

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

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DRAFT

LLS NO. 09-0793.01 Duane Gall

HOUSE BILL

HOUSE SPONSORSHIP

Solano,

SENATE SPONSORSHIP

(None),

SHORT TITLE: "Clean Energy Devel Auth Increase Powers"

A BILL FOR AN ACT

101 CONCERNING A GRANT OF ADDITIONAL POWERS TO THE COLORADO  
102 CLEAN ENERGY DEVELOPMENT AUTHORITY.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Joint Select Committee on Job Creation and Economic Growth.** Allows the Colorado clean energy development authority (authority) to make direct commercial loans for projects consisting of electrical transmission, generation, and storage equipment and any land or facilities associated with such equipment.

Expands the types of agreements the authority may make to facilitate clean energy projects and the types of projects it may finance.

Allows the authority to purchase loans made by banks or other third-party financiers.

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

2           **SECTION 1.** 40-9.7-103 (2) and (10) (b) (II), Colorado Revised  
3 Statutes, are amended to read:

4           **40-9.7-103. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6           (2) "Authority financing agreement" means a LOAN AGREEMENT,  
7            loan guaranty agreement, lease, sublease, rental agreement,  
8 agreement to purchase output or products, guaranty of amounts payable  
9 by the user or a third-party financier for a project located within the state  
10 only, or any combination thereof that does not give the authority  
11 ownership of or an ownership interest in a project and that is entered into  
12 between the authority and a user or third-party financier in connection  
13 with the financing or refinancing of any project pursuant to this article;  
14 except that the authority shall not make a direct commercial loan to a user  
15 UNLESS SPECIFICALLY AUTHORIZED BY THIS ARTICLE.

16           (10) (b) (II) A project other than a biomass resources project may  
17 transport, transmit, or store energy that is not clean energy so long as IF:

18           (A) In the case of a transmission project, EITHER the principal  
19 purpose OF THE PROJECT is to provide for transmission of clean energy or  
20 THE PROJECT IS NECESSARY TO FACILITATE THE CURRENT OR FUTURE  
21 TRANSMISSION OF CLEAN ENERGY; OR

22           (B) In the case of a transport or storage project, the project is  
23 designed and is expected to be used to transport or store primarily clean  
24 energy within five years of becoming operational.

25           **SECTION 2.** 40-9.7-106 (2), Colorado Revised Statutes, is

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1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **40-9.7-106. Authority - duties and powers.** (2) In addition to  
3 any other powers specifically granted to the authority in this article, the  
4 authority has the following powers:

5 (x.5) IN CONNECTION WITH THE FINANCING OR REFINANCING OF  
6 ANY PROJECT, TO PURCHASE LOANS, OR ANY INTEREST IN LOANS,  
7 ORIGINATED OR MADE BY A COMMERCIAL BANK OR OTHER THIRD-PARTY  
8 FINANCIER; AND

9 **SECTION 3. 40-9.7-108, Colorado Revised Statutes, is amended**  
10 **BY THE ADDITION OF A NEW SUBSECTION to read:**

11 **40-9.7-108. Colorado clean energy development authority**  
12 **fund - creation - authorization of projects. (6) NOTWITHSTANDING**  
13 **ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, THE AUTHORITY MAY**  
14 **ENTER INTO A COMMERCIAL LOAN AGREEMENT, CONDUIT FINANCING**  
15 **AGREEMENT, OR ANY OTHER AGREEMENT NECESSARY TO ENABLE THE**  
16 **AUTHORITY TO PROVIDE FINANCING FOR A PROJECT THAT CONSISTS OF**  
17 **ELECTRICAL TRANSMISSION, GENERATION, OR STORAGE EQUIPMENT AND**  
18 **ANY LAND OR FACILITIES ASSOCIATED WITH SUCH EQUIPMENT.**

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