

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

PREAMENDED

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

LLS NO. 11-0463.02 Esther van Mourik

HOUSE BILL 11-1312

HOUSE SPONSORSHIP

Becker,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REORGANIZATION OF THE GOVERNOR'S ENERGY**
102 **OFFICE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)

The bill:

- ! Changes the name of the governor's energy office to the Colorado energy office;
- ! Requires that any regional representatives of the Colorado energy office, as it existed prior to July 1, 2011, that helped

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.*

engage municipalities, consumers, businesses, and others with the energy programs of the office be combined with any regional or business development representatives employed by the Colorado office of economic development and limited to one representative for each of 6 distinct regions of the state;

- ! Requires the director of the Colorado energy office to reduce the number of full-time equivalent employees of the office by 25% no later than the end of the 2011-12 state fiscal year;
- ! As part of the reorganization, changes the mission of the newly named Colorado energy office to:
 - ! Promoting economic development in Colorado through energy-market advances that create jobs;
 - ! Encouraging Colorado-based clean and innovative energy solutions that include traditional and renewable energy sources;
 - ! Increasing energy security;
 - ! Lowering long-term consumer costs; and
 - ! Protecting the environment; and
- ! Changes the name of the clean energy fund to the energy innovation fund and aligns the purposes of that fund with the new mission of the Colorado energy office.

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

2 **SECTION 1.** 11-59.7-103 (13), Colorado Revised Statutes, is
3 amended, and the said 11-59.7-103 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **11-59.7-103. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (8.5) "COLORADO ENERGY OFFICE" MEANS THE COLORADO
8 ENERGY OFFICE CREATED IN SECTION 24-38.5-101 (1), C.R.S.

9 ~~(13) "Governor's energy office" means the governor's energy~~
10 ~~office created in section 24-38.5-101 (1), C.R.S.~~

11 **SECTION 2.** 11-59.7-107, Colorado Revised Statutes, is
12 amended to read:

1 **11-59.7-107. Qualified energy conservation bond volume cap.**

2 (1) The qualified energy conservation bond volume cap shall be
3 administered by the ~~governor's~~ COLORADO energy office pursuant to this
4 section. The ~~governor's~~ COLORADO energy office shall allocate the
5 qualified energy conservation bond volume cap to the state and large local
6 governments in accordance with federal law for the purpose of financing
7 or refinancing projects approved by the ~~governor's~~ COLORADO energy
8 office. The qualified energy conservation bond volume cap for calendar
9 year 2009 shall be allocated by the thirtieth day following June 2, 2009.
10 The qualified energy conservation bond volume cap for each subsequent
11 calendar year shall be allocated on or before February 15 of the calendar
12 year.

13 (2) The state may reallocate any portion of the qualified energy
14 conservation bond volume cap allocated or reallocated to the state
15 pursuant to this section to any public entity for the purpose of financing
16 or refinancing projects approved by the ~~governor's~~ COLORADO energy
17 office.

18 (3) Any portion of the qualified energy conservation bond volume
19 cap for a calendar year that is allocated to a large local government
20 pursuant to subsection (1) of this section that has not been used on bonds
21 issued or a lease-purchase agreement entered into or for which a contract
22 to purchase bonds or instruments evidencing interests in a lease-purchase
23 agreement has not been entered into on or before November 10 of the
24 calendar year shall, on November 11 of the calendar year, automatically
25 revert to the ~~governor's~~ COLORADO energy office. If a contract to
26 purchase has been entered into on or before November 10 of the calendar
27 year but the related bonds or lease-purchase agreement are not issued or

1 entered into on or before November 30 of the calendar year, the volume
2 cap shall automatically revert to the governor's COLORADO energy office
3 on December 1 of the calendar year. The governor's COLORADO energy
4 office may reallocate to any public entity for the purpose of financing or
5 refinancing a project approved by the office, or carry forward pursuant to
6 subsection (4) of this section, any volume cap that reverts to the office
7 pursuant to this subsection (3). Any volume cap that is reallocated to a
8 public entity pursuant to this subsection (3) that has not been used on
9 bonds issued or a lease-purchase agreement entered into by noon,
10 prevailing Denver time, on December 31 of a calendar year shall, at 12:01
11 p.m., prevailing Denver time, on December 31 of the calendar year,
12 automatically revert to the governor's COLORADO energy office.

13 (4) The governor's COLORADO energy office shall carry forward
14 to the next calendar year any portion of the qualified energy conservation
15 bond volume cap that has not been used on bonds issued or a
16 lease-purchase agreement entered into by the end of a calendar year. In
17 selecting projects for the purpose of allocating qualified energy
18 conservation bond volume cap, the governor's COLORADO energy office
19 shall prioritize projects that are ready to be financed or refinanced and
20 that are most consistent with the purpose of this article described in
21 section 11-59.7-102 (1) (b). The governor's COLORADO energy office
22 shall allocate qualified energy conservation bond volume cap in a manner
23 consistent with federal law and the purpose of this article described in
24 section 11-59.7-102 (1) (b) and to minimize the qualified energy
25 conservation bond volume cap that has not been used on bonds issued or
26 a lease-purchase agreement entered into on or before the expiration of the
27 qualified energy conservation bond program. The governor's COLORADO

1 energy office may allocate qualified energy conservation bond volume
2 cap to the state pursuant to this section in anticipation of the enactment
3 by the general assembly of legislation authorizing a lease-purchase
4 agreement. The state, any large local government, or any other public
5 entity to which qualified energy conservation bond volume cap has been
6 allocated pursuant to this section may, at any time, relinquish the volume
7 cap to the ~~governor's~~ COLORADO energy office. Any volume cap
8 relinquished may be reallocated by the ~~governor's~~ COLORADO energy
9 office to any public entity to finance or refinance a project approved by
10 the office or may be carried forward to the next calendar year. The
11 department of local affairs, in consultation with the ~~governor's~~
12 COLORADO energy office, may promulgate rules in accordance with
13 article 4 of title 24, C.R.S., regarding the manner in which the qualified
14 energy conservation bond volume cap will be allocated.

15 **SECTION 3.** The introductory portion to 11-59.7-111 (1),
16 Colorado Revised Statutes, is amended to read:

17 **11-59.7-111. Reporting requirements.** (1) A public entity that
18 issues or enters into a stimulus obligation authorized by the allocation or
19 reallocation of volume cap to the public entity pursuant to section
20 11-59.7-106, 11-59.7-107, 11-59.7-108, or 11-59.7-109, by the public
21 school capital construction assistance board, the ~~governor's~~ COLORADO
22 energy office, the commission on higher education, or the department of
23 local affairs, as applicable, shall deliver a report to the entity that
24 allocated or reallocated the volume cap within thirty days after the
25 stimulus obligation is issued or entered into. The report shall include the
26 following information and any other information requested by the entity
27 that allocated or reallocated the volume cap:

1 **SECTION 4.** 22-43.7-107 (2) (d), Colorado Revised Statutes, is
2 amended to read:

3 **22-43.7-107. Public school facility construction guidelines -**
4 **establishment by board - use.** (2) The public school facility
5 construction guidelines shall identify and describe the capital
6 construction, renovation, and equipment needs in public school facilities
7 and means of addressing those needs that will provide educational and
8 safety benefits at a reasonable cost. In preparing the guidelines, the board
9 shall address the following considerations:

10 (d) Building performance standards and guidelines, including but
11 not limited to green building and energy efficiency criteria as specified in
12 executive order D0012 07, "Greening of State Government: Detailed
13 Implementation", issued by the governor on April 16, 2007, or any
14 subsequent executive orders or other policy directives concerning green
15 building and energy efficiency criteria issued by the governor or the
16 ~~governor's~~ COLORADO energy office;

17 **SECTION 5.** 22-89-103 (1), Colorado Revised Statutes, is
18 amended to read:

19 **22-89-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

21 (1) ~~"Governor's~~ "COLORADO energy office" means the ~~governor's~~
22 COLORADO energy office created in section 24-38.5-101, C.R.S.

23 **SECTION 6.** 22-89-104 (1) and (2) (a), Colorado Revised
24 Statutes, are amended to read:

25 **22-89-104. Wind for schools grant program - created -**
26 **applications.** (1) There is hereby created the wind for schools grant
27 program to fund wind for schools projects at qualified schools. A

1 qualified school may, with the written authorization of the local board of
2 education, apply to the ~~governor's~~ COLORADO energy office, in
3 accordance with procedures and deadlines adopted by the office, to
4 receive moneys through the grant program. The office shall administer
5 the grant program as provided in this article and pursuant to policies
6 adopted by the office.

7 (2) (a) The ~~governor's~~ COLORADO energy office shall adopt
8 policies specifying when a qualified school may request a grant and the
9 procedure for making the request.

10 **SECTION 7.** 22-89-105, Colorado Revised Statutes, is amended
11 to read:

12 **22-89-105. Wind for schools grant program - policies -**
13 **awarding grants.** (1) The ~~governor's~~ COLORADO energy office shall
14 adopt policies for the implementation of the wind for schools grant
15 program. At a minimum, the policies shall specify the procedures for
16 applying for a grant, the form of the grant application, the information to
17 be provided by the applicant, and the criteria for awarding grants.

18 (2) (a) The ~~governor's~~ COLORADO energy office shall review each
19 grant application received from a qualified school pursuant to section
20 22-89-104 and shall make a determination as to whether the grant should
21 be awarded and, except as provided in paragraph (c) of this subsection
22 (2), the amount of the grant. If the office determines an application is
23 missing any information required by the office's policy to be included
24 with the application, the office may contact the applicant to obtain the
25 missing information.

26 (b) In awarding grants pursuant to this article, the ~~governor's~~
27 COLORADO energy office shall consider, at a minimum, whether a

1 qualified school:

2 (I) Would reduce its electricity costs by the implementation of a
3 wind for schools project; and

4 (II) Has a plan in place to incorporate the implementation of a
5 wind for schools project into its educational curriculum.

6 (c) A qualified school shall not receive an aggregate amount of
7 grants pursuant to this article that exceeds five thousand dollars.

8 (3) The ~~governor's~~ COLORADO energy office shall use at least fifty
9 thousand dollars for the implementation of this grant program from the
10 existing resources of the office. The minimum funding requirement for
11 the implementation of this grant program may be met in one or more
12 fiscal years. The office shall not submit a request for an appropriation or
13 a supplemental appropriation for this purpose.

14 **SECTION 8.** 22-92-103 (3), Colorado Revised Statutes, is
15 amended, and the said 22-92-103 is further amended BY THE
16 ADDITION OF A NEW SUBSECTION, to read:

17 **22-92-103. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (1.5) "COLORADO ENERGY OFFICE" OR "OFFICE" MEANS THE
20 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., OR
21 ANY SUCCESSOR OFFICE.

22 (3) ~~"Governor's energy office" or "office" means the governor's~~
23 ~~energy office created in section 24-38.5-101, C.R.S., or any successor~~
24 ~~office.~~

25 **SECTION 9.** 22-92-104 (1), Colorado Revised Statutes, is
26 amended to read:

27 **22-92-104. Renewable energy and energy efficiency for schools**

1 **loan program - created - applications - permissible uses of loans.**
2 (1) There is hereby created the renewable energy and energy efficiency
3 for schools loan program to fund renewable energy projects and
4 energy-efficient bus projects at qualified school districts. A qualified
5 school district may, with the written authorization of the school district
6 board of education, apply to the ~~governor's~~ COLORADO energy office, in
7 accordance with procedures and deadlines established by rules
8 promulgated by the state board of education pursuant to section
9 22-92-105, to receive moneys through the loan program. The office shall
10 administer the loan program as provided in this article and pursuant to the
11 policies adopted by the office.

12 **SECTION 10.** The introductory portion to 22-92-105 (1) and
13 22-92-105 (2), (3), and (4), Colorado Revised Statutes, are amended to
14 read:

15 **22-92-105. Renewable energy and energy efficiency for schools**
16 **loan program - rules - awarding loans.** (1) On or before October 15,
17 2009, the state board of education, in consultation with the ~~governor's~~
18 COLORADO energy office, shall promulgate rules establishing policies and
19 procedures for the administration of the renewable energy and energy
20 efficiency for schools loan program. At a minimum, the rules shall
21 include:

22 (2) (a) The ~~governor's~~ COLORADO energy office shall review each
23 loan application received from a qualified school district pursuant to
24 section 22-92-104 (1), evaluate the renewable energy project or
25 energy-efficient bus project described therein, and make a
26 recommendation to the state treasurer as to whether to award the loan and
27 the amount of the loan. If the office determines an application is missing

1 any information required by the office's policy to be included with the
2 application, the office may contact the applicant to obtain the missing
3 information.

4 (b) In reviewing loan applications for renewable energy projects
5 and energy-efficient bus projects pursuant to paragraph (a) of this
6 subsection (2), the ~~governor's~~ COLORADO energy office shall consider, at
7 a minimum, whether a qualified school district would reduce its energy
8 costs by the implementation of the renewable energy project or
9 energy-efficient bus project that is the subject of each loan application.

10 (3) The state treasurer is authorized to require each qualified
11 school district that receives a loan from the loan program to pay to the
12 ~~governor's~~ COLORADO energy office a fee that reflects the direct and
13 indirect costs incurred by the state treasurer in administering loans
14 pursuant to section 22-92-107. If the state treasurer elects to impose a fee
15 pursuant to this subsection (3), he or she shall notify the ~~governor's~~
16 COLORADO energy office and the state board of education of the decision
17 to impose the fee. A fee imposed pursuant to this subsection (3) may be
18 imposed on a regularly scheduled basis to be determined by the state
19 treasurer. A qualified school district that receives a loan from the loan
20 program shall be required to pay the fee until the loan is repaid in full.

21 (4) If the state treasurer elects to impose a fee as part of the loan
22 application process pursuant to subsection (3) of this section, the
23 ~~governor's~~ COLORADO energy office shall forward all moneys received as
24 fees to the state treasurer.

25 **SECTION 11.** 22-92-107 (1) (a) and (1) (b), Colorado Revised
26 Statutes, are amended to read:

27 **22-92-107. Loans from public school fund authorized.** (1) As

1 authorized under the provisions of section 3 of article IX of the state
2 constitution, the state treasurer may make loans to school districts to
3 assist them in providing necessary buildings, land, and equipment,
4 including renewable energy projects and energy-efficient bus projects as
5 described in this article. Loans made pursuant to this article shall not be
6 subject to the provisions of section 24-36-113, C.R.S., that require the
7 state treasurer to secure the maximum rate of interest on investments of
8 state moneys. The procedures for the making of loans shall be
9 determined by the state treasurer subject to the following:

10 (a) No loan shall be authorized for any renewable energy project
11 or energy-efficient bus project that has not been evaluated by the
12 ~~governor's~~ COLORADO energy office pursuant to section 22-92-105 (2)
13 (a).

14 (b) No loan shall be authorized in an amount exceeding the
15 amount recommended by the ~~governor's~~ COLORADO energy office
16 pursuant to section 22-92-105 (2) (a) unless the ~~governor's~~ COLORADO
17 energy office approves the change in the loan amount.

18 **SECTION 12.** 23-31-313 (7) (b), Colorado Revised Statutes, is
19 amended to read:

20 **23-31-313. Healthy forests - vibrant communities - funds**
21 **created. (7) Enhanced economic opportunities.** In order to support
22 local business development and job creation through the implementation
23 of forest treatments, the forest service shall:

24 (b) Work with the ~~governor's~~ COLORADO energy office created in
25 section 24-38.5-101, C.R.S., and the air quality control commission
26 created in section 25-7-104, C.R.S., to support the appropriately increased
27 use of woody biomass in bio-heating.

1 **SECTION 13.** 23-41-114 (4) (b) (VI) (A), Colorado Revised
2 Statutes, is amended to read:

3 **23-41-114. Colorado energy research institute - creation.**

4 (4) The institute shall conduct:

5 (b) The following specific research and educational programs
6 designed to meet the information needs of the department of natural
7 resources, other agencies of the state's executive branch, the legislature,
8 and the public:

9 (VI) (A) To provide grants through the ~~governor's~~ COLORADO
10 energy office created in section 24-38.5-101, C.R.S., for the development
11 of a central resource for building trade professionals, including
12 contractors, engineers, architects, and designers, for the purpose of
13 increasing available tools and education to advance energy-efficient
14 design and construction.

15 **SECTION 14.** 24-33-114 (1) and (5), Colorado Revised Statutes,
16 are amended to read:

17 **24-33-114. Renewable resource generation development areas**
18 **- inventory of resources - fund - definitions - repeal.** (1) The

19 ~~governor's~~ COLORADO energy office or its designee shall identify
20 renewable resource generation development areas on land owned, leased,
21 or otherwise controlled by the division of parks and outdoor recreation in
22 the department of natural resources, also referred to in this section as the
23 "division", that have the potential to support the development of
24 renewable resource generation projects.

25 (5) **Definitions.** As used in this section, unless the context
26 otherwise requires, "~~governor's~~ "COLORADO energy office" or "office"
27 means the ~~governor's~~ COLORADO energy office created in section

1 24-38.5-101, or any successor office ~~created within the office of the~~
2 ~~governor~~ for the purpose of promoting renewable energy.

3 **SECTION 15.** The introductory portion to 24-33-115 (1),
4 Colorado Revised Statutes, is amended to read:

5 **24-33-115. Reenergize Colorado program - powers and duties**
6 **of executive director - repeal.** (1) In addition to all other powers and
7 duties conferred upon the executive director by law, the executive
8 director is hereby authorized and directed to work with the ~~governor's~~
9 COLORADO energy office, the state board of land commissioners, public
10 utilities, and other state and federal agencies as necessary to initiate the
11 reenergize Colorado program. The purposes of the program are:

12 **SECTION 16.** 24-38.5-101, Colorado Revised Statutes, is
13 amended to read:

14 **24-38.5-101. Colorado energy office - creation.** (1) There is
15 hereby created within the office of the governor the ~~governor's~~
16 COLORADO energy office, the head of which shall be the director of the
17 ~~governor's~~ COLORADO energy office. The director of the office shall be
18 assisted by a deputy director and a staff to fulfill the office's mission ~~to~~
19 ~~lead Colorado to a new energy economy by advancing energy efficiency~~
20 ~~and renewable, clean energy resources~~ TO:

21 (a) PROMOTE ECONOMIC DEVELOPMENT IN COLORADO THROUGH
22 ENERGY-MARKET ADVANCES THAT CREATE JOBS;

23 (b) ENCOURAGE COLORADO-BASED CLEAN AND INNOVATIVE
24 ENERGY SOLUTIONS THAT INCLUDE TRADITIONAL AND RENEWABLE
25 ENERGY SOURCES IN ORDER TO ENCOURAGE A BALANCED ENERGY
26 PORTFOLIO;

27 (c) INCREASE ENERGY SECURITY;

1 (d) LOWER LONG-TERM CONSUMER COSTS; AND

2 (e) PROTECT THE ENVIRONMENT.

3 (2) ~~Staff of the governor's energy office shall include but not be~~
4 ~~limited to~~ ANY regional representatives ~~to help~~ OF THE GOVERNOR'S
5 ENERGY OFFICE, AS IT EXISTED PRIOR TO JULY 1, 2011, THAT HELPED
6 engage municipalities, consumers, businesses, and others with the energy
7 programs of the office ~~The regional representatives shall expedite~~
8 ~~programs and serve as a local resource to communities throughout~~
9 ~~Colorado~~ SHALL BE COMBINED WITH ANY REGIONAL OR BUSINESS
10 DEVELOPMENT REPRESENTATIVES EMPLOYED BY THE COLORADO OFFICE
11 OF ECONOMIC DEVELOPMENT AND SHALL BE LIMITED AS SPECIFIED IN
12 SECTION 24-48.5-101 (5.5).

13 (3) THE DIRECTOR OF THE COLORADO ENERGY OFFICE SHALL
14 REDUCE THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES OF THE
15 COLORADO ENERGY OFFICE, AS SUCH FULL-TIME EQUIVALENT EMPLOYEES
16 EXISTED PRIOR TO JULY 1, 2011, BY TWENTY-FIVE PERCENT NO LATER
17 THAN THE END OF THE 2011-12 STATE FISCAL YEAR, AND BY AN
18 ADDITIONAL FIFTEEN PERCENT NO LATER THAN THE END OF THE 2012-13
19 STATE FISCAL YEAR.

20 **SECTION 17.** The introductory portion to 24-38.5-102 (1) and
21 24-38.5-102 (1) (a), (1) (e), (1) (o), and (2), Colorado Revised Statutes,
22 are amended to read:

23 **24-38.5-102. Colorado energy office - duties and powers.**

24 (1) The ~~governor's~~ COLORADO energy office shall:

25 (a) Work with communities, utilities, private and public
26 organizations, and individuals to promote renewable energy, such as
27 wind, solar, and geothermal, and energy efficiency technologies AND TO

1 PROMOTE CLEANER TECHNOLOGIES BY UTILIZING TRADITIONAL,
2 COLORADO-SOURCED ENERGY;

3 (e) Advance INNOVATIVE energy efficiency and renewable energy
4 throughout the state as specified in section 24-75-1201;

5 (o) Collaborate with the department of higher education to
6 develop renewable energy curricula that will serve the work force needs
7 of renewable energy industries. Such collaboration may include research
8 institutions, state colleges, community colleges, and trade organizations
9 in an effort to develop a means by which the state may address all facets
10 of work force demands in ~~the new energy economy~~ DEVELOPING A
11 BALANCED ENERGY PORTFOLIO. Institutions may also partner in the
12 development of curricula with organizations that have existing curricula
13 and training programs on renewable energy. For the purposes of this
14 paragraph (o), "renewable energy" shall have the same meaning as set
15 forth in section 40-1-102 (11), C.R.S.

16 (2) The director of the ~~governor's~~ COLORADO energy office shall
17 serve as chairperson of the board of directors of the Colorado clean
18 energy development authority as specified in article 9.7 of title 40, C.R.S.

19 **SECTION 18.** 24-38.5-103 (2), Colorado Revised Statutes, is
20 amended to read:

21 **24-38.5-103. Electric vehicle grant fund - creation -**
22 **administration.** (2) The ~~governor's~~ COLORADO energy office is
23 authorized to seek and accept gifts, grants, or donations from private or
24 public sources for the purposes of this section. All private and public
25 funds received through gifts, grants, or donations shall be transmitted to
26 the state treasurer, who shall credit the same to the fund. The moneys in
27 the fund shall be subject to annual appropriation by the general assembly.

1 Any moneys in the fund not expended for the purposes of this section
2 may be invested by the state treasurer as provided by law. All interest and
3 income derived from the investment and deposit of moneys in the fund
4 shall be credited to the fund. Any unexpended and unencumbered
5 moneys remaining in the fund at the end of a fiscal year shall remain in
6 the fund and shall not be credited or transferred to the general fund or
7 another fund.

8 **SECTION 19.** 24-38.5-104 (2), Colorado Revised Statutes, is
9 amended to read:

10 **24-38.5-104. Photovoltaic installer qualifications - cooperation**
11 **with department of regulatory agencies.** (2) If the governor, by
12 executive order, appoints a committee to study the desirability of
13 credentialing of solar installers, the committee, or the ~~governor's~~
14 COLORADO energy office on the committee's behalf, is specifically
15 authorized to submit a proposal for such credentialing to the department
16 of regulatory agencies pursuant to section 24-34-104.1 (2). In addition,
17 the committee may study and make recommendations concerning the
18 scope-of-work provisions of section 40-2-128, C.R.S., specifically
19 including enforcement of the supervision and worker ratio requirements
20 of section 40-2-128 (1) (c) and (1) (d), C.R.S.

21 **SECTION 20.** 24-38.5-105 (1) (a) and (1) (b), Colorado Revised
22 Statutes, are amended to read:

23 **24-38.5-105. Clean energy improvement debt reserve fund -**
24 **authorization - use.** (1) (a) The clean energy improvement debt reserve
25 fund is hereby created in the state treasury. The principal of the fund
26 shall consist of up to ten million dollars of legally available moneys from
27 nonstate sources under the control of the ~~governor's~~ COLORADO energy

1 office, which the state treasurer shall promptly credit to the fund if
2 instructed in writing to do so by the director of the ~~governor's~~ COLORADO
3 energy office, and any fees paid to the state treasurer in accordance with
4 subparagraph (II) of paragraph (b) of this subsection (1). All interest and
5 income derived from the deposit and investment of moneys in the fund
6 shall be credited to the fund, and all unexpended and unencumbered
7 moneys in the fund at the end of any fiscal year shall remain in the fund.
8 The fund is hereby continuously appropriated to the state treasurer, who
9 may expend moneys from the fund solely for the purposes of paying
10 principal and interest on bonds issued by a local improvement district or
11 other special district as specified in paragraph (c) of this subsection (1)
12 and defraying any direct and indirect costs incurred by the state treasurer
13 in executing duties required by this section.

14 (b) (I) If the ~~governor's~~ COLORADO energy office instructs the
15 state treasurer to credit moneys from nonstate sources to the clean energy
16 improvement debt reserve fund, with prior written authorization from the
17 director of the ~~governor's~~ COLORADO energy office and the state treasurer
18 and after agreeing to pay fees to be credited to the fund to the state
19 treasurer as specified in subparagraph (II) of this paragraph (b), a local
20 improvement district or other special district that imposes special
21 assessments on real property and issues bonds payable from the revenues
22 generated by the special assessments to generate the moneys needed to
23 pay the up-front costs of making renewable energy improvements or clean
24 energy improvements as authorized by part 6 of article 20 of title 30,
25 C.R.S., or any other provision of law may rely on the clean energy
26 improvement debt reserve fund as a backup source of moneys that may
27 be used, after the depletion of any district debt service reserve fund, for

1 the payment of principal and interest owed to holders of the district's
2 bonds.

3 (II) A local improvement district or other district that issues bonds
4 and that wishes to rely on the clean energy improvement debt reserve
5 fund as a backup source of moneys for the payment of principal and
6 interest owed to holders of the bonds shall enter into a written agreement
7 with the ~~governor's~~ COLORADO energy office to pay to the state treasurer
8 for crediting to the fund such fees for the privilege of relying on the fund
9 as the ~~governor's~~ COLORADO energy office may require. Fees to be paid
10 by a district as required by the ~~governor's~~ COLORADO energy office shall
11 be deemed to be a portion of the amount of the interest rate savings
12 resulting from more favorable financing terms attributable to the reliance
13 upon the fund. The ~~governor's~~ COLORADO energy office may, in its
14 discretion, require that fees be paid on an annual basis, commencing and
15 calculated on the date of issuance of the bonds and on each one-year
16 anniversary of the issuance of the bonds thereafter while the bonds
17 remain outstanding, in an amount equal to a number of basis points of the
18 principal amount of the bonds outstanding as of each calculation date
19 agreed upon by the office and the district.

20 **SECTION 21.** 24-38.5-106 (2), Colorado Revised Statutes, is
21 amended to read:

22 **24-38.5-106. Financing of capital projects to make state**
23 **government more energy efficient - lease-purchase agreements -**
24 **legislative declaration - definition.** (2) (a) In order to make state
25 government more energy efficient in accordance with section
26 24-38.5-102, the ~~governor's~~ COLORADO energy office may propose a
27 prioritized list of projects associated with current utility cost-savings

1 contracts that will improve the energy efficiency of state buildings or
2 facilities and that are proposed to be constructed or improved using
3 financing provided in accordance with subsection (3) of this section. If
4 the ~~governor's~~ COLORADO energy office creates a prioritized list, the
5 prioritized list shall include an estimate of the total amount of annual
6 utility cost savings expected if all of the projects on the prioritized list are
7 completed; descriptions of the projects, the affected buildings, and the
8 impact of the projects on tenants; a timeline for implementation; a
9 detailed budget for each project; a list of properties recommended for use
10 as collateral, which shall include only properties operated and maintained
11 by agencies that are responsible for the operation and maintenance of at
12 least one state building or facility for which a project is being financed in
13 accordance with subsection (3) of this section; estimates of the amount of
14 annual utility cost savings expected for each of the projects; and expected
15 annual payments for each project, including the expected funding sources
16 for such payments. The ~~governor's~~ COLORADO energy office shall submit
17 the prioritized list and referenced supporting documents to the office of
18 state planning and budgeting for review and approval or disapproval.
19 Except as otherwise provided in paragraph (b) of this subsection (2), the
20 office of state planning and budgeting shall submit any projects on the
21 prioritized list that it approves to the capital development committee of
22 the general assembly for review and approval or disapproval. Subject to
23 the limitations specified in subsection (3) of this section, if the capital
24 development committee determines after reviewing the projects submitted
25 to it for its review and approval or disapproval that it is appropriate to
26 authorize the state treasurer to pursue financing provided in accordance
27 with subsection (3) of this section to fund some or all of the projects or

1 if the office of state planning and budgeting has approved projects for
2 buildings or facilities operated and maintained by the department of
3 transportation and submitted such projects to the committee for
4 informational purposes only pursuant to paragraph (b) of this subsection
5 (2), the committee shall provide a letter to the ~~governor's~~ COLORADO
6 energy office, the office of state planning and budgeting, the joint budget
7 committee of the general assembly, and the state treasurer that specifies
8 the final approved priority of the projects.

9 (b) Notwithstanding the provisions of paragraph (a) of this
10 subsection (2), any projects on the prioritized list proposed by the
11 ~~governor's~~ COLORADO energy office and approved by the office of state
12 planning and budgeting for buildings or facilities operated and maintained
13 by the department of transportation shall be deemed to be finally
14 approved and shall be included on the prioritized list submitted to the
15 capital development committee for informational purposes only.

16 **SECTION 22.** 24-38.7-102 (6), Colorado Revised Statutes, is
17 amended to read:

18 **24-38.7-102. Definitions.** As used in this part 1, unless the
19 context otherwise requires:

20 (6) "Office" means the ~~governor's~~ COLORADO energy office.

21 **SECTION 23.** 24-38.7-103 (2) (b), Colorado Revised Statutes,
22 is amended to read:

23 **24-38.7-103. Colorado energy office - powers and duties -**
24 **program - fund created.** (2) (b) The program fund and the accounts of
25 the program fund shall consist of such moneys as the general assembly
26 may appropriate thereto from the ~~clean~~ energy INNOVATION fund created
27 in section 24-75-1201 (1) ~~C.R.S.~~, and any gifts, grants, or donations that

1 may be made to the program fund. In accordance with section 24-36-113
2 (1) (a), which requires the state treasurer, in making investments, to use
3 prudence and care to preserve the principal and to secure the maximum
4 rate of interest consistent with safety and liquidity, if the general assembly
5 chooses not to appropriate moneys to the program fund or to the accounts
6 of the program fund, nothing in this article shall be deemed to require the
7 state treasurer to credit any moneys to the program fund or the accounts
8 of the program fund. All interest and income earned on the deposit and
9 investment of moneys in the program fund and the accounts of the
10 program fund shall be used for the loan buy-down account and the loan
11 loss reserve account. Moneys in the loan buy-down account and loan loss
12 reserve account of the program fund shall remain in the accounts and
13 shall not be transferred to the general fund or any other fund at the end of
14 any fiscal year.

15 **SECTION 24.** 24-38.7-202 (3), Colorado Revised Statutes, is
16 amended to read:

17 **24-38.7-202. Definitions.** As used in this part 2, unless the
18 context otherwise requires:

19 (3) "Office" means the ~~governor's~~ COLORADO energy office.

20 **SECTION 25.** 24-38.9-103 (2), Colorado Revised Statutes, is
21 amended to read:

22 **24-38.9-103. Green jobs Colorado advisory council - creation**
23 **- appointments.** (2) The council shall consist of seventeen members,
24 seven of whom shall be appointed by the executive director of the
25 department of labor and employment, who shall appoint at least one
26 member from each of the following: A nonprofit organization, a
27 community or junior college, a clean technology industry association, a

1 business organization, an investor-owned utility, a rural electric
2 association, and a labor organization. The members appointed by the
3 executive director shall possess relevant experience related to green jobs
4 or green job training. Four legislative members of the council shall be
5 appointed as follows: One member shall be appointed by the speaker of
6 the house of representatives, one member shall be appointed by the
7 president of the senate, one member shall be appointed by the minority
8 leader of the house of representatives, and one member shall be appointed
9 by the minority leader of the senate. The remaining six members shall be
10 the director of the ~~governor's~~ COLORADO energy office, the director of the
11 Colorado office of economic development, the executive director of the
12 department of human services, the executive director of the department
13 of local affairs, the chair of the Colorado workforce development council
14 or its successor, and the executive director of the department of labor and
15 employment, or their respective designees.

16 **SECTION 26.** 24-38.9-106, Colorado Revised Statutes, is
17 amended to read:

18 **24-38.9-106. Funding.** The pilot program may be funded by the
19 use of federal moneys received by the department of labor and
20 employment for the purposes of the pilot program and by the use of
21 moneys from the ~~governor's~~ COLORADO energy office.

22 **SECTION 27.** 24-47.5-103 (1), Colorado Revised Statutes, is
23 amended to read:

24 **24-47.5-103. Funding - appropriations contingent on receipt**
25 **of federal grant moneys - repeal.** (1) For the state fiscal year
26 commencing on July 1, 2006, and in each of the state fiscal years
27 commencing on July 1, 2007, and July 1, 2008, the general assembly shall

1 appropriate two million dollars from the operational account of the
2 severance tax trust fund as specified in section 39-29-109.3 (2) (g),
3 C.R.S., to the governor's energy office created in section 24-38.5-101, AS
4 SAID OFFICE EXISTED PRIOR TO JULY 1, 2011, for distribution to the
5 authority for the purposes specified in section 24-47.5-102; except that,
6 if grants of federal moneys equal to or exceeding the amount of state
7 moneys appropriated pursuant to this article have not been received by
8 June 30, 2012, the unexpended and unencumbered balance of said
9 appropriation shall revert to the operational account of the severance tax
10 trust fund.

11 **SECTION 28.** 24-48.5-101, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SUBSECTION to read:

13 **24-48.5-101. Colorado office of economic development -**
14 **creation.** (5.5) STAFF OF THE COLORADO OFFICE OF ECONOMIC
15 DEVELOPMENT SHALL INCLUDE BUT NOT BE LIMITED TO REGIONAL OR
16 BUSINESS DEVELOPMENT REPRESENTATIVES TO HELP ENGAGE
17 MUNICIPALITIES, CONSUMERS, BUSINESSES, AND OTHERS WITH THE
18 PROGRAMS OF THE OFFICE AND OF THE COLORADO ENERGY OFFICE. THE
19 REGIONAL OR BUSINESS DEVELOPMENT REPRESENTATIVES SHALL EXPEDITE
20 PROGRAMS AND SERVE AS A LOCAL RESOURCE TO COMMUNITIES
21 THROUGHOUT COLORADO, BUT SHALL BE LIMITED TO ONE
22 REPRESENTATIVE FOR EACH OF SIX DISTINCT REGIONS OF THE STATE. THE
23 REGIONS SHALL BE DETERMINED BY THE COLORADO OFFICE OF ECONOMIC
24 DEVELOPMENT IN COLLABORATION WITH THE COLORADO ENERGY OFFICE.

25 **SECTION 29.** 24-75-1201, Colorado Revised Statutes, as
26 24-75-1201 (1) (a) was amended by Senate Bill 11-159, is amended to
27 read:

1 **24-75-1201. Energy innovation fund - creation - use of fund -**

2 **definitions.** (1) (a) The ~~clean~~ energy INNOVATION fund is hereby created
3 in the state treasury. The principal of the fund shall consist of moneys
4 transferred to the fund at the end of the 2006-07 state fiscal year and at
5 the end of each succeeding state fiscal year from moneys received by the
6 ~~governor's~~ COLORADO energy office pursuant to section 39-29-109.3 (2)
7 (f), C.R.S., in accordance with section 40-8.7-112 (3) (g), C.R.S., moneys
8 received pursuant to the federal "American Recovery and Reinvestment
9 Act of 2009", Pub.L. 111-5, or any amendments thereto, or from revenue
10 contracts, court settlement funds, supplemental environmental program
11 funds, repayment or return of funds from eligible public depositories, and
12 gifts, grants, and donations, and any other moneys received by the
13 ~~governor's~~ COLORADO energy office. Interest and income earned on the
14 deposit and investment of moneys in the ~~clean~~ energy INNOVATION fund
15 shall be credited to the fund. Moneys in the fund at the end of any state
16 fiscal year shall remain in the fund and shall not be credited to the state
17 general fund or any other fund.

18 (b) For purposes of this ~~section~~ PART 12:

19 (I) ~~"governor's~~ "COLORADO energy office" means the ~~governor's~~
20 COLORADO energy office created in section 24-38.5-101.

21 (II) "INNOVATIVE ENERGY" MEANS AN EXISTING, NEW, OR
22 EMERGING TECHNOLOGY THAT:

23 (A) ENABLES THE USE OF A LOCAL FUEL SOURCE;

24 (B) ESTABLISHES A MORE EFFICIENT OR ENVIRONMENTALLY
25 BENEFICIAL USE OF ENERGY; OR

26 (C) HELPS TO CREATE ENERGY INDEPENDENCE OR ENERGY
27 SECURITY FOR THE STATE.

1 (2) (a) All moneys in the ~~clean~~ energy INNOVATION fund are
2 continuously appropriated to the ~~governor's~~ COLORADO energy office for
3 the purposes of advancing INNOVATIVE energy ~~efficiency and renewable~~
4 ~~energy~~ throughout the state.

5 (b) The ~~governor's~~ COLORADO energy office may expend moneys
6 from the ~~clean~~ energy INNOVATION fund:

7 (I) TO OVERCOME MARKET BARRIERS FACING EMERGING AND
8 COST-EFFECTIVE ENERGY TECHNOLOGIES;

9 (II) TO PROMOTE ROBUST RESEARCH, DEVELOPMENT,
10 COMMERCIALIZATION, AND FINANCING OF INNOVATIVE ENERGY
11 TECHNOLOGIES;

12 (III) TO EDUCATE THE GENERAL PUBLIC ON ENERGY ISSUES AND
13 OPPORTUNITIES;

14 ~~(H)~~ (IV) To attract ~~renewable~~ INNOVATIVE energy industry
15 investment in the state;

16 ~~(HH)~~ (V) To assist in technology transfer into the marketplace for
17 newly developed INNOVATIVE energy ~~efficiency and renewable energy~~
18 technologies;

19 ~~(HHH)~~ (VI) To provide market incentives for the purchase and
20 distribution of INNOVATIVE energy ~~efficient and renewable energy~~
21 products;

22 ~~(HV)~~ (VII) To assist in the implementation of INNOVATIVE energy
23 ~~efficiency~~ projects throughout the state;

24 ~~(V)~~ (VIII) To aid governmental agencies in INNOVATIVE energy
25 ~~efficiency~~ government initiatives;

26 ~~(VH)~~ (IX) To facilitate widespread implementation of ~~renewable~~
27 INNOVATIVE energy technologies; and

1 ~~(VII)~~ (X) In any other manner that serves the purposes of
2 advancing INNOVATIVE energy ~~efficiency and renewable energy~~
3 throughout the state.

4 (c) (I) Subject to the provisions of subparagraph (II) of this
5 paragraph (c), the moneys in the ~~clean~~ energy INNOVATION fund may also
6 be used by the ~~governor's~~ COLORADO energy office to make grants or
7 loans to persons, as defined in section 2-4-401 (8), C.R.S., for use in
8 carrying out the purposes of this part 12. The ~~governor's~~ COLORADO
9 energy office shall consider the following information in determining
10 whether to make a grant or loan:

11 (A) The amount of the grant or loan;

12 (B) The quantified impact on energy demand or amount of ~~clean~~
13 INNOVATIVE energy production generated as a result of the grant or loan;

14 (C) The potential economic impact of the grant or loan; and

15 (D) The public benefits expected to result from the grant or loan.

16 (II) The ~~governor's~~ COLORADO energy office may establish terms
17 and conditions for making grants or loans pursuant to this section and in
18 accordance with the objectives of the office as set forth in section
19 24-38.5-102.

20 **SECTION 30.** 24-103-207.5 (5) (a) (III), Colorado Revised
21 Statutes, is amended to read:

22 **24-103-207.5. Purchasing preference for environmentally**
23 **preferable products - definitions.** (5) (a) Any bidder that seeks to
24 qualify for the preference created by subsection (2) of this section shall
25 provide documentation to the governmental body inviting the bid that the
26 products offered by the bidder are environmentally preferable. This
27 requirement may be satisfied by submission of any of the following:

1 (III) A reference to a nationally recognized third-party
2 certification entity that has certified the product as environmentally
3 preferable on the basis of a valid life-cycle analysis. The ~~governor's~~
4 COLORADO energy office or successor office shall maintain a list of
5 certification entities.

6 **SECTION 31.** 25-16.5-105 (1) (m) (I), Colorado Revised
7 Statutes, is amended to read:

8 **25-16.5-105. Powers and duties of advisory board - repeal.**

9 (1) The advisory board shall have the following powers and duties:

10 (m) (I) In accordance with the provisions of subparagraph (II) of
11 this paragraph (m), to submit an annual report to the department of local
12 affairs, the department, the ~~governor's~~ COLORADO energy office created
13 in section 24-38.5-101, C.R.S., and the standing committee of reference
14 in each house of the general assembly exercising jurisdiction over matters
15 concerning public health and the environment.

16 **SECTION 32.** 25-16.5-105.5 (2) (c) (III), Colorado Revised
17 Statutes, is amended to read:

18 **25-16.5-105.5. Pollution prevention advisory board assistance**
19 **committee - appointments - membership - definitions.** (2) (c) The
20 members appointed to the committee shall include representatives of
21 industry, nonprofit and community organizations, state agencies, and
22 local governments in accordance with the following:

23 (III) One member of the committee shall be a representative of the
24 ~~governor's~~ COLORADO energy office created in section 24-38.5-101,
25 C.R.S.

26 **SECTION 33.** 30-28-211 (2) (b) and (2) (c), Colorado Revised
27 Statutes, are amended to read:

1 **30-28-211. Energy efficient building codes - legislative**
2 **declaration - definitions.** (2) As used in this section, unless the context
3 otherwise requires:

4 (b) "Energy code" means, at a minimum, the 2003 international
5 energy conservation code, or any successor edition, published by the
6 international code council or any other code determined by the governor's
7 COLORADO energy office created in section 24-38.5-101, C.R.S., to be
8 more appropriate for local conditions.

9 (c) "Office" means the governor's COLORADO energy office
10 created in section 24-38.5-101, C.R.S.

11 **SECTION 34.** 31-15-602 (2) (b) and (2) (c), Colorado Revised
12 Statutes, are amended to read:

13 **31-15-602. Energy efficient building codes - legislative**
14 **declaration - definitions - repeal.** (2) As used in this section, unless the
15 context otherwise requires:

16 (b) "Energy code" means, at a minimum, the 2003 international
17 energy conservation code, or any successor edition, published by the
18 international code council or any other code determined by the governor's
19 COLORADO energy office created in section 24-38.5-101, C.R.S., to be
20 more appropriate for local conditions.

21 (c) "Office" means the governor's COLORADO energy office
22 created in section 24-38.5-101, C.R.S.

23 **SECTION 35.** 32-20-104 (2) (a) (I) (A), Colorado Revised
24 Statutes, is amended to read:

25 **32-20-104. Colorado new energy improvement district -**
26 **creation - board - meetings - quorum - expenses - records.** (2) (a) The
27 district shall be governed by a board of directors, which shall exercise the

1 powers of the district, shall, by a majority vote of a quorum of its
2 members, select from its membership a chair and a vice-chair, and shall
3 be composed of nine members, including:

4 (I) The following two ex officio members or their designees:

5 (A) The director of the ~~governor's~~ COLORADO energy office
6 created in section 24-38.5-101 (1), C.R.S.; and

7 **SECTION 36.** 34-63-105 (2), Colorado Revised Statutes, is
8 amended to read:

9 **34-63-105. Geothermal resource leasing fund.** (2) After the
10 executive director of the department of local affairs has allocated
11 sufficient revenues from the fund to adequately address the needs
12 specified in paragraph (a) of subsection (1) of this section, the executive
13 director shall, in consultation with the ~~governor's~~ COLORADO energy
14 office created in section 24-38.5-101, C.R.S., allocate revenues from the
15 fund by competitive grants for the promotion of the development of
16 geothermal energy resources.

17 **SECTION 37.** 36-1-147.5 (4), Colorado Revised Statutes, is
18 amended to read:

19 **36-1-147.5. Leasing arrangements for renewable energy**
20 **resources development - legislative declaration - definitions - repeal.**

21 (4) The state board of land commissioners shall collaborate with the
22 ~~governor's~~ COLORADO energy office as created in section 24-38.5-101,
23 C.R.S., to ensure that potential renewable energy resource developers are
24 aware of any lands identified by the board as being suitable for
25 development of renewable energy resources.

26 **SECTION 38.** 38-35.7-106 (2), (3), (4), and (5), Colorado
27 Revised Statutes, are amended to read:

1 **38-35.7-106. Solar prewire option - solar consultation.**

2 (2) Every person that builds a new single-family detached residence for
3 sale, whether or not the residence has been prewired for a photovoltaic
4 solar generation system, shall provide to every buyer under contract a list
5 of businesses in the area that offer residential solar installation services
6 so that the buyer, if he or she so desires, can obtain expert help in
7 assessing whether the residence is a good candidate for solar installation
8 and how much of a cost savings a residential photovoltaic solar
9 generation system could provide. The list of businesses shall be derived
10 from a master list of Colorado solar installers maintained by the
11 governor's COLORADO energy office.

12 (3) The governor's COLORADO energy office shall maintain and
13 update, as appropriate, a master list of Colorado solar installers and shall
14 make the master list available, upon request, to any person that requests
15 a copy. The governor's COLORADO energy office may specify
16 qualifications for businesses to be included in the master list and shall
17 make the master list available on its official web site.

18 (4) Providing the master list of solar installers prepared by the
19 governor's COLORADO energy office to a buyer under contract shall not
20 constitute an endorsement of any installer or contractor listed. A person
21 that builds a new single-family detached residence shall not be liable for
22 any advice, labor, or materials provided to the buyer by a third-party solar
23 installer.

24 (5) The governor's COLORADO energy office or its designees shall
25 offer periodic training sessions on residential photovoltaic solar
26 generation systems or solar thermal systems to persons that build new
27 single-family detached residences. The governor's COLORADO energy

1 office may assess and collect from participants a registration fee, not to
2 exceed the actual costs of providing such training.

3 **SECTION 39.** 39-27-109.7, Colorado Revised Statutes, is
4 amended to read:

5 **39-27-109.7. Data collection services.** In order to track the
6 movement of gasoline or special fuel within this state and thereby
7 facilitate and expedite the collection of excise taxes imposed pursuant to
8 this part 1, the executive director of the department of revenue may enter
9 into a contract with one or more private entities for the provision of a
10 computer-based program to monitor and track the data that licensees are
11 required to report to the department pursuant to this part 1. Such
12 computer-based program shall be funded solely with moneys from the
13 highway users tax fund; except that, for the state fiscal year 2009-10, up
14 to thirty-seven thousand six hundred thirty dollars for the computer-based
15 program to monitor and track exempt dyed diesel fuel that is blended with
16 biodiesel fuel after withdrawal at a terminal rack or refinery rack pursuant
17 to section 39-27-102.5 (2) (a) may be funded by moneys received by the
18 ~~governor's~~ COLORADO energy office created in section 24-38.5-101,
19 C.R.S., from the United States department of energy.

20 **SECTION 40.** 39-29-109.3 (2) (f) (V) (A) and (4) (c) (I) (A),
21 Colorado Revised Statutes, are amended to read:

22 **39-29-109.3. Operational account of the severance tax trust**
23 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
24 of this section, if the general assembly chooses not to spend up to one
25 hundred percent of the moneys in the operational account as specified in
26 subsection (1) of this section, the state treasurer shall transfer the
27 following:

1 (f) For providing energy-related assistance to low-income
2 households as specified in section 40-8.7-112, C.R.S.:

3 (V) (A) For the state fiscal year commencing July 1, 2012, thirteen
4 million dollars as follows: Twenty-five percent to the department of
5 human services low-income energy assistance fund created in section
6 40-8.7-112 (1), C.R.S.; twenty-five percent to the energy outreach
7 Colorado low-income energy assistance fund created in section
8 40-8.7-112 (2) (a), C.R.S.; and fifty percent to the ~~governor's~~ COLORADO
9 energy office low-income energy assistance fund created in section
10 40-8.7-112 (3) (a), C.R.S.

11 (4) (c) (I) Except as provided in paragraph (b) of this subsection
12 (4), the state treasurer shall make the transfers specified in paragraph (f)
13 of subsection (2) of this section as follows:

14 (A) The transfers to the ~~governor's~~ COLORADO energy office
15 low-income energy assistance fund shall be made on July 1;

16 **SECTION 41.** 39-29-109.5 (1) (a), (1) (a.5), and (2) and the
17 introductory portion to 39-29-109.5 (3), Colorado Revised Statutes, are
18 amended to read:

19 **39-29-109.5. Interest differential - public school energy**
20 **efficiency fund - creation - uses - definitions - repeal.** (1) As used in
21 this section, unless the context otherwise requires:

22 (a) ~~"Fund" means the public school energy efficiency fund created~~
23 ~~in subsection (2) of this section.~~ "COLORADO ENERGY OFFICE" MEANS
24 THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S.

25 (a.5) ~~"Governor's energy office" means the governor's energy~~
26 ~~office as created in section 24-38.5-101, C.R.S.~~ "FUND" MEANS THE
27 PUBLIC SCHOOL ENERGY EFFICIENCY FUND CREATED IN SUBSECTION (2) OF

1 THIS SECTION.

2 (2) On December 1, 2007, and the first day of every third month
3 thereafter up to and including September 1, 2010, the legislative council
4 staff shall calculate the interest differential earned during the prior
5 calendar quarter and notify the state treasurer of such amount. Upon
6 receiving notice, the treasurer shall transfer an amount equal to the
7 interest differential from the severance tax funds to the public school
8 energy efficiency fund, which is hereby created in the state treasury;
9 except that the total transfer to the fund for any state fiscal year shall not
10 exceed one million five hundred thousand dollars. Moneys in the fund are
11 hereby continuously appropriated to the ~~governor's~~ COLORADO energy
12 office for the purposes set forth in subsection (3) of this section. All
13 income and interest derived from the deposit and investment of the
14 moneys in the fund shall be credited to the fund.

15 (3) The ~~governor's~~ COLORADO energy office shall use moneys
16 appropriated from the fund to establish and manage a program to improve
17 energy efficiency in public schools. In administering the program, the
18 office shall give consideration to whether a public school or school
19 district is located in an area socially or economically impacted by the
20 development, processing, or energy conversion of minerals and mineral
21 fuels subject to taxation under this article. The program shall include the
22 following features:

23 **SECTION 42.** 40-2-123 (2) (j), Colorado Revised Statutes, is
24 amended to read:

25 **40-2-123. New energy technologies - consideration by**
26 **commission - incentives - demonstration projects - definitions -**
27 **legislative declaration - repeal.** (2) (j) In order to reduce the cost to

1 Colorado consumers of an IGCC project, the department of public health
2 and environment, the governor's office of economic development, and the
3 ~~governor's~~ COLORADO energy office may provide public utilities with
4 reasonable assistance in seeking and obtaining financial and other support
5 and sponsorship for a project from the United States congress, the United
6 States department of energy, and other appropriate federal and state
7 agencies and institutions. To obtain this assistance, the utility may provide
8 to these state agencies copies of its IGCC project proposal. The
9 ~~governor's~~ COLORADO energy office shall manage and distribute to the
10 utility some or all of any funds provided by the state of Colorado or by the
11 United States government to the state of Colorado for purposes of study
12 or development of an IGCC project.

13 **SECTION 43.** 40-4-118 (2) (a) (I) and (5), Colorado Revised
14 Statutes, are amended to read:

15 **40-4-118. Colorado smart grid task force - fund - definition -**
16 **reports - repeal.** (2) **Membership.** (a) The task force consists of
17 eleven members as follows:

18 (I) The director of the ~~governor's~~ COLORADO energy office,
19 created in section 24-38.5-101, C.R.S., or his or her designee, who shall
20 convene the task force and who is authorized to contract with a mediator
21 or other third party to facilitate accomplishment of the task force's duties;

22 (5) **Funding.** (a) The ~~governor's~~ COLORADO energy office may
23 accept private gifts, grants, and donations for the purpose of providing
24 support to the task force to perform its responsibilities specified in this
25 section. Any such gifts, grants, and donations shall be held in a separate
26 account within the ~~clean~~ energy INNOVATION fund created in section
27 24-75-1201, C.R.S., and shall be available to the office and the task force

1 only for the purpose of carrying out the task force's duties under this
2 section. The account shall also consist of moneys appropriated and
3 transferred to the account. Any unexpended or unencumbered moneys
4 remaining in the account as of January 1, 2015, shall revert to the ~~clean~~
5 energy INNOVATION fund to be used by the ~~governor's~~ COLORADO energy
6 office.

7 (b) It is the intent of the general assembly that the ~~governor's~~
8 COLORADO energy office not be required to solicit gifts, grants, or
9 donations from any source for the purposes of this section and that no
10 general fund moneys be used to pay for grants awarded pursuant to this
11 section or for any expenses of the task force.

12 (c) If, by June 1, 2010, moneys in the ~~fund~~ ACCOUNT created
13 pursuant to paragraph (a) of this subsection (5) have not reached an
14 amount sufficient to pay the expenses of the task force, the task force
15 shall not meet nor undertake any other duties pursuant to this section, and
16 the ~~governor's~~ COLORADO energy office shall return to each grantor or
17 donor an amount equal to such grantor's or donor's contribution. The
18 interest, if any, earned from the investment of moneys in the account shall
19 be transferred to the general fund.

20 **SECTION 44.** 40-6-108 (2) (b), Colorado Revised Statutes, is
21 amended to read:

22 **40-6-108. Complaints - service - notice of hearing.** (2) (b) Any
23 public utility giving notice of a proposed gas or electric tariff shall serve
24 such notice upon the ~~governor's~~ COLORADO energy office or its successor
25 agency. The office shall be granted leave to intervene as a matter of right,
26 upon a timely filing of a petition or other pleading in accordance with this
27 section, in adjudicatory matters affecting gas or electric utilities; except

1 that the office shall not be a party to any individual complaint between a
2 utility and an individual.

3 **SECTION 45.** 40-8.5-103.5 (4) (b), Colorado Revised Statutes,
4 is amended to read:

5 **40-8.5-103.5. Commission created - duties.** (4) (b) The
6 commission may seek and receive public and private funding to assist in
7 the conduct of the assessment and review required by paragraph (a) of
8 this subsection (4), including but not limited to assistance from the
9 existing resources of the department of human services created in section
10 24-1-120, C.R.S., the ~~governor's~~ COLORADO energy office created in
11 section 24-38.5-101, C.R.S., and energy outreach Colorado, a Colorado
12 nonprofit corporation, as described in section 40-8.7-103 (4).

13 **SECTION 46.** 40-8.7-110 (1.5), Colorado Revised Statutes, is
14 amended to read:

15 **40-8.7-110. Reports.** (1.5) To the extent applicable, the
16 organization shall include in the report the information required by
17 paragraphs (b) and (c) of subsection (1) of this section for moneys
18 received from the ~~governor's~~ COLORADO energy office pursuant to section
19 40-8.7-112 (2) (a).

20 **SECTION 47.** 40-8.7-112 (2) and (3) (a), the introductory
21 portions to 40-8.7-112 (3) (b) and (3) (d), 40-8.7-112 (3) (e), the
22 introductory portion to 40-8.7-112 (3) (f), and 40-8.7-112 (3) (g) and (4)
23 (d), Colorado Revised Statutes, are amended, and the said 40-8.7-112 (4)
24 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
25 read:

26 **40-8.7-112. Department of human services low-income energy**
27 **assistance fund - creation - energy outreach Colorado low-income**

1 **energy assistance fund - creation - Colorado energy office low-income**
2 **energy assistance fund - creation - definitions.** (2) (a) There is hereby
3 created in the state treasury the energy outreach Colorado low-income
4 energy assistance fund, which shall be administered by the ~~governor's~~
5 COLORADO energy office and shall consist of all moneys transferred by
6 the STATE treasurer as specified in section 39-29-109.3 (2) (f), C.R.S. All
7 moneys in the fund are continuously appropriated to the ~~governor's~~
8 COLORADO energy office for distribution to the organization to be used
9 for the purposes set forth in this subsection (2). All moneys in the fund at
10 the end of each fiscal year shall be retained in the fund and shall not
11 revert to the general fund or any other fund.

12 (b) The organization shall use moneys it receives from the
13 ~~governor's~~ COLORADO energy office pursuant to paragraph (a) of this
14 subsection (2) to provide direct bill payment assistance to low-income
15 households when the department of human services is not accepting client
16 applications for the program specified in section 26-1-109, C.R.S. Bill
17 payments shall be paid to each utility as vendor payments. The
18 organization may use up to five percent of the moneys for administration
19 of the direct bill payment assistance in accordance with generally
20 accepted accounting principles.

21 (c) The organization shall hold and administer all moneys it
22 receives from the ~~governor's~~ COLORADO energy office pursuant to
23 paragraph (a) of this subsection (2) in a separately identifiable account,
24 the use of which shall be restricted to the purposes set forth in paragraph
25 (b) of this subsection (2). The organization shall maintain its books and
26 records pertaining to any moneys received from the ~~governor's~~
27 COLORADO energy office in accordance with generally accepted

1 accounting principles. If the organization commingles the moneys with
2 other assets of the organization for investment purposes, the organization
3 shall maintain accurate accounts of the investment moneys and shall
4 credit or charge a pro rata portion of all investment earnings, gains, or
5 losses to the account that holds the moneys received from the governor's
6 COLORADO energy office pursuant to paragraph (a) of this subsection (2).

7 (d) The organization shall develop an annual budget for the direct
8 bill payment assistance program to determine the allocation of the moneys
9 received from the governor's COLORADO energy office pursuant to
10 paragraph (a) of this subsection (2).

11 (e) The organization shall include information related to any
12 moneys received from the governor's COLORADO energy office pursuant
13 to paragraph (a) of this subsection (2) in the report it prepares pursuant to
14 section 40-8.7-110.

15 (3) (a) There is hereby created in the state treasury the governor's
16 COLORADO energy office low-income energy assistance fund, which shall
17 be administered by the governor's COLORADO energy office and shall
18 consist of all moneys transferred by the treasurer as specified in section
19 39-29-109.3 (2) (f), C.R.S. All moneys in the fund are continuously
20 appropriated to the governor's COLORADO energy office to be used for the
21 purposes set forth in this subsection (3). All moneys in the fund at the end
22 of each fiscal year shall be retained in the fund and shall not revert to the
23 general fund or any other fund.

24 (b) The governor's COLORADO energy office shall use moneys it
25 receives pursuant to paragraph (a) of this subsection (3) for a program to
26 provide home energy efficiency improvements for low-income
27 households, which shall include any of the following services:

1 (d) In carrying out the program to improve the home energy
2 efficiency of low-income households, the ~~governor's~~ COLORADO energy
3 office shall:

4 (e) The ~~governor's~~ COLORADO energy office may use up to five
5 percent of the moneys transferred pursuant to paragraph (a) of this
6 subsection (3) for planning, overseeing, and evaluating the program to
7 improve the home energy efficiency of low-income households. The
8 ~~governor's~~ COLORADO energy office shall not hire additional state
9 employees using these moneys to implement the program but may
10 contract with nonprofit organizations, for-profit organizations, and
11 governmental entities as is necessary to carry out the program.

12 (f) For any fiscal year in which moneys are expended as part of
13 the program to improve the home energy efficiency of low-income
14 households, the ~~governor's~~ COLORADO energy office shall prepare and
15 submit to the general assembly an annual report that specifies:

16 (g) If the governor's energy office, AS IT EXISTED PRIOR TO JULY
17 1, 2011, cannot use all of the moneys it receives for the state fiscal year
18 commencing July 1, 2008, pursuant to paragraph (a) of this subsection (3)
19 for the program described in paragraph (b) of this subsection (3), at the
20 end of the fiscal year the state treasurer shall transfer the moneys that the
21 governor's energy office cannot use to the clean energy fund created in
22 section 24-75-1201 (1), C.R.S., AS SAID FUND EXISTED PRIOR TO JULY 1,
23 2011.

24 (4) For purposes of this section, unless the context otherwise
25 requires:

26 (a.5) "COLORADO ENERGY OFFICE" MEANS THE COLORADO
27 ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S.

1 (d) ~~"Governor's energy office" means the governor's energy office~~
2 ~~created in section 24-38.5-101, C.R.S.~~

3 **SECTION 48.** 40-9.7-103 (8.5), Colorado Revised Statutes, is
4 amended, and the said 40-9.7-103 is further amended BY THE
5 ADDITION OF A NEW SUBSECTION, to read:

6 **40-9.7-103. Definitions.** As used in this article, unless the context
7 otherwise requires:

8 (5.1) "COLORADO ENERGY OFFICE" MEANS THE COLORADO
9 ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S.

10 (8.5) ~~"Governor's energy office" means the governor's energy~~
11 ~~office as created in section 24-38.5-101, C.R.S.~~

12 **SECTION 49.** 40-9.7-104 (2) (a) (IV), Colorado Revised
13 Statutes, is amended to read:

14 **40-9.7-104. Colorado clean energy development authority -**
15 **creation - board membership.** (2) The authority shall be governed by
16 a board of directors, which shall exercise the powers of the authority and
17 shall be composed of nine members, including:

18 (a) The following four ex officio members of the executive branch
19 of state government or their designees:

20 (IV) The director of the ~~governor's~~ COLORADO energy office, who
21 shall serve as the chairperson of the board.

22 **SECTION 50.** 42-1-303 (1), Colorado Revised Statutes, is
23 amended to read:

24 **42-1-303. Definitions.** As used in this part 3, unless the context
25 otherwise requires:

26 (1) ~~"Governor's~~ "COLORADO energy office" or "office" means the
27 ~~governor's~~ COLORADO energy office created in section 24-38.5-101,

1 C.R.S.

2 **SECTION 51.** The introductory portion to 42-1-304 (1), Colorado
3 Revised Statutes, is amended to read:

4 **42-1-304. Green truck grant program - created.** (1) There is
5 hereby created in the ~~governor's~~ COLORADO energy office the green truck
6 grant program to provide grants to qualified recipients for reductions in
7 truck emissions and energy usage by:

8 **SECTION 52.** 42-3-228 (2) and (3), Colorado Revised Statutes,
9 are amended to read:

10 **42-3-228. Special plates - Colorado carbon fund.** (2) The
11 Colorado carbon fund, established by the ~~governor's~~ COLORADO energy
12 office, may design the Colorado carbon fund special license plates. The
13 design for the special license plates shall conform with standards
14 established by the department and shall be subject to the department's
15 approval.

16 (3) A person may apply for the Colorado carbon fund special
17 license plates if the person pays the taxes and fees required under this
18 section and provides to the department or an authorized agent a
19 certificate, issued by the ~~governor's~~ COLORADO energy office, or a
20 successor office, confirming that such person has made to the Colorado
21 carbon fund, or its successor, the donation required to qualify for the
22 special license plates.

23 **SECTION 53. Effective date.** This act shall take effect July 1,
24 2011.

25 **SECTION 54. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.