

Proposed Initiative 2007-2008 # 77  
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ELECTIONS/LICENSING  
SECRETARY OF STATE

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1 Be it Enacted by the People of the State of Colorado:

2  
3 **SECTION 1** ~~Section 13~~. Part 1 of article 75 of title 24, Colorado Revised  
4 Statutes, is amended BY THE ADDITION OF A NEW PART SECTION to read:

5  
6 PART 13  
7 CLEAN ENERGY PROGRESS FUND  
8

9 **24-75-1301. Clean energy progress fund.** (1) THE PEOPLE OF THE STATE OF  
10 COLORADO RECOGNIZE THAT IT IS IN THEIR INTEREST TO CREATE THE CLEAN ENERGY  
11 PROGRESS FUND FOR THE PURPOSE OF ADVANCING THE NEW ENERGY ECONOMY. THE PEOPLE  
12 RECOGNIZE THAT EFFORTS TO ADVANCE THE NEW ENERGY ECONOMY WILL LEAD TO JOBS  
13 CREATION, ECONOMIC DEVELOPMENT, ENERGY SECURITY, ENERGY RATEPAYER RELIEF, AND  
14 THE REDUCTION OF GLOBAL WARMING POLLUTION. IN FURTHERANCE OF THESE GOALS, A  
15 FUNDING MECHANISM FOR THE GOVERNOR'S ENERGY OFFICE, OR ANY SUCCESSOR OFFICE,  
16 SHALL BE CREATED TO ADVANCE THE DEVELOPMENT OF JOBS AND ECONOMIC DEVELOPMENT  
17 IN THE AREAS OF RENEWABLE ENERGY, ENERGY EFFICIENCY, GLOBAL WARMING POLLUTION  
18 REDUCTION, AND CARBON SEQUESTRATION. THE GOVERNOR'S ENERGY OFFICE, OR ANY  
19 SUCCESSOR OFFICE, SHALL BE AUTHORIZED TO SPEND THE REVENUES ON PROGRAMS  
20 TARGETED TO REDUCE ENERGY BILLS WITHIN COLORADO AND TO REDUCE GLOBAL WARMING  
21 POLLUTION WITHIN COLORADO AS SET FORTH IN SUBSECTION (6) OF THIS SECTION. ALL  
22 PROVISIONS OF THIS SECTION ARE SEVERABLE AND SUPERSEDE CONFLICTING STATE  
23 STATUTORY, CHARTER, OR OTHER STATE OR LOCAL PROVISIONS.  
24

25 (2) AS USED IN THIS SECTION:

26  
27 (a) "CARBON DIOXIDE EQUIVALENT" MEANS A MEASURE TO COMPARE THE EMISSIONS  
28 FROM THE SIX GLOBAL WARMING POLLUTION GASES BASED UPON THEIR GLOBAL WARMING  
29 POTENTIAL. THE CARBON DIOXIDE EQUIVALENT OF AN EMITTED GLOBAL WARMING GAS  
30 SHALL BE ITS TOTAL MASS EMITTED INTO THE ATMOSPHERE MULTIPLIED BY THE GLOBAL  
31 WARMING POTENTIAL OF THAT GAS.  
32

33 (b) "CARBON INTENSITY" MEANS THE POUNDS OF GLOBAL WARMING POLLUTION  
34 EXPRESSED IN CARBON DIOXIDE EQUIVALENT EMITTED PER UNIT OF ENERGY USED. IN THE  
35 CASE OF ELECTRICITY, THE GLOBAL WARMING POLLUTION MEASURED FOR DETERMINING  
36 CARBON INTENSITY SHALL BE THOSE EMISSIONS INVOLVED IN GENERATING THE  
37 ELECTRICITY, DETERMINED AT THE GENERATING STATION. FOR ELECTRICITY, THE ENERGY  
38 UNIT SHALL BE KILOWATT-HOURS. IN THE CASE OF NATURAL GAS, THE GLOBAL WARMING  
39 POLLUTION EMISSIONS MEASURED ARE THOSE GENERATED WHEN THE END USER OF ENERGY  
40 BURNS THE FUEL. FOR NATURAL GAS, THE ENERGY UNIT SHALL BE THERMS.  
41

42 (c) "CARBON SEQUESTRATION" MEANS THE REMOVAL OF CARBON DIOXIDE FROM  
43 THE ATMOSPHERE. THIS TERM INCLUDES, BUT IS NOT LIMITED TO, THE USE OF NATURAL  
44 CARBON SINKS, SUCH AS IN SOILS OR FORESTS, IN THE FORM OF INCREASING PLANT BIOMASS.  
45

1 (d) "CLEAN ENERGY PROGRESS FUND" MEANS A FUND MANAGED BY THE  
2 GOVERNOR'S ENERGY OFFICE, OR ANY SUCCESSOR OFFICE, FOR THE PURPOSE OF MAXIMIZING  
3 THE REDUCTION OF GLOBAL WARMING POLLUTION.  
4

5 (e) "END USER OF ENERGY" MEANS ANY PERSON WHO OR ENTITY THAT OBTAINS  
6 ELECTRICITY OR NATURAL GAS AND DOES NOT INTEND TO SELL IT OR GIVE IT AWAY.  
7

8 (f) "ENERGY EFFICIENCY" MEANS PRODUCTS OR SYSTEMS DESIGNED TO USE LESS  
9 ENERGY FOR THE SAME OR HIGHER PERFORMANCE THAN CURRENTLY OR COMMONLY USED  
10 PRODUCTS OR SYSTEMS.  
11

12 (g) "GEOLOGIC SEQUESTRATION OF CARBON" MEANS CARBON STORAGE FOR A  
13 PERIOD OF AT LEAST ONE THOUSAND YEARS AT A DEPTH OF AT LEAST ONE THOUSAND FEET  
14 BELOW THE SURFACE OF THE EARTH.  
15

16 (h) "GLOBAL WARMING POLLUTION" MEANS THE EMISSION OF THE SIX HEAT-  
17 TRAPPING GASES: Carbon ~~CARBON~~ DIOXIDE, METHANE, NITROUS OXIDE,  
18 HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.  
19

20 (i) "GLOBAL WARMING POTENTIAL" MEANS HOW MUCH A GIVEN GLOBAL WARMING  
21 GAS, ON A MASS BASIS, CONTRIBUTES TO GLOBAL WARMING. THE GLOBAL WARMING  
22 POTENTIALS OF THE SIX GLOBAL WARMING GASES SHALL BE THOSE DEFINED IN THE FOURTH  
23 ASSESSMENT REPORT ISSUED BY THE UNITED NATIONS INTERGOVERNMENTAL PANEL ON  
24 CLIMATE CHANGE.  
25

26 (j) "LOW INCOME" MEANS ANY HOUSEHOLD WHOSE INCOME DOES NOT EXCEED  
27 EIGHTY PERCENT OF THE COLORADO MEDIAN INCOME.  
28

29 (k) "NEW ENERGY ECONOMY" MEANS CREATING AN ENERGY POLICY TO CREATE  
30 JOBS, REVITALIZE THE ECONOMY, PROTECT THE ENVIRONMENT, AND HELP SECURE OUR  
31 NATION'S ENERGY FUTURE.  
32

33 (l) "RENEWABLE ENERGY" MEANS ENERGY OBTAINED FROM SOURCES THAT ARE  
34 ESSENTIALLY INEXHAUSTIBLE. THESE SOURCES INCLUDE, BUT ARE NOT RESTRICTED TO,  
35 WIND, SOLAR, BIOMASS, GEOTHERMAL ENERGY, AND HYDROELECTRICITY WITH A  
36 NAMEPLATE RATING OF TEN MEGAWATTS OR LESS. THIS TERM SHALL EXCLUDE NUCLEAR  
37 ENERGY.  
38

39 (m) "THERM" MEANS A UNIT OF ENERGY DEFINED AS ONE HUNDRED THOUSAND  
40 BRITISH THERMAL UNITS.  
41

42 (3)(a) A CLEAN ENERGY PROGRESS FEE SHALL BE IMPOSED ON THE PRODUCTION OF  
43 GLOBAL WARMING POLLUTION FROM NATURAL GAS CONSUMPTION AND ELECTRICITY  
44 PRODUCTION. When natural gas combustion is used to generate  
45 electricity, the fee shall be imposed on the electricity  
46 generated and not the natural gas consumption.  
47

1 (b) ~~(a)~~ THE FEE SHALL BE COMPUTED AT A RATE OF THREE DOLLARS PER METRIC TON  
2 OF CARBON DIOXIDE EQUIVALENT EMITTED TO THE ATMOSPHERE FROM ELECTRICITY  
3 GENERATION AND NATURAL GAS COMBUSTION.  
4

5 (c) ~~(b)~~ THE ENTITY PROVIDING THE ENERGY TO THE END USER OF ENERGY SHALL BE  
6 RESPONSIBLE FOR COLLECTING THE REVENUES FROM THE END USER OF ENERGY AND  
7 ~~FORWARDING~~ REMITTING THEM QUARTERLY TO THE public utilities  
8 commission, or any successor commission. The public  
9 utilities commission shall remit the revenues quarterly to  
10 the state treasurer. The state treasurer shall credit the  
11 revenues in the CLEAN ENERGY PROGRESS FUND, WHICH IS HEREBY CREATED IN THE  
12 STATE TREASURY.  
13

14 (d) ~~(c)~~ THE CARBON INTENSITY FOR ELECTRICITY SHALL BE COMPUTED BY EACH  
15 ELECTRICITY-SUPPLYING ENTITY IN THE STATE ON AN ANNUAL BASIS FROM JANUARY 1 ~~FIRST~~  
16 TO DECEMBER 31 ~~THIRTY-FIRST~~. THE CARBON INTENSITY SHALL BE REPORTED TO THE  
17 GOVERNOR'S ENERGY OFFICE, OR ANY SUCCESSOR OFFICE, ON MAY 1 ~~FIRST~~ AND SHALL BE  
18 APPLIED TO CALCULATING THE FEE EFFECTIVE JULY 1 ~~FIRST~~ OF THE SAME YEAR. THE  
19 CARBON INTENSITY SHALL REPRESENT THE TOTAL ANNUAL EMISSIONS OF CARBON DIOXIDE  
20 EQUIVALENT OF GLOBAL WARMING POLLUTION CREATED IN ORDER TO SUPPLY THE END  
21 USERS OF ENERGY IN COLORADO, DIVIDED BY THE ANNUAL DELIVERY OF ENERGY TO THE  
22 END USERS OF ENERGY IN COLORADO. THE CARBON DIOXIDE EQUIVALENT SHALL BE  
23 MEASURED AT THE GENERATING STATION AND SHALL ACCOUNT FOR ALL ENERGY LOSSES  
24 DUE TO TRANSMISSION AND DISTRIBUTION OF THE ELECTRICITY.  
25

26 (e) ~~(d)~~ THE CARBON INTENSITY FOR NATURAL GAS SHALL BE SET AT TWELVE AND  
27 eight-tenths ~~EIGHT-TENTHS~~ POUNDS OF CARBON DIOXIDE PER THERM.  
28

29 (f) ~~(e)~~ THE CARBON INTENSITY REPORTED BY THE energy-supplying ~~ENERGY~~  
30 SUPPLYING ENTITIES SHALL BE SUBJECT TO AUDIT BY THE GOVERNOR'S ENERGY OFFICE, OR  
31 ANY SUCCESSOR OFFICE.  
32

33 (4) THE FEES IMPOSED BY THIS SECTION SHALL BE IN ADDITION TO ANY OTHER  
34 PROGRAMS TO SUPPORT JOBS CREATION, ECONOMIC DEVELOPMENT, ENERGY SECURITY,  
35 ENERGY RATEPAYER RELIEF, AND GLOBAL WARMING POLLUTION REDUCTION EXISTING AS OF  
36 THE EFFECTIVE DATE OF THIS SECTION. SUCH EXISTING PROGRAMS SHALL NOT BE REPEALED  
37 OR REDUCED BY THE GENERAL ASSEMBLY IN CONSIDERATION OF THIS ~~section~~ ~~STATUTE~~.  
38

39 (5) ALL REVENUES RECEIVED BY OPERATION OF SUBSECTION (3) OF THIS SECTION  
40 SHALL BE EXCLUDED FROM FISCAL YEAR SPENDING, AS THAT TERM IS DEFINED IN SECTION 20  
41 OF ARTICLE X OF the state ~~THIS~~ CONSTITUTION, AND SHALL BE EXCLUDED FROM THE  
42 CORRESPONDING SPENDING LIMITS UPON STATE GOVERNMENT AND ALL LOCAL  
43 GOVERNMENTS RECEIVING SUCH REVENUES.  
44

45 (6) THE REVENUES GENERATED BY THE OPERATION OF SUBSECTION (3) OF THIS  
46 SECTION SHALL BE APPROPRIATED ANNUALLY BY THE GENERAL ASSEMBLY AND SHALL BE  
47 ADMINISTERED BY THE GOVERNOR'S ENERGY OFFICE, OR ANY SUCCESSOR OFFICE. THE

1 GOVERNOR'S ENERGY OFFICE, or any successor office, SHALL ADMINISTER THE  
2 CLEAN ENERGY PROGRESS FUND TO MAXIMIZE THE REDUCTION OF GLOBAL WARMING  
3 POLLUTION IN COLORADO SUBJECT TO THE FOLLOWING RESTRICTIONS:  
4

5 (a) A MINIMUM OF TWENTY PERCENT OF THE REVENUES SHALL BE USED ANNUALLY  
6 FOR THE PURPOSES OF DELIVERING ENERGY EFFICIENCY PROGRAMS TO COLORADO  
7 RESIDENCES AND BUSINESSES, INCLUDING ENERGY AUDITS AND INSTALLATION OF ENERGY  
8 EFFICIENCY MEASURES. THESE FUNDS MAY NOT BE USED FOR RESEARCH AND DEVELOPMENT.  
9 A MINIMUM OF TWENTY-FIVE PERCENT OF THE AMOUNT ALLOCATED IN THIS CATEGORY  
10 SHALL BE USED ANNUALLY FOR LOW-INCOME RESIDENTIAL ENERGY-EFFICIENCY PROJECTS IN  
11 COLORADO.  
12

13 (b) A MINIMUM OF FIFTEEN PERCENT OF THE REVENUES SHALL BE USED ANNUALLY  
14 TO IMPLEMENT RENEWABLE ENERGY IN COLORADO.  
15

16 (c) A MINIMUM OF FIVE PERCENT OF THE REVENUES SHALL BE USED ANNUALLY TO  
17 IMPLEMENT CARBON SEQUESTRATION IN COLORADO. NO MORE THAN TWO PERCENT OF THE  
18 REVENUES SHALL BE USED FOR GEOLOGIC SEQUESTRATION OF CARBON. THIS paragraph  
19 (c) ~~PROVISION~~ SHALL BE ADMINISTERED after consultation ~~IN COOPERATION~~ WITH  
20 THE COLORADO DEPARTMENT OF AGRICULTURE AND THE COLORADO DEPARTMENT OF  
21 NATURAL RESOURCES.  
22

23 (d) A MINIMUM OF FIVE PERCENT OF THE REVENUES SHALL BE USED ANNUALLY FOR  
24 PROGRAMS TO REDUCE THE TOTAL EMISSIONS OF GLOBAL WARMING POLLUTION FROM THE  
25 TRANSPORTATION SECTOR IN COLORADO. THIS paragraph (d) ~~PROVISION~~ SHALL BE  
26 ADMINISTERED after consultation ~~IN COOPERATION~~ WITH THE COLORADO  
27 DEPARTMENT OF TRANSPORTATION.  
28

29 (e) A MINIMUM OF FIVE PERCENT OF THE REVENUES SHALL BE USED ANNUALLY FOR  
30 WORKFORCE TRAINING AND DEVELOPMENT PROGRAMS AT COLORADO HIGHER EDUCATION  
31 AND VOCATIONAL EDUCATION INSTITUTIONS FOR THE PURPOSE OF CREATING AND FILLING  
32 JOBS IN THE RENEWABLE ENERGY AND ENERGY EFFICIENCY INDUSTRIES. THIS paragraph  
33 (e) ~~PROVISION~~ SHALL BE ADMINISTERED after consultation ~~IN COOPERATION~~ WITH  
34 THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT.  
35

36 (f) A MINIMUM OF FIVE PERCENT OF THE REVENUES SHALL BE USED ANNUALLY to  
37 SUPPORT EFFORTS TO ACCELERATE THE COMMERCIALIZATION OF CLEAN ENERGY  
38 TECHNOLOGY. THIS paragraph (f) ~~PROVISION~~ shall ~~will~~ BE ADMINISTERED after  
39 consultation ~~IN COOPERATION~~ WITH THE COLORADO OFFICE OF ECONOMIC  
40 DEVELOPMENT.  
41

42 (g) A MINIMUM OF FIVE PERCENT OF THE REVENUES SHALL BE USED ANNUALLY FOR  
43 COMMUNICATIONS, OUTREACH, AND EDUCATION OF COLORADO CITIZENS ON METHODS OF  
44 REDUCING GLOBAL WARMING POLLUTION.  
45

46 (h) FIVE PERCENT OF THE REVENUES SHALL BE USED ANNUALLY TO HIRE NEW OR  
47 SUPPORT EXISTING FACULTY TO DEVELOP PROGRAMS AND CURRICULA IN CLIMATE CHANGE

1 AND SUSTAINABLE ENERGY AT THE university ~~UNIVERSITY~~ OF COLORADO, COLORADO  
2 state university ~~STATE UNIVERSITY~~, AND THE COLORADO school of mines  
3 ~~SCHOOL OF MINES~~. THE university ~~UNIVERSITY~~ OF COLORADO SHALL RECEIVE FORTY  
4 PERCENT OF THE MONEYS, COLORADO state university ~~STATE UNIVERSITY~~ SHALL  
5 RECEIVE FORTY PERCENT OF THE MONEYS, AND THE COLORADO school of mines  
6 ~~SCHOOL OF MINES~~ SHALL RECEIVE TWENTY PERCENT OF THE MONEYS. THIS paragraph  
7 (h) ~~PROVISION~~ SHALL BE ADMINISTERED after consultation ~~IN COOPERATION~~ WITH  
8 THE COLORADO COMMISSION ON HIGHER EDUCATION.  
9

10 (i) TWO HUNDRED THOUSAND DOLLARS SHALL BE USED ANNUALLY FOR THE  
11 ESTABLISHMENT AND OPERATION OF A CLEAN ENERGY PROGRESS TASK FORCE COMPRISED OF  
12 A BALANCED ASSEMBLY OF REPRESENTATIVES FROM THE STATE'S COAL INDUSTRY,  
13 RENEWABLE ENERGY INDUSTRY, THE ENERGY EFFICIENCY INDUSTRY, OIL AND GAS  
14 INDUSTRY, PROPANE INDUSTRY, BIOFUELS INDUSTRY, AND UTILITY COMPANIES TO DEVELOP  
15 STRATEGIES FOR A CLEAN ENERGY PORTFOLIO FOR COLORADO. THE CLEAN ENERGY  
16 PROGRESS TASK FORCE SHALL MEET AT LEAST ANNUALLY AND SHALL PRODUCE WRITTEN  
17 RECOMMENDATIONS TO ADVISE THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE, OR ANY  
18 SUCCESSOR OFFICE. THE MEMBERS OF THE TASK FORCE SHALL BE BALANCED IN  
19 REPRESENTING THE ABOVE-NAMED INTEREST GROUPS, with no more than two-  
20 thirds of the members from one political party. ~~and~~ The members  
21 SHALL BE NOMINATED BY THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE, or any  
22 successor office, AND ~~approved by the senate agriculture, natural resources, and~~  
23 ~~energy committee, with no more than two thirds of the members from one political party~~  
24 CONFIRMED BY THE COLORADO SENATE.  
25

26 (j) TWO HUNDRED ~~AND~~ FIFTY THOUSAND DOLLARS SHALL BE USED ANNUALLY TO  
27 FUND THE PERMANENT STAFF POSITION OF THE GOVERNOR'S SENIOR ADVISOR ON CLIMATE  
28 CHANGE AND TO SUPPORT THE ACTIVITIES OF THAT POSITION.  
29

30 (7) END USERS OF ENERGY WHO ENTER INTO VOLUNTARY CONTRACTS TO PURCHASE  
31 SOME PORTION OF THEIR ENERGY FROM SOURCES THAT DO NOT CREATE GLOBAL WARMING  
32 POLLUTION, SUCH AS WIND POWER, SHALL BE EXEMPTED FROM PAYING THE CLEAN ENERGY  
33 PROGRESS FEE ON THAT PORTION OF THEIR ENERGY CONSUMPTION.  
34

35 (8) INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN  
36 THE CLEAN ENERGY PROGRESS FUND SHALL BE CREDITED TO THE FUND. MONEYS IN THE  
37 FUND AT THE END OF ANY STATE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT  
38 BE CREDITED TO THE STATE GENERAL FUND OR ANY OTHER FUND.  
39

40 (9) THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE, OR ANY SUCCESSOR OFFICE,  
41 SHALL DELIVER AN ANNUAL REPORT ON THE CLEAN ENERGY PROGRESS FUND, IN PERSON AND  
42 ACCOMPANIED BY A WRITTEN REPORT, TO A JOINT MEETING OF THE HOUSE  
43 transportation and energy ~~ENERGY AND TRANSPORTATION~~ COMMITTEE AND THE  
44 SENATE ~~agriculture, natural resources, and energy~~ ~~AGRICULTURE~~  
45 COMMITTEE, or any successor committees, OF THE COLORADO GENERAL  
46 ASSEMBLY. THE REPORT SHALL INDICATE THE TOTAL REVENUES COLLECTED AND HOW THE

1 REVENUES WERE USED. THE REPORT SHALL ALSO QUANTIFY THE AMOUNT OF GLOBAL  
2 WARMING POLLUTION THAT WAS AVOIDED. THE REPORT SHALL BE DELIVERED EVERY YEAR  
3 NOTWITHSTANDING PROVISIONS OF THE "Information Coordination Act"  
4 ~~INFORMATION COORDINATION ACT~~, SECTION 24-1-136 (11)(a) ~~(A)~~ (I).

5  
6 (10) COLLECTION OF FEES SHALL BEGIN ON JULY 1, 2009.

7  
8 Proponents:

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