

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0621.01 Richard Sweetman

HOUSE BILL 09-1312

HOUSE SPONSORSHIP

Kerr A., Merrifield, Middleton, Scanlan, Todd

SENATE SPONSORSHIP

Schwartz and Romer,

House Committees
Education

Senate Committees
Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR**
102 **SCHOOLS LOAN PROGRAM.**

Bill Summary

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

Creates the renewable energy and energy efficiency for schools loan program (loan program) to fund renewable energy projects and battery-powered and hybrid-electric bus projects in qualified school districts. Makes administration of the loan program a permissible use of moneys appropriated from the public school energy efficiency fund. Extends the repeal date associated with the public school energy efficiency fund.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 3, 2009

HOUSE
Amended 2nd Reading
April 2, 2009

1 ASSEMBLY HEREBY FINDS THAT:

2 (a) COLORADO'S SCHOOL DISTRICTS FACE A PERENNIAL STRUGGLE
3 WITH TIGHT BUDGETS, AND THEIR FINANCIAL DIFFICULTIES ARE WORSENERD
4 BY VOLATILE ENERGY PRICES THAT OFTEN LEAD TO HIGH UTILITY BILLS;

5 (b) A SMALL BUT GROWING NUMBER OF SCHOOL DISTRICTS HAVE
6 RESPONDED TO THESE DIFFICULTIES BY BEGINNING TO PRODUCE THEIR
7 OWN ENERGY WITH RENEWABLE ENERGY SOURCES;

8 (c) BY PRODUCING THEIR OWN ENERGY WITH RENEWABLE ENERGY
9 SOURCES, SOME SCHOOL DISTRICTS HAVE REDUCED THEIR ENERGY COSTS
10 WHILE PROMOTING ENERGY INDEPENDENCE AND ENVIRONMENTAL
11 RESPONSIBILITY AND HAVE PROVIDED STUDENTS WITH AN OPPORTUNITY
12 TO UNDERSTAND THIS BURGEONING TECHNOLOGY; AND

13 (d) SOME SCHOOL DISTRICTS HAVE ALSO REDUCED THEIR ENERGY
14 COSTS BY IMPROVING THE EFFICIENCY OF THEIR EXISTING ENERGY
15 SOURCES.

16 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT SECTION 3 OF
17 ARTICLE IX OF THE STATE CONSTITUTION AUTHORIZES THE GENERAL
18 ASSEMBLY TO ADOPT LAWS ESTABLISHING THE TERMS AND CONDITIONS
19 UPON WHICH THE STATE TREASURER MAY MAKE LOANS TO SCHOOL
20 DISTRICTS IN ORDER TO ASSIST PUBLIC SCHOOLS IN PROVIDING NECESSARY
21 BUILDINGS, LAND, AND EQUIPMENT.

22 (3) NOW, THEREFORE, THE GENERAL ASSEMBLY DETERMINES AND
23 DECLARES THAT IT WOULD SERVE THE BEST INTERESTS OF COLORADO
24 SCHOOLS FOR THE STATE TO MAKE AVAILABLE LOANS TO SUPPORT THE
25 EFFORTS OF SCHOOL DISTRICTS THAT CHOOSE TO UNDERTAKE RENEWABLE
26 ENERGY PROJECTS OR BATTERY-POWERED, COMPRESSED NATURAL GAS, OR
27 HYBRID-ELECTRIC BUS PROJECTS.

1 **22-92-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR
4 HYBRID-ELECTRIC BUS PROJECT" MEANS A PROJECT TO HELP A QUALIFIED
5 SCHOOL DISTRICT ATTAIN AND EMPLOY BATTERY-POWERED, COMPRESSED
6 NATURAL GAS, OR HYBRID-ELECTRIC BUSES IN ITS DAILY TRANSPORTATION
7 OPERATIONS FOR THE PURPOSE OF REDUCING ENERGY CONSUMPTION AND
8 EXPENDITURES.

9 (2) "GOVERNOR'S ENERGY OFFICE" OR "OFFICE" MEANS THE
10 GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., OR
11 ANY SUCCESSOR OFFICE.

12 (3) "PUBLIC SCHOOL FUND" MEANS THE PUBLIC SCHOOL FUND
13 CREATED AND EXISTING PURSUANT TO SECTION 3 OF ARTICLE IX OF THE
14 STATE CONSTITUTION.

15 (4) "QUALIFIED SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
16 THE STATE THAT HAS A RENEWABLE ENERGY PROJECT TEAM.

17 (5) "RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS
18 LOAN PROGRAM" OR "LOAN PROGRAM" MEANS THE RENEWABLE ENERGY
19 AND ENERGY EFFICIENCY FOR SCHOOLS LOAN PROGRAM CREATED IN
20 SECTION 22-92-104.

21 (6) "RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS
22 LOAN PROGRAM ADMINISTRATION FUND" OR "FUND" MEANS THE
23 RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS LOAN
24 PROGRAM ADMINISTRATION FUND CREATED IN SECTION 22-92-106.

25 (7) "RENEWABLE ENERGY PROJECT" MEANS A PROJECT TO HELP A
26 QUALIFIED SCHOOL DISTRICT INSTALL EQUIPMENT AND RELATED
27 INFRASTRUCTURE THAT WILL HELP DEFRAY THE SCHOOL DISTRICT'S

1 ENERGY COSTS AND PROVIDE EDUCATIONAL OPPORTUNITIES FOR
2 STUDENTS RELATING TO THE GENERATION OF RENEWABLE ENERGY. A
3 "RENEWABLE ENERGY PROJECT" SHALL BE OPERATED IN COMPLIANCE WITH
4 EXISTING LAWS AND MAY INCORPORATE ONE OR MORE OF THE FOLLOWING:

- 5 (a) WIND ENERGY;
- 6 (b) SOLAR ENERGY; OR
- 7 (c) OTHER SOURCES OF RENEWABLE ENERGY.

8 (8) "RENEWABLE ENERGY PROJECT TEAM" MEANS A TEAM OF
9 PEOPLE WHO ARE DEDICATED TO A RENEWABLE ENERGY PROJECT AT A
10 SCHOOL DISTRICT. A RENEWABLE ENERGY PROJECT TEAM SHALL INCLUDE,
11 AT A MINIMUM, REPRESENTATIVES OF THE SCHOOL DISTRICT,
12 REPRESENTATIVES OF THE LOCAL COMMUNITY, AND AT LEAST ONE
13 MEMBER WHO PROVIDES PROFESSIONAL TECHNICAL ASSISTANCE TO THE
14 SCHOOL DISTRICT TO FACILITATE A RENEWABLE ENERGY PROJECT OR A
15 BATTERY-POWERED, COMPRESSED NATURAL GAS, OR HYBRID-ELECTRIC
16 BUS PROJECT. THE MEMBER OF A RENEWABLE ENERGY PROJECT TEAM
17 WHO PROVIDES PROFESSIONAL TECHNICAL ASSISTANCE TO THE SCHOOL
18 DISTRICT MAY BE A REPRESENTATIVE OF A LOCAL ELECTRICAL UTILITY.

19 **22-92-104. Renewable energy and energy efficiency for schools**
20 **loan program - created - applications - permissible uses of loans.**

21 (1) THERE IS HEREBY CREATED THE RENEWABLE ENERGY AND ENERGY
22 EFFICIENCY FOR SCHOOLS LOAN PROGRAM TO FUND RENEWABLE ENERGY
23 PROJECTS AND BATTERY-POWERED, COMPRESSED NATURAL GAS, OR
24 HYBRID-ELECTRIC BUS PROJECTS AT QUALIFIED SCHOOL DISTRICTS. A
25 QUALIFIED SCHOOL DISTRICT MAY, WITH THE WRITTEN AUTHORIZATION OF
26 THE SCHOOL DISTRICT BOARD OF EDUCATION, APPLY TO THE GOVERNOR'S
27 ENERGY OFFICE, IN ACCORDANCE WITH PROCEDURES AND DEADLINES

1 ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD OF
2 EDUCATION PURSUANT TO SECTION 22-92-105, TO RECEIVE MONEYS
3 THROUGH THE LOAN PROGRAM. THE OFFICE SHALL ADMINISTER THE LOAN
4 PROGRAM AS PROVIDED IN THIS ARTICLE AND PURSUANT TO THE POLICIES
5 ADOPTED BY THE OFFICE.

6 (2) (a) A QUALIFIED SCHOOL DISTRICT THAT RECEIVES A LOAN
7 THROUGH THE LOAN PROGRAM SHALL USE THE MONEYS RECEIVED TO PAY
8 FOR TECHNICAL ASSISTANCE, EQUIPMENT, OR INSTALLATION COSTS
9 ASSOCIATED WITH A RENEWABLE ENERGY PROJECT OR A
10 BATTERY-POWERED, COMPRESSED NATURAL GAS, OR HYBRID-ELECTRIC
11 BUS PROJECT.

12 (b) A QUALIFIED SCHOOL DISTRICT THAT RECEIVES A LOAN
13 THROUGH THE LOAN PROGRAM FOR A RENEWABLE ENERGY PROJECT MAY
14 USE THE MONEYS RECEIVED TO FINANCE THE ACQUISITION OF A
15 RENEWABLE ENERGY PROJECT.

16 (3) A QUALIFIED SCHOOL DISTRICT THAT APPLIES FOR A LOAN
17 THROUGH THE LOAN PROGRAM FOR A RENEWABLE ENERGY PROJECT SHALL
18 CONTACT ITS LOCAL ELECTRICAL UTILITY AND ALLOW THE UTILITY, AT THE
19 UTILITY'S DISCRETION, TO PLACE A REPRESENTATIVE OF THE UTILITY ON
20 THE SCHOOL DISTRICT'S RENEWABLE ENERGY PROJECT TEAM.

21 (4) A QUALIFIED SCHOOL DISTRICT MAY APPLY FOR A LOAN FROM
22 THE LOAN PROGRAM FOR A RENEWABLE ENERGY PROJECT OR A
23 BATTERY-POWERED, COMPRESSED NATURAL GAS, OR HYBRID-ELECTRIC
24 BUS PROJECT THAT IS LOCATED AT A CHARTER SCHOOL OF THE SCHOOL
25 DISTRICT.

26 **22-92-105. Renewable energy and energy efficiency for schools**
27 **loan program - rules - awarding loans. (1) ON OR BEFORE OCTOBER**

1 15, 2009, THE STATE BOARD OF EDUCATION, IN CONSULTATION WITH THE
2 GOVERNOR'S ENERGY OFFICE, SHALL PROMULGATE RULES ESTABLISHING
3 POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF THE RENEWABLE
4 ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS LOAN PROGRAM. AT A
5 MINIMUM, THE RULES SHALL INCLUDE:

6 (a) POLICIES SPECIFYING THE PROCEDURES BY WHICH A QUALIFIED
7 SCHOOL DISTRICT MAY APPLY FOR A LOAN, THE FORM OF THE LOAN
8 APPLICATION, THE INFORMATION TO BE PROVIDED BY AN APPLICANT, AND
9 THE CRITERIA USED BY THE OFFICE FOR AWARDING AND DENYING LOANS;

10 (b) THE REQUIREMENTS THAT THE OFFICE SHALL REQUIRE OF LOAN
11 APPLICANTS, WHICH REQUIREMENTS SHALL INCLUDE, BUT NEED NOT BE
12 LIMITED TO A REQUIREMENT THAT A LOAN APPLICANT SUBMIT WITH ITS
13 APPLICATION:

14 (I) AN ENERGY RATING FOR THE FACILITY FOR WHICH THE LOAN IS
15 INTENDED THAT DEMONSTRATES THAT THE FACILITY QUALIFIES FOR THE
16 FEDERAL ENERGY STAR LABEL, WHICH RATING HAS BEEN ISSUED AS A
17 RESULT OF AN AUDIT PERFORMED BY A QUALIFIED ENERGY EFFICIENCY
18 AUDITOR; OR

19 (II) AN ENERGY EFFICIENCY PLAN THAT IS CREATED IN
20 CONSULTATION WITH THE OFFICE, WHICH PLAN INCLUDES:

21 (A) COST-EFFECTIVE ENERGY-SAVING MEASURES AND PROGRAMS
22 THAT THE APPLICANT WILL IMPLEMENT; AND

23 (B) ACTIONS THAT THE APPLICANT WILL TAKE TO IMPLEMENT
24 MONITOR, REVIEW, AND REVISE THE PLAN.

25 (2) (a) THE GOVERNOR'S ENERGY OFFICE SHALL REVIEW EACH LOAN
26 APPLICATION RECEIVED FROM A QUALIFIED SCHOOL DISTRICT PURSUANT TO
27 SECTION 22-92-104 (1), EVALUATE THE RENEWABLE ENERGY PROJECT OR

1 BATTERY-POWERED, COMPRESSED NATURAL GAS, OR HYBRID-ELECTRIC
2 BUS PROJECT DESCRIBED THEREIN, AND MAKE A RECOMMENDATION TO THE
3 STATE TREASURER AS TO WHETHER TO AWARD THE LOAN AND THE AMOUNT
4 OF THE LOAN. IF THE OFFICE DETERMINES AN APPLICATION IS MISSING ANY
5 INFORMATION REQUIRED BY THE OFFICE'S POLICY TO BE INCLUDED WITH
6 THE APPLICATION, THE OFFICE MAY CONTACT THE APPLICANT TO OBTAIN
7 THE MISSING INFORMATION.

8 (b) IN REVIEWING LOAN APPLICATIONS FOR RENEWABLE ENERGY
9 PROJECTS AND BATTERY-POWERED, COMPRESSED NATURAL GAS, OR
10 HYBRID-ELECTRIC BUS PROJECTS PURSUANT TO PARAGRAPH (a) OF THIS
11 SUBSECTION (2), THE GOVERNOR'S ENERGY OFFICE SHALL CONSIDER, AT A
12 MINIMUM, WHETHER A QUALIFIED SCHOOL DISTRICT WOULD REDUCE ITS
13 ENERGY COSTS BY THE IMPLEMENTATION OF THE RENEWABLE ENERGY
14 PROJECT OR BATTERY-POWERED, COMPRESSED NATURAL GAS, OR
15 HYBRID-ELECTRIC BUS PROJECT THAT IS THE SUBJECT OF EACH LOAN
16 APPLICATION.

17 (3) THE STATE TREASURER IS AUTHORIZED TO REQUIRE EACH
18 QUALIFIED SCHOOL DISTRICT THAT RECEIVES A LOAN FROM THE LOAN
19 PROGRAM TO PAY TO THE GOVERNOR'S ENERGY OFFICE A FEE THAT
20 REFLECTS THE DIRECT AND INDIRECT COSTS INCURRED BY THE STATE
21 TREASURER IN ADMINISTERING LOANS PURSUANT TO SECTION 22-92-107.
22 IF THE STATE TREASURER ELECTS TO IMPOSE A FEE PURSUANT TO THIS
23 SUBSECTION (3), HE OR SHE SHALL NOTIFY THE GOVERNOR'S ENERGY
24 OFFICE AND THE STATE BOARD OF EDUCATION OF THE DECISION TO IMPOSE
25 THE FEE. A FEE IMPOSED PURSUANT TO THIS SUBSECTION (3) MAY BE
26 IMPOSED ON A REGULARLY SCHEDULED BASIS TO BE DETERMINED BY THE
27 STATE TREASURER. A QUALIFIED SCHOOL DISTRICT THAT RECEIVES A LOAN

1 FROM THE LOAN PROGRAM SHALL BE REQUIRED TO PAY THE FEE UNTIL THE
2 LOAN IS REPAID IN FULL.

3 (4) IF THE STATE TREASURER ELECTS TO IMPOSE A FEE AS PART OF
4 THE LOAN APPLICATION PROCESS PURSUANT TO SUBSECTION (3) OF THIS
5 SECTION, THE GOVERNOR'S ENERGY OFFICE SHALL FORWARD ALL MONEYS
6 RECEIVED AS FEES TO THE STATE TREASURER.

7 **22-92-106. Renewable energy and energy efficiency for schools**
8 **loan program administration fund - creation - administrative costs.**

9 (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE RENEWABLE
10 ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS LOAN PROGRAM
11 ADMINISTRATION FUND. THE FUND SHALL CONSIST OF:

12 (a) MONEYS APPROPRIATED TO THE FUND FROM THE PUBLIC
13 SCHOOL ENERGY EFFICIENCY FUND CREATED IN SECTION 39-29-109.5 (2),
14 C.R.S.;

15 (b) ANY OTHER MONEYS APPROPRIATED BY THE GENERAL
16 ASSEMBLY TO THE FUND;

17 (c) ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE OFFICE
18 FOR THE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

19 (d) ANY OTHER MONEYS DIRECTED TO THE FUND BY THE OFFICE
20 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

21 (2) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
22 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
23 INDIRECT COSTS INCURRED BY THE OFFICE IN ADMINISTERING THE
24 PROGRAM PURSUANT TO THIS ARTICLE. THE MONEYS IN THE FUND SHALL
25 NOT BE INCLUDED IN ANY LOAN MADE TO A QUALIFIED SCHOOL DISTRICT
26 PURSUANT TO THIS ARTICLE.

27 (3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF

1 THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
2 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
3 DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY
4 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
5 THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE
6 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

7 (4) THE OFFICE MAY SEEK AND ACCEPT GIFTS, GRANTS, AND
8 DONATIONS FROM PUBLIC AND PRIVATE SOURCES TO FUND THE PROGRAM,
9 BUT RECEIPT OF GIFTS, GRANTS, AND DONATIONS SHALL NOT BE A
10 PREREQUISITE TO THE IMPLEMENTATION OF THE PROGRAM. ALL PRIVATE
11 AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS
12 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
13 THE SAME TO THE FUND.

14 (5) TO THE EXTENT PERMITTED BY LAW, THE OFFICE MAY, AT ITS
15 DISCRETION, DIRECT OTHER MONEYS TO FUND THE PROGRAM.

16 **22-92-107. Loans from public school fund authorized.** (1) AS
17 AUTHORIZED UNDER THE PROVISIONS OF SECTION 3 OF ARTICLE IX OF THE
18 STATE CONSTITUTION, THE STATE TREASURER MAY MAKE LOANS TO
19 SCHOOL DISTRICTS TO ASSIST THEM IN PROVIDING NECESSARY BUILDINGS,
20 LAND, AND EQUIPMENT, INCLUDING RENEWABLE ENERGY PROJECTS AND
21 BATTERY-POWERED, COMPRESSED NATURAL GAS, OR HYBRID-ELECTRIC
22 BUS PROJECTS AS DESCRIBED IN THIS ARTICLE. LOANS MADE PURSUANT TO
23 THIS ARTICLE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION
24 24-36-113, C.R.S., THAT REQUIRE THE STATE TREASURER TO SECURE THE
25 MAXIMUM RATE OF INTEREST ON INVESTMENTS OF STATE MONEYS. THE
26 PROCEDURES FOR THE MAKING OF LOANS SHALL BE DETERMINED BY THE
27 STATE TREASURER SUBJECT TO THE FOLLOWING:

1 (a) NO LOAN SHALL BE AUTHORIZED FOR ANY RENEWABLE ENERGY
2 PROJECT OR BATTERY-POWERED, COMPRESSED NATURAL GAS, OR
3 HYBRID-ELECTRIC BUS PROJECT THAT HAS NOT BEEN EVALUATED BY THE
4 GOVERNOR'S ENERGY OFFICE PURSUANT TO SECTION 22-92-105 (2) (a).

5 (b) NO LOAN SHALL BE AUTHORIZED IN AN AMOUNT EXCEEDING
6 THE AMOUNT RECOMMENDED BY THE GOVERNOR'S ENERGY OFFICE
7 PURSUANT TO SECTION 22-92-105 (2) (a) UNLESS THE GOVERNOR'S ENERGY
8 OFFICE APPROVES THE CHANGE IN THE LOAN AMOUNT.

9 (c) NO LOAN SHALL BE AUTHORIZED UNLESS THE METHOD FOR
10 REPAYMENT OF THE LOAN IS SPECIFIED IN THE APPLICATION.

11 (2) (a) SUBJECT TO THE LIMITATIONS DESCRIBED IN THIS SECTION,
12 THE STATE TREASURER SHALL DETERMINE THE AMOUNT OF THE
13 PERMANENT SCHOOL FUND THAT MAY BE LOANED OUT PURSUANT TO THIS
14 SECTION, WHICH QUALIFIED SCHOOL DISTRICTS SHALL RECEIVE LOANS, THE
15 AMOUNT OF EACH LOAN, THE TERMS OF REPAYMENT OF EACH LOAN, AND
16 THE RATE OF INTEREST TO BE CHARGED ON LOANS. THE AVERAGE RATE OF
17 INTEREST CHARGED ON LOANS MADE IN ANY CALENDAR YEAR MUST
18 EXCEED THE AVERAGE BOOK YIELD EARNED BY THE FUND IN THE MOST
19 RECENTLY COMPLETED QUARTER. PAYMENTS OF THE PRINCIPAL OF AND
20 INTEREST ON ALL LOANS SHALL BE RETURNED TO THE PUBLIC SCHOOL
21 FUND.

22 (b) THE STATE TREASURER MAY INCLUDE, AS PART OF ANY LOAN
23 AGREEMENT WITH ANY QUALIFIED SCHOOL DISTRICT, WHATEVER TERMS
24 AND CONDITIONS HE OR SHE FEELS ARE NECESSARY TO PROTECT THE
25 PRINCIPAL OF THE PUBLIC SCHOOL FUND AGAINST LOSS.

26 (3) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM
27 THE GENERAL FUND TO RESTORE MONEYS TO THE PUBLIC SCHOOL FUND,

1 TOGETHER WITH INTEREST, THAT ARE LOST BY REASON OF THE FAILURE OF
2 ANY SCHOOL DISTRICT TO REPAY A LOAN MADE PURSUANT TO THIS
3 SECTION.

4 (4) ADMINISTRATIVE COSTS THAT WILL BE INCURRED BY A
5 QUALIFIED SCHOOL DISTRICT AS A RESULT OF THE RENEWABLE ENERGY
6 PROJECT OR BATTERY-POWERED, COMPRESSED NATURAL GAS, OR
7 HYBRID-ELECTRIC BUS PROJECT THAT IS THE BASIS FOR THE LOAN MAY BE
8 INCLUDED IN THE AMOUNT OF THE LOAN.

9 **SECTION 2.** 22-41-110 (1) (b), Colorado Revised Statutes, is
10 amended to read:

11 **22-41-110. Timely payment of school district obligations.**

12 (1) (b) This section applies to:

13 (I) General obligation bonds issued by a school district on or after
14 July 1, 1991, pursuant to article 42 or 43 of this title; ~~to~~

15 (II) Obligations of a school district in connection with a lease
16 agreement or installment purchase agreement entered into by a school
17 district under section 22-32-127 or 22-45-103 (1) (c) on or after July 1,
18 1991; ~~and to~~

19 (III) Refunding bonds issued by a school district pursuant to article
20 56 of title 11, C.R.S.; AND

21 (IV) OBLIGATIONS OF A SCHOOL DISTRICT IN CONNECTION WITH A
22 LOAN RECEIVED UNDER THE RENEWABLE ENERGY AND ENERGY EFFICIENCY
23 FOR SCHOOLS LOAN PROGRAM CREATED IN SECTION 22-92-104.

24 **SECTION 3.** 24-38.5-102 (1), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **24-38.5-102. Governor's energy office - duties and powers.**

27 (1) The governor's energy office shall:

1 (q) IMPLEMENT AND ADMINISTER THE RENEWABLE ENERGY AND
2 ENERGY EFFICIENCY FOR SCHOOLS LOAN PROGRAM PURSUANT TO ARTICLE
3 92 OF TITLE 22, C.R.S.

4 **SECTION 4.** 39-29-109.5 (3) (c), (3) (d), and (5), Colorado
5 Revised Statutes, are amended, and the said 39-29-109.5 (3) is further
6 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

7 **39-29-109.5. Interest differential - public school energy**
8 **efficiency fund - creation - uses - definitions - repeal.** (3) The
9 governor's energy office shall use moneys appropriated from the fund to
10 establish and manage a program to improve energy efficiency in public
11 schools. In administering the program, the office shall give consideration
12 to whether a public school or school district is located in an area socially
13 or economically impacted by the development, processing, or energy
14 conversion of minerals and mineral fuels subject to taxation under this
15 article. The program shall include the following features:

16 (c) Assisting school districts in increasing the effectiveness of their
17 utility budget management; ~~and~~

18 (d) Providing training and supporting resources related to energy
19 efficiency for school districts; AND

20 (e) PROVIDING FUNDING FOR THE ADMINISTRATION OF THE
21 RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS LOAN
22 PROGRAM CREATED IN SECTION 22-92-104, C.R.S.

23 (5) This section is repealed, effective ~~July 1, 2012~~ JULY 1, 2017.

24 **SECTION 5. Accountability.** Two years after this act becomes
25 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
26 the legislative service agencies of the Colorado General Assembly shall
27 conduct a post-enactment review of the implementation of this act

1 utilizing the information contained in the legislative declaration set forth
2 in section 22-92-102, Colorado Revised Statutes, which section is set forth
3 in section 1 of this act, and report their conclusions to the education
4 committees of the House of Representatives and Senate, or any successor
5 committees.

6 **SECTION 6. Act subject to petition - effective date.** This act
7 shall take effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly that is
9 allowed for submitting a referendum petition pursuant to article V, section
10 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is
11 on May 6, 2009); except that, if a referendum petition is filed against this
12 act or an item, section, or part of this act within such period, then the act,
13 item, section, or part, if approved by the people, shall take effect on the
14 date of the official declaration of the vote thereon by proclamation of the
15 governor.