

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 1, 2006
Date

Committee on State, Veterans & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB06-1322 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. 39-29-109, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **39-29-109. Severance tax trust fund - created - administration**
6 **- use of moneys - definitions - repeal.** (1.5) (a) NOTWITHSTANDING
7 ANY PROVISION IN THIS SECTION TO THE CONTRARY, FOR THREE STATE
8 FISCAL YEARS BEGINNING WITH THE STATE FISCAL YEAR COMMENCING ON
9 JULY 1, 2006, A PORTION OF THE OPERATIONAL ACCOUNT OF THE
10 SEVERANCE TAX TRUST FUND SHALL BE TRANSFERRED TO THE COLORADO
11 RENEWABLE ENERGY AUTHORITY CREATED IN SECTION 24-47.5-101,
12 C.R.S., FOR THE PURPOSES STATED IN SECTION 24-47.5-102 (2), C.R.S.
13 THE AMOUNT TRANSFERRED SHALL BE TWO MILLION DOLLARS PER YEAR
14 EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-47.5-103, C.R.S.

15 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2009.

16 **SECTION 2.** Title 24, Colorado Revised Statutes, is amended BY
17 THE ADDITION OF A NEW ARTICLE to read:

18 **ARTICLE 47.5**
19 **Renewable Energy Authority**
20 **24-47.5-101. Renewable energy authority - creation.**

1 (1) THERE IS HEREBY CREATED THE COLORADO RENEWABLE ENERGY
2 AUTHORITY, REFERRED TO IN THIS ARTICLE AS THE AUTHORITY, WHICH
3 SHALL BE A BODY CORPORATE AND A POLITICAL SUBDIVISION OF THE
4 STATE. THE AUTHORITY SHALL NOT BE AN AGENCY OF STATE
5 GOVERNMENT, NOR SHALL IT BE SUBJECT TO ADMINISTRATIVE DIRECTION
6 BY ANY DEPARTMENT, COMMISSION, BOARD, BUREAU, OR AGENCY OF THE
7 STATE, EXCEPT TO THE EXTENT PROVIDED BY THIS ARTICLE.

8 (2) (a) THE POWERS OF THE AUTHORITY SHALL BE VESTED IN A
9 BOARD OF DIRECTORS.

10 (b) UNTIL JULY 1, 2008, THE BOARD SHALL CONSIST OF THE
11 FOLLOWING FOUR EX OFFICIO MEMBERS: THE PRESIDENTS OF THE
12 COLORADO SCHOOL OF MINES, COLORADO STATE UNIVERSITY, AND THE
13 UNIVERSITY OF COLORADO AND THE DIRECTOR OF THE NATIONAL
14 RENEWABLE ENERGY LABORATORY.

15 (c) ON AND AFTER JULY 1, 2008, THE BOARD SHALL CONSIST OF
16 THE EX OFFICIO MEMBERS DESIGNATED IN PARAGRAPH (b) OF THIS
17 SUBSECTION (2) AND UP TO TWO ADDITIONAL MEMBERS APPOINTED BY THE
18 GOVERNOR WITH THE CONSENT OF THE SENATE. THE TERMS OF THE
19 APPOINTED MEMBERS OF THE BOARD SHALL BE FOUR YEARS. AN
20 APPOINTED MEMBER SHALL BE ELIGIBLE FOR REAPPOINTMENT. EACH
21 MEMBER SHALL HOLD OFFICE UNTIL A SUCCESSOR HAS BEEN APPOINTED
22 AND THE SENATE HAS CONFIRMED THE APPOINTMENT. A VACANCY IN THE
23 MEMBERSHIP OCCURRING OTHER THAN BY EXPIRATION OF TERM SHALL BE
24 FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT, BUT FOR
25 THE UNEXPIRED TERM ONLY. EACH APPOINTED MEMBER MAY BE REMOVED
26 FROM OFFICE BY THE GOVERNOR FOR CAUSE, AFTER A PUBLIC HEARING,
27 AND MAY BE SUSPENDED BY THE GOVERNOR PENDING THE COMPLETION OF
28 SUCH HEARING.

29 (3) THE MEMBERS OF THE BOARD SHALL ELECT A CHAIR AND A
30 VICE-CHAIR. THE MEMBERS OF THE BOARD SHALL ALSO ELECT A
31 SECRETARY AND A TREASURER, WHO NEED NOT BE MEMBERS, AND THE
32 SAME PERSON MAY BE ELECTED TO SERVE AS BOTH SECRETARY AND
33 TREASURER. THE POWERS OF THE BOARD MAY BE VESTED IN THE OFFICERS
34 FROM TIME TO TIME. FOUR MEMBERS SHALL CONSTITUTE A QUORUM. NO
35 VACANCY IN THE MEMBERSHIP OF THE BOARD SHALL IMPAIR THE RIGHT OF
36 A QUORUM OF THE MEMBERS TO EXERCISE ALL THE POWERS AND PERFORM
37 ALL THE DUTIES OF THE BOARD.

1 (4) EACH MEMBER OF THE BOARD NOT OTHERWISE IN FULL-TIME
2 EMPLOYMENT OF THE STATE SHALL RECEIVE A PER DIEM OF FIFTY DOLLARS
3 FOR EACH DAY ACTUALLY AND NECESSARILY SPENT IN THE DISCHARGE OF
4 OFFICIAL DUTIES, AND ALL MEMBERS SHALL RECEIVE TRAVELING AND
5 OTHER NECESSARY EXPENSES ACTUALLY INCURRED IN THE PERFORMANCE
6 OF OFFICIAL DUTIES.

7 **24-47.5-102. Renewable energy authority - powers and duties.**

8 (1) EXCEPT AS OTHERWISE LIMITED BY THIS ARTICLE, THE AUTHORITY,
9 ACTING THROUGH THE BOARD, HAS THE POWER:

10 (a) TO HAVE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS,
11 LIABILITIES, AND DISABILITIES OF A BODY CORPORATE AND POLITICAL
12 SUBDIVISION OF THE STATE;

13 (b) TO SUE AND BE SUED;

14 (c) TO HAVE AN OFFICIAL SEAL AND TO ALTER THE SAME AT THE
15 BOARD'S PLEASURE;

16 (d) TO MAKE AND ALTER BYLAWS FOR ITS ORGANIZATION AND
17 INTERNAL MANAGEMENT AND FOR THE CONDUCT OF ITS AFFAIRS AND
18 BUSINESS;

19 (e) TO MAINTAIN AN OFFICE AT SUCH PLACE OR PLACES WITHIN THE
20 STATE AS IT MAY DETERMINE;

21 (f) TO ACQUIRE, HOLD, USE, AND DISPOSE OF ITS INCOME,
22 REVENUES, FUNDS, AND MONEYS;

23 (g) TO MAKE AND ENTER INTO ALL CONTRACTS, LEASES, AND
24 AGREEMENTS THAT ARE NECESSARY OR INCIDENTAL TO THE
25 PERFORMANCE OF ITS DUTIES AND THE EXERCISE OF ITS POWERS UNDER
26 THIS ARTICLE;

27 (h) TO ACQUIRE, LEASE AS LESSEE OR LESSOR, RENT, HOLD, USE,
28 AND DISPOSE OF REAL OR PERSONAL PROPERTY FOR ITS PURPOSES;

29 (i) TO DEPOSIT ANY MONEYS OF THE AUTHORITY IN ANY BANKING
30 INSTITUTION WITHIN OR OUTSIDE THE STATE;

31 (j) TO FIX THE TIME AND PLACE OR PLACES AT WHICH ITS REGULAR

1 AND SPECIAL MEETINGS ARE TO BE HELD; AND

2 (k) TO DO ANY AND ALL THINGS NECESSARY OR CONVENIENT TO
3 CARRY OUT ITS PURPOSES AND EXERCISE THE POWERS GIVEN AND
4 GRANTED IN THIS ARTICLE.

5 (2) THE AUTHORITY SHALL:

6 (a) PROVIDE MATCHING FUNDS TO SUPPORT A PROPOSAL OF A
7 CONSORTIUM CONSISTING OF THE COLORADO SCHOOL OF MINES,
8 COLORADO STATE UNIVERSITY, UNIVERSITY OF COLORADO, AND
9 NATIONAL RENEWABLE ENERGY LABORATORY, REFERRED TO IN THIS
10 ARTICLE AS THE CONSORTIUM, FOR ENERGY RESEARCH FUNDING FROM THE
11 UNITED STATES DEPARTMENT OF ENERGY AND SUBSEQUENT RESEARCH
12 FUNDING FROM FEDERAL AGENCIES AND OTHER PUBLIC AND PRIVATE
13 ENTITIES;

14 (b) PROMOTE RAPID TRANSFER OF NEW TECHNOLOGIES DEVELOPED
15 BY THE CONSORTIUM TO THE PRIVATE SECTOR THROUGH TECHNOLOGY
16 LICENSING AND OTHER MEANS TO ATTRACT AND PROMOTE RENEWABLE
17 ENERGY BUSINESSES IN COLORADO;

18 (c) DEVELOP EDUCATIONAL AND RESEARCH PROGRAMS FOR
19 COLORADO STATE COLLEGES IN COLLABORATION WITH THE CONSORTIUM
20 THAT WILL TRANSLATE INTO HIGH-TECHNOLOGY EMPLOYMENT
21 OPPORTUNITIES FOR COLORADO STUDENTS AND RESIDENTS;

22 (d) FACILITATE COLLABORATIONS WITH EXISTING AND NEW
23 OUTREACH PROGRAMS TO PROVIDE A REGIONAL RESOURCE FOR
24 ARCHITECTS, ENGINEERS, AND OTHER BUILDING DESIGN PROFESSIONALS;
25 ENVIRONMENTAL GROUPS; STATE AND LOCAL GOVERNMENT AGENCIES;
26 UTILITIES; INDEPENDENT POWER PRODUCERS; AND THE GENERAL PUBLIC;
27 AND

28 (e) SUPPORT DEVELOPMENT OF THE CONSORTIUM, INCLUDING
29 FUNDING OF ANY JOINT INSTITUTE OR OTHER ENTITY CREATED BY THE
30 COLORADO SCHOOL OF MINES, COLORADO STATE UNIVERSITY, AND
31 UNIVERSITY OF COLORADO OR THE CONSORTIUM TO JOINTLY PURSUE
32 RENEWABLE ENERGY RESEARCH.

33 **24-47.5-103. Funding - appropriations contingent on receipt**
34 **of federal grant moneys - repeal.** (1) FOR THE STATE FISCAL YEAR

1 COMMENCING ON JULY 1, 2006, AND IN EACH OF THE STATE FISCAL YEARS
2 COMMENCING ON JULY 1, 2007, AND JULY 1, 2008, THE GENERAL
3 ASSEMBLY SHALL APPROPRIATE TWO MILLION DOLLARS FROM THE
4 OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN
5 SECTION 39-29-109, C.R.S., TO THE AUTHORITY FOR THE PURPOSES
6 SPECIFIED IN SECTION 24-47.5-102; EXCEPT THAT, IF A GRANT OF FEDERAL
7 MONEYS IS NOT RECEIVED FROM THE UNITED STATES DEPARTMENT OF
8 ENERGY, DURING THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2006,
9 THE UNEXPENDED AND UNENCUMBERED BALANCE OF SAID APPROPRIATION
10 SHALL REVERT TO THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX
11 TRUST FUND AND NO FURTHER APPROPRIATION SHALL BE MADE PURSUANT
12 TO THIS SECTION.

13 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

14 **SECTION 3. Appropriation.** In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the
16 operational account of the severance tax trust fund created in section
17 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the
18 Colorado renewable energy authority created in section 24-47.5-101,
19 Colorado Revised Statutes, for the fiscal year beginning July 1, 2006, the
20 sum of two million dollars (\$2,000,000), or so much thereof as may be
21 necessary, for the implementation of this act; except that, if a grant of
22 federal moneys is not received from the United States department of
23 energy, during the state fiscal year commencing on July 1, 2006, the
24 unexpended and unencumbered balance of said appropriation shall revert
25 to the operational account of the severance tax trust fund.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,
27 determines, and declares that this act is necessary for the immediate
28 preservation of the public peace, health, and safety."

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