENATOR(S) Schwartz, Steadman, Boyd, Foster, Heath, Romer, Shaffer B., Whitehead, Williams.

**AN ACT**

**CONCERNING A LIMITED EXPANSION OF THE POWERS OF THE COLORADO CLEAN ENERGY DEVELOPMENT AUTHORITY TO FINANCE ELECTRIC TRANSMISSION FACILITIES, AND, IN CONNECTION THEREWITH, ALLOWING THE AUTHORITY TO MAKE COMMERCIAL LOANS ONLY FOR ELECTRIC POWER INTERCONNECTION PROJECTS CONNECTING CLEAN ENERGY RESOURCES TO THE TRANSMISSION GRID.**

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

**SECTION 1.** 40-9.7-103 (2), Colorado Revised Statutes, is amended, and the said 40-9.7-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**40-9.7-103. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Authority financing agreement" means a loan guaranty agreement, lease, sublease, rental agreement, agreement to purchase output or products, AGREEMENT AUTHORIZED UNDER SECTION 40-9.7-108, guaranty of amounts payable by the user or a third-party financier for a project located within the state only, or any combination thereof that does not give the authority ownership of or an ownership interest in a project and that is entered into between the authority and a user or third-party financier in connection with the financing or refinancing of any project pursuant to this article; except that the authority shall not make a direct commercial loan to a user OTHER THAN AS AUTHORIZED IN SECTION 40-9.7-108 (6) TO PROVIDE FINANCING FOR AN ELECTRIC POWER INTERCONNECTION PROJECT.

(5.2) "ELECTRIC POWER INTERCONNECTION PROJECT" MEANS A PROJECT THAT HAS AS ITS PRINCIPAL PURPOSE THE INTERCONNECTION OF FACILITIES GENERATING

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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.*

ELECTRICITY FROM CLEAN ENERGY TO THE UTILITY TRANSMISSION GRID, WHETHER OR NOT IT ALSO TRANSMITS POWER THAT IS NOT ENTIRELY SOURCED FROM CLEAN ENERGY. THE TERM INCLUDES GENERATOR STEP-UP TRANSFORMERS, RADIAL TRANSMISSION LINES AND STRUCTURES, AND ANY CIRCUIT BREAKERS OR OTHER PROTECTIVE DEVICES THAT ARE NECESSARY TO SAFELY INTERCONNECT A CLEAN ENERGY GENERATION FACILITY TO THE UTILITY TRANSMISSION GRID.

**SECTION 2.** 40-9.7-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**40-9.7-108. Colorado clean energy development authority fund - creation - authorization of projects.** (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE AUTHORITY MAY ENTER INTO ANY COMMERCIAL LOAN AGREEMENT, CONDUIT FINANCING AGREEMENT, OR OTHER AGREEMENT NECESSARY FOR THE AUTHORITY TO PROVIDE FINANCING FOR AN ELECTRIC POWER INTERCONNECTION PROJECT.

**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 5, 2010