

**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, AND MAKING AN APPROPRIATION IN CONNECTION**
103 **THEREWITH.**

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

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.*

energy office, as it existed prior to July 1, 2011, that helped 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

1 amended to read:

2 **11-59.7-107. Qualified energy conservation bond volume cap.**

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

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

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

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

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

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

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

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

1 that allocated or reallocated the volume cap:

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

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

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

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

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

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

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

26 **22-89-104. Wind for schools grant program - created -**

1 **applications.** (1) There is hereby created the wind for schools grant
2 program to fund wind for schools projects at qualified schools. A
3 qualified school may, with the written authorization of the local board of
4 education, apply to the ~~governor's~~ COLORADO energy office, in
5 accordance with procedures and deadlines adopted by the office, to
6 receive moneys through the grant program. The office shall administer
7 the grant program as provided in this article and pursuant to policies
8 adopted by the office.

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

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

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

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

1 (b) In awarding grants pursuant to this article, the ~~governor's~~
2 COLORADO energy office shall consider, at a minimum, whether a
3 qualified school:

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

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

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

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

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

19 **22-92-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

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

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

27 **SECTION 9.** 22-92-104 (1), Colorado Revised Statutes, is

1 amended to read:

2 **22-92-104. Renewable energy and energy efficiency for schools**
3 **loan program - created - applications - permissible uses of loans.**

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

14 **SECTION 10.** The introductory portion to 22-92-105 (1) and
15 22-92-105 (2), (3), and (4), Colorado Revised Statutes, are amended to
16 read:

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

24 (2) (a) The ~~governor's~~ COLORADO energy office shall review each
25 loan application received from a qualified school district pursuant to
26 section 22-92-104 (1), evaluate the renewable energy project or
27 energy-efficient bus project described therein, and make a

1 recommendation to the state treasurer as to whether to award the loan and
2 the amount of the loan. If the office determines an application is missing
3 any information required by the office's policy to be included with the
4 application, the office may contact the applicant to obtain the missing
5 information.

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

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

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

27 **SECTION 11.** 22-92-107 (1) (a) and (1) (b), Colorado Revised

1 Statutes, are amended to read:

2 **22-92-107. Loans from public school fund authorized.** (1) As
3 authorized under the provisions of section 3 of article IX of the state
4 constitution, the state treasurer may make loans to school districts to
5 assist them in providing necessary buildings, land, and equipment,
6 including renewable energy projects and energy-efficient bus projects as
7 described in this article. Loans made pursuant to this article shall not be
8 subject to the provisions of section 24-36-113, C.R.S., that require the
9 state treasurer to secure the maximum rate of interest on investments of
10 state moneys. The procedures for the making of loans shall be
11 determined by the state treasurer subject to the following:

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

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

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

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

26 (b) Work with the ~~governor's~~ COLORADO energy office created in
27 section 24-38.5-101, C.R.S., and the air quality control commission

1 created in section 25-7-104, C.R.S., to support the appropriately increased
2 use of woody biomass in bio-heating.

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

5 **23-41-114. Colorado energy research institute - creation.**

6 (4) The institute shall conduct:

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

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

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

19 **24-33-114. Renewable resource generation development areas**
20 **- inventory of resources - fund - definitions - repeal.** (1) The

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

27 (5) **Definitions.** As used in this section, unless the context

1 otherwise requires, "governor's "COLORADO energy office" or "office"
2 means the ~~governor's~~ COLORADO energy office created in section
3 24-38.5-101, or any successor office ~~created within the office of the~~
4 ~~governor~~ for the purpose of promoting renewable energy.

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

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

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

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

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

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

1 PORTFOLIO;

2 (c) INCREASE ENERGY SECURITY;

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

4 (e) PROTECT THE ENVIRONMENT.

5 (2) ~~Staff of the governor's energy office shall include but not be~~
6 ~~limited to~~ ANY regional representatives ~~to help~~ OF THE GOVERNOR'S
7 ENERGY OFFICE, AS IT EXISTED PRIOR TO JULY 1, 2011, THAT HELPED
8 engage municipalities, consumers, businesses, and others with the energy
9 programs of the office ~~The regional representatives shall expedite~~
10 ~~programs and serve as a local resource to communities throughout~~
11 ~~Colorado~~ SHALL BE COMBINED WITH ANY REGIONAL OR BUSINESS
12 DEVELOPMENT REPRESENTATIVES EMPLOYED BY THE COLORADO OFFICE
13 OF ECONOMIC DEVELOPMENT AND SHALL BE LIMITED AS SPECIFIED IN
14 SECTION 24-48.5-101 (5.5). **THE COLORADO ENERGY OFFICE SHALL BE**
15 **RESPONSIBLE FOR THE SALARIES AND OTHER ASSOCIATED COSTS OF THREE**
16 **FULL-TIME EQUIVALENT EMPLOYEES COMBINED WITH ANY REGIONAL OR**
17 **BUSINESS DEVELOPMENT REPRESENTATIVES EMPLOYED BY THE COLORADO**
18 **OFFICE OF ECONOMIC DEVELOPMENT AS SPECIFIED IN THIS SUBSECTION (2)**
19 **AND SECTION 24-48.5-101 (5.5).**

20 (3) THE DIRECTOR OF THE COLORADO ENERGY OFFICE SHALL
21 REDUCE THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES OF THE
22 COLORADO ENERGY OFFICE, AS SUCH FULL-TIME EQUIVALENT EMPLOYEES
23 EXISTED PRIOR TO JULY 1, 2011, BY TWENTY-FIVE PERCENT NO LATER
24 THAN THE END OF THE 2011-12 STATE FISCAL YEAR, AND BY AN
25 **ADDITIONAL FIFTEEN PERCENT NO LATER THAN THE END OF THE 2012-13**
26 **STATE FISCAL YEAR.**

27 **SECTION 17.** The introductory portion to 24-38.5-102 (1) and

1 24-38.5-102 (1) (a), (1) (e), (1) (o), and (2), Colorado Revised Statutes,
2 are amended to read:

3 **24-38.5-102. Colorado energy office - duties and powers.**

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

5 (a) Work with communities, utilities, private and public
6 organizations, and individuals to promote renewable energy, such as
7 wind, solar, and geothermal, and energy efficiency technologies AND TO
8 PROMOTE CLEANER TECHNOLOGIES BY UTILIZING TRADITIONAL,
9 COLORADO-SOURCED ENERGY;

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

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

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

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

1 **24-38.5-103. Electric vehicle grant fund - creation -**
2 **administration.** (2) The governor's COLORADO energy office is
3 authorized to seek and accept gifts, grants, or donations from private or
4 public sources for the purposes of this section. All private and public
5 funds received through gifts, grants, or donations shall be transmitted to
6 the state treasurer, who shall credit the same to the fund. The moneys in
7 the fund shall be subject to annual appropriation by the general assembly.
8 Any moneys in the fund not expended for the purposes of this section
9 may be invested by the state treasurer as provided by law. All interest and
10 income derived from the investment and deposit of moneys in the fund
11 shall be credited to the fund. Any unexpended and unencumbered
12 moneys remaining in the fund at the end of a fiscal year shall remain in
13 the fund and shall not be credited or transferred to the general fund or
14 another fund.

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

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

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

3 **24-38.5-105. Clean energy improvement debt reserve fund -**
4 **authorization - use.** (1) (a) The clean energy improvement debt reserve
5 fund is hereby created in the state treasury. The principal of the fund
6 shall consist of up to ten million dollars of legally available moneys from
7 nonstate sources under the control of the ~~governor's~~ COLORADO energy
8 office, which the state treasurer shall promptly credit to the fund if
9 instructed in writing to do so by the director of the ~~governor's~~ COLORADO
10 energy office, and any fees paid to the state treasurer in accordance with
11 subparagraph (II) of paragraph (b) of this subsection (1). All interest and
12 income derived from the deposit and investment of moneys in the fund
13 shall be credited to the fund, and all unexpended and unencumbered
14 moneys in the fund at the end of any fiscal year shall remain in the fund.
15 The fund is hereby continuously appropriated to the state treasurer, who
16 may expend moneys from the fund solely for the purposes of paying
17 principal and interest on bonds issued by a local improvement district or
18 other special district as specified in paragraph (c) of this subsection (1)
19 and defraying any direct and indirect costs incurred by the state treasurer
20 in executing duties required by this section.

21 (b) (I) If the ~~governor's~~ COLORADO energy office instructs the
22 state treasurer to credit moneys from nonstate sources to the clean energy
23 improvement debt reserve fund, with prior written authorization from the
24 director of the ~~governor's~~ COLORADO energy office and the state treasurer
25 and after agreeing to pay fees to be credited to the fund to the state
26 treasurer as specified in subparagraph (II) of this paragraph (b), a local
27 improvement district or other special district that imposes special

1 assessments on real property and issues bonds payable from the revenues
2 generated by the special assessments to generate the moneys needed to
3 pay the up-front costs of making renewable energy improvements or clean
4 energy improvements as authorized by part 6 of article 20 of title 30,
5 C.R.S., or any other provision of law may rely on the clean energy
6 improvement debt reserve fund as a backup source of moneys that may
7 be used, after the depletion of any district debt service reserve fund, for
8 the payment of principal and interest owed to holders of the district's
9 bonds.

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

27 **SECTION 21.** 24-38.5-106 (2), Colorado Revised Statutes, is

1 amended to read:

2 **24-38.5-106. Financing of capital projects to make state**
3 **government more energy efficient - lease-purchase agreements -**
4 **legislative declaration - definition.** (2) (a) In order to make state
5 government more energy efficient in accordance with section
6 24-38.5-102, the ~~governor's~~ COLORADO energy office may propose a
7 prioritized list of projects associated with current utility cost-savings
8 contracts that will improve the energy efficiency of state buildings or
9 facilities and that are proposed to be constructed or improved using
10 financing provided in accordance with subsection (3) of this section. If
11 the ~~governor's~~ COLORADO energy office creates a prioritized list, the
12 prioritized list shall include an estimate of the total amount of annual
13 utility cost savings expected if all of the projects on the prioritized list are
14 completed; descriptions of the projects, the affected buildings, and the
15 impact of the projects on tenants; a timeline for implementation; a
16 detailed budget for each project; a list of properties recommended for use
17 as collateral, which shall include only properties operated and maintained
18 by agencies that are responsible for the operation and maintenance of at
19 least one state building or facility for which a project is being financed in
20 accordance with subsection (3) of this section; estimates of the amount of
21 annual utility cost savings expected for each of the projects; and expected
22 annual payments for each project, including the expected funding sources
23 for such payments. The ~~governor's~~ COLORADO energy office shall submit
24 the prioritized list and referenced supporting documents to the office of
25 state planning and budgeting for review and approval or disapproval.
26 Except as otherwise provided in paragraph (b) of this subsection (2), the
27 office of state planning and budgeting shall submit any projects on the

1 prioritized list that it approves to the capital development committee of
2 the general assembly for review and approval or disapproval. Subject to
3 the limitations specified in subsection (3) of this section, if the capital
4 development committee determines after reviewing the projects submitted
5 to it for its review and approval or disapproval that it is appropriate to
6 authorize the state treasurer to pursue financing provided in accordance
7 with subsection (3) of this section to fund some or all of the projects or
8 if the office of state planning and budgeting has approved projects for
9 buildings or facilities operated and maintained by the department of
10 transportation and submitted such projects to the committee for
11 informational purposes only pursuant to paragraph (b) of this subsection
12 (2), the committee shall provide a letter to the ~~governor's~~ COLORADO
13 energy office, the office of state planning and budgeting, the joint budget
14 committee of the general assembly, and the state treasurer that specifies
15 the final approved priority of the projects.

16 (b) Notwithstanding the provisions of paragraph (a) of this
17 subsection (2), any projects on the prioritized list proposed by the
18 ~~governor's~~ COLORADO energy office and approved by the office of state
19 planning and budgeting for buildings or facilities operated and maintained
20 by the department of transportation shall be deemed to be finally
21 approved and shall be included on the prioritized list submitted to the
22 capital development committee for informational purposes only.

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

25 **24-38.7-102. Definitions.** As used in this part 1, unless the
26 context otherwise requires:

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

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

3 **24-38.7-103. Colorado energy office - powers and duties -**
4 **program - fund created.** (2) (b) The program fund and the accounts of
5 the program fund shall consist of such moneys as the general assembly
6 may appropriate thereto from the ~~clean~~ energy INNOVATION fund created
7 in section 24-75-1201 (1) ~~C.R.S.~~, and any gifts, grants, or donations that
8 may be made to the program fund. In accordance with section 24-36-113
9 (1) (a), which requires the state treasurer, in making investments, to use
10 prudence and care to preserve the principal and to secure the maximum
11 rate of interest consistent with safety and liquidity, if the general assembly
12 chooses not to appropriate moneys to the program fund or to the accounts
13 of the program fund, nothing in this article shall be deemed to require the
14 state treasurer to credit any moneys to the program fund or the accounts
15 of the program fund. All interest and income earned on the deposit and
16 investment of moneys in the program fund and the accounts of the
17 program fund shall be used for the loan buy-down account and the loan
18 loss reserve account. Moneys in the loan buy-down account and loan loss
19 reserve account of the program fund shall remain in the accounts and
20 shall not be transferred to the general fund or any other fund at the end of
21 any fiscal year.

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

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

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

27 **SECTION 25.** 24-38.9-103 (2), Colorado Revised Statutes, is

1 amended to read:

2 **24-38.9-103. Green jobs Colorado advisory council - creation**

3 **- appointments.** (2) The council shall consist of seventeen members,
4 seven of whom shall be appointed by the executive director of the
5 department of labor and employment, who shall appoint at least one
6 member from each of the following: A nonprofit organization, a
7 community or junior college, a clean technology industry association, a
8 business organization, an investor-owned utility, a rural electric
9 association, and a labor organization. The members appointed by the
10 executive director shall possess relevant experience related to green jobs
11 or green job training. Four legislative members of the council shall be
12 appointed as follows: One member shall be appointed by the speaker of
13 the house of representatives, one member shall be appointed by the
14 president of the senate, one member shall be appointed by the minority
15 leader of the house of representatives, and one member shall be appointed
16 by the minority leader of the senate. The remaining six members shall be
17 the director of the governor's COLORADO energy office, the director of the
18 Colorado office of economic development, the executive director of the
19 department of human services, the executive director of the department
20 of local affairs, the chair of the Colorado workforce development council
21 or its successor, and the executive director of the department of labor and
22 employment, or their respective designees.

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

25 **24-38.9-106. Funding.** The pilot program may be funded by the
26 use of federal moneys received by the department of labor and
27 employment for the purposes of the pilot program and by the use of

1 moneys from the ~~governor's~~ COLORADO energy office.

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

4 **24-47.5-103. Funding - appropriations contingent on receipt**
5 **of federal grant moneys - repeal.** (1) For the state fiscal year
6 commencing on July 1, 2006, and in each of the state fiscal years
7 commencing on July 1, 2007, and July 1, 2008, the general assembly shall
8 appropriate two million dollars from the operational account of the
9 severance tax trust fund as specified in section 39-29-109.3 (2) (g),
10 C.R.S., to the governor's energy office created in section 24-38.5-101, AS
11 SAID OFFICE EXISTED PRIOR TO JULY 1, 2011, for distribution to the
12 authority for the purposes specified in section 24-47.5-102; except that,
13 if grants of federal moneys equal to or exceeding the amount of state
14 moneys appropriated pursuant to this article have not been received by
15 June 30, 2012, the unexpended and unencumbered balance of said
16 appropriation shall revert to the operational account of the severance tax
17 trust fund.

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

20 **24-48.5-101. Colorado office of economic development -**
21 **creation.** (5.5) STAFF OF THE COLORADO OFFICE OF ECONOMIC
22 DEVELOPMENT SHALL INCLUDE BUT NOT BE LIMITED TO REGIONAL OR
23 BUSINESS DEVELOPMENT REPRESENTATIVES TO HELP ENGAGE
24 MUNICIPALITIES, CONSUMERS, BUSINESSES, AND OTHERS WITH THE
25 PROGRAMS OF THE OFFICE AND OF THE COLORADO ENERGY OFFICE. THE
26 REGIONAL OR BUSINESS DEVELOPMENT REPRESENTATIVES SHALL EXPEDITE
27 PROGRAMS AND SERVE AS A LOCAL RESOURCE TO COMMUNITIES

1 THROUGHOUT COLORADO, BUT SHALL BE LIMITED TO ONE
2 REPRESENTATIVE FOR EACH OF SIX DISTINCT REGIONS OF THE STATE. THE
3 REGIONS SHALL BE DETERMINED BY THE COLORADO OFFICE OF ECONOMIC
4 DEVELOPMENT IN COLLABORATION WITH THE COLORADO ENERGY OFFICE.
5 THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101 SHALL
6 BE RESPONSIBLE FOR THE SALARIES AND OTHER ASSOCIATED COSTS OF
7 THREE FULL-TIME EQUIVALENT EMPLOYEES SERVING AS REGIONAL OR
8 BUSINESS DEVELOPMENT REPRESENTATIVES PURSUANT TO THIS
9 SUBSECTION (5.5).

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

13 24-75-1201. Energy innovation fund - creation - use of fund -
14 definitions. (1) (a) The ~~clean~~ energy INNOVATION fund is hereby created
15 in the state treasury. The principal of the fund shall consist of moneys
16 transferred to the fund at the end of the 2006-07 state fiscal year and at
17 the end of each succeeding state fiscal year from moneys received by the
18 ~~governor's~~ COLORADO energy office pursuant to section 39-29-109.3 (2)
19 (f), C.R.S., in accordance with section 40-8.7-112 (3) (g), C.R.S., moneys
20 received pursuant to the federal "American Recovery and Reinvestment
21 Act of 2009", Pub.L. 111-5, or any amendments thereto, or from revenue
22 contracts, court settlement funds, supplemental environmental program
23 funds, repayment or return of funds from eligible public depositories, and
24 gifts, grants, and donations, and any other moneys received by the
25 ~~governor's~~ COLORADO energy office. Interest and income earned on the
26 deposit and investment of moneys in the ~~clean~~ energy INNOVATION fund
27 shall be credited to the fund. Moneys in the fund at the end of any state

1 fiscal year shall remain in the fund and shall not be credited to the state
2 general fund or any other fund.

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

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

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

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

9 (B) ESTABLISHES A MORE EFFICIENT OR ENVIRONMENTALLY
10 BENEFICIAL USE OF ENERGY; OR

11 (C) HELPS TO CREATE ENERGY INDEPENDENCE OR ENERGY
12 SECURITY FOR THE STATE.

13 (2) (a) All moneys in the ~~clean~~ energy INNOVATION fund are
14 ~~continuously~~ ANNUALLY appropriated BY THE GENERAL ASSEMBLY to the
15 ~~governor's~~ COLORADO energy office for the purposes of advancing
16 INNOVATIVE energy ~~efficiency and renewable energy~~ throughout the state.

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

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

21 (II) TO PROMOTE ROBUST RESEARCH, DEVELOPMENT,
22 COMMERCIALIZATION, AND FINANCING OF INNOVATIVE ENERGY
23 TECHNOLOGIES;

24 (III) TO EDUCATE THE GENERAL PUBLIC ON ENERGY ISSUES AND
25 OPPORTUNITIES;

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

1 ~~(H)~~ (V) To assist in technology transfer into the marketplace for
2 newly developed INNOVATIVE energy ~~efficiency and renewable energy~~
3 technologies;

4 ~~(HH)~~ (VI) To provide market incentives for the purchase and
5 distribution of INNOVATIVE energy ~~efficient and renewable energy~~
6 products;

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

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

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

13 ~~(VHH)~~ (X) In any other manner that serves the purposes of
14 advancing INNOVATIVE energy ~~efficiency and renewable energy~~
15 throughout the state.

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

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

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

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

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

1 (II) The ~~governor's~~ COLORADO energy office may establish terms
2 and conditions for making grants or loans pursuant to this section and in
3 accordance with the objectives of the office as set forth in section
4 24-38.5-102.

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

7 **24-103-207.5. Purchasing preference for environmentally**
8 **preferable products - definitions.** (5) (a) Any bidder that seeks to
9 qualify for the preference created by subsection (2) of this section shall
10 provide documentation to the governmental body inviting the bid that the
11 products offered by the bidder are environmentally preferable. This
12 requirement may be satisfied by submission of any of the following:

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

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

20 **25-16.5-105. Powers and duties of advisory board - repeal.**

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

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

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

3 **25-16.5-105.5. Pollution prevention advisory board assistance**
4 **committee - appointments - membership - definitions.** (2) (c) The
5 members appointed to the committee shall include representatives of
6 industry, nonprofit and community organizations, state agencies, and
7 local governments in accordance with the following:

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

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

13 **30-28-211. Energy efficient building codes - legislative**
14 **declaration - definitions.** (2) As used in this section, unless the context
15 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 34.** 31-15-602 (2) (b) and (2) (c), Colorado Revised
24 Statutes, are amended to read:

25 **31-15-602. Energy efficient building codes - legislative**
26 **declaration - definitions - repeal.** (2) As used in this section, unless the
27 context otherwise requires:

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

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

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

10 **32-20-104. Colorado new energy improvement district -**
11 **creation - board - meetings - quorum - expenses - records.** (2) (a) The
12 district shall be governed by a board of directors, which shall exercise the
13 powers of the district, shall, by a majority vote of a quorum of its
14 members, select from its membership a chair and a vice-chair, and shall
15 be composed of nine members, including:

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

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

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

21 **34-63-105. Geothermal resource leasing fund.** (2) After the
22 executive director of the department of local affairs has allocated
23 sufficient revenues from the fund to adequately address the needs
24 specified in paragraph (a) of subsection (1) of this section, the executive
25 director shall, in consultation with the governor's COLORADO energy
26 office created in section 24-38.5-101, C.R.S., allocate revenues from the
27 fund by competitive grants for the promotion of the development of

1 geothermal energy resources.

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

4 **36-1-147.5. Leasing arrangements for renewable energy**
5 **resources development - legislative declaration - definitions - repeal.**

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

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

13 **38-35.7-106. Solar prewire option - solar consultation.**

14 (2) Every person that builds a new single-family detached residence for
15 sale, whether or not the residence has been prewired for a photovoltaic
16 solar generation system, shall provide to every buyer under contract a list
17 of businesses in the area that offer residential solar installation services
18 so that the buyer, if he or she so desires, can obtain expert help in
19 assessing whether the residence is a good candidate for solar installation
20 and how much of a cost savings a residential photovoltaic solar
21 generation system could provide. The list of businesses shall be derived
22 from a master list of Colorado solar installers maintained by the
23 ~~governor's~~ COLORADO energy office.

24 (3) The ~~governor's~~ COLORADO energy office shall maintain and
25 update, as appropriate, a master list of Colorado solar installers and shall
26 make the master list available, upon request, to any person that requests
27 a copy. The ~~governor's~~ COLORADO energy office may specify

1 qualifications for businesses to be included in the master list and shall
2 make the master list available on its official web site.

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

9 (5) The ~~governor's~~ COLORADO energy office or its designees shall
10 offer periodic training sessions on residential photovoltaic solar
11 generation systems or solar thermal systems to persons that build new
12 single-family detached residences. The ~~governor's~~ COLORADO energy
13 office may assess and collect from participants a registration fee, not to
14 exceed the actual costs of providing such training.

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

17 **39-27-109.7. Data collection services.** In order to track the
18 movement of gasoline or special fuel within this state and thereby
19 facilitate and expedite the collection of excise taxes imposed pursuant to
20 this part 1, the executive director of the department of revenue may enter
21 into a contract with one or more private entities for the provision of a
22 computer-based program to monitor and track the data that licensees are
23 required to report to the department pursuant to this part 1. Such
24 computer-based program shall be funded solely with moneys from the
25 highway users tax fund; except that, for the state fiscal year 2009-10, up
26 to thirty-seven thousand six hundred thirty dollars for the computer-based
27 program to monitor and track exempt dyed diesel fuel that is blended with

1 biodiesel fuel after withdrawal at a terminal rack or refinery rack pursuant
2 to section 39-27-102.5 (2) (a) may be funded by moneys received by the
3 ~~governor's~~ COLORADO energy office created in section 24-38.5-101,
4 C.R.S., from the United States department of energy.

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

7 **39-29-109.3. Operational account of the severance tax trust**
8 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
9 of this section, if the general assembly chooses not to spend up to one
10 hundred percent of the moneys in the operational account as specified in
11 subsection (1) of this section, the state treasurer shall transfer the
12 following:

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

15 (V) (A) For the state fiscal year commencing July 1, 2012, thirteen
16 million dollars as follows: Twenty-five percent to the department of
17 human services low-income energy assistance fund created in section
18 40-8.7-112 (1), C.R.S.; twenty-five percent to the energy outreach
19 Colorado low-income energy assistance fund created in section
20 40-8.7-112 (2) (a), C.R.S.; and fifty percent to the ~~governor's~~ COLORADO
21 energy office low-income energy assistance fund created in section
22 40-8.7-112 (3) (a), C.R.S.

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

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

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

4 **39-29-109.5. Interest differential - public school energy**
5 **efficiency fund - creation - uses - definitions - repeal.** (1) As used in
6 this section, unless the context otherwise requires:

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

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

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

27 (3) The ~~governor's~~ COLORADO energy office shall use moneys

1 appropriated from the fund to establish and manage a program to improve
2 energy efficiency in public schools. In administering the program, the
3 office shall give consideration to whether a public school or school
4 district is located in an area socially or economically impacted by the
5 development, processing, or energy conversion of minerals and mineral
6 fuels subject to taxation under this article. The program shall include the
7 following features:

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

10 **40-2-123. New energy technologies - consideration by**
11 **commission - incentives - demonstration projects - definitions -**
12 **legislative declaration - repeal.** (2) (j) In order to reduce the cost to
13 Colorado consumers of an IGCC project, the department of public health
14 and environment, the governor's office of economic development, and the
15 ~~governor's~~ COLORADO energy office may provide public utilities with
16 reasonable assistance in seeking and obtaining financial and other support
17 and sponsorship for a project from the United States congress, the United
18 States department of energy, and other appropriate federal and state
19 agencies and institutions. To obtain this assistance, the utility may provide
20 to these state agencies copies of its IGCC project proposal. The
21 ~~governor's~~ COLORADO energy office shall manage and distribute to the
22 utility some or all of any funds provided by the state of Colorado or by the
23 United States government to the state of Colorado for purposes of study
24 or development of an IGCC project.

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

27 **40-4-118. Colorado smart grid task force - fund - definition -**

1 **reports - repeal.** (2) **Membership.** (a) The task force consists of
2 eleven members as follows:

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

7 (5) **Funding.** (a) The ~~governor's~~ COLORADO energy office may
8 accept private gifts, grants, and donations for the purpose of providing
9 support to the task force to perform its responsibilities specified in this
10 section. Any such gifts, grants, and donations shall be held in a separate
11 account within the ~~clean~~ energy INNOVATION fund created in section
12 24-75-1201, C.R.S., and shall be available to the office and the task force
13 only for the purpose of carrying out the task force's duties under this
14 section. The account shall also consist of moneys appropriated and
15 transferred to the account. Any unexpended or unencumbered moneys
16 remaining in the account as of January 1, 2015, shall revert to the ~~clean~~
17 energy INNOVATION fund to be used by the ~~governor's~~ COLORADO energy
18 office.

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

24 (c) If, by June 1, 2010, moneys in the ~~fund~~ ACCOUNT created
25 pursuant to paragraph (a) of this subsection (5) have not reached an
26 amount sufficient to pay the expenses of the task force, the task force
27 shall not meet nor undertake any other duties pursuant to this section, and

1 the ~~governor's~~ COLORADO energy office shall return to each grantor or
2 donor an amount equal to such grantor's or donor's contribution. The
3 interest, if any, earned from the investment of moneys in the account shall
4 be transferred to the general fund.

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

7 **40-6-108. Complaints - service - notice of hearing.** (2) (b) Any
8 public utility giving notice of a proposed gas or electric tariff shall serve
9 such notice upon the ~~governor's~~ COLORADO energy office or its successor
10 agency. The office shall be granted leave to intervene as a matter of right,
11 upon a timely filing of a petition or other pleading in accordance with this
12 section, in adjudicatory matters affecting gas or electric utilities; except
13 that the office shall not be a party to any individual complaint between a
14 utility and an individual.

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

17 **40-8.5-103.5. Commission created - duties.** (4) (b) The
18 commission may seek and receive public and private funding to assist in
19 the conduct of the assessment and review required by paragraph (a) of
20 this subsection (4), including but not limited to assistance from the
21 existing resources of the department of human services created in section
22 24-1-120, C.R.S., the ~~governor's~~ COLORADO energy office created in
23 section 24-38.5-101, C.R.S., and energy outreach Colorado, a Colorado
24 nonprofit corporation, as described in section 40-8.7-103 (4).

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

27 **40-8.7-110. Reports.** (1.5) To the extent applicable, the

1 organization shall include in the report the information required by
2 paragraphs (b) and (c) of subsection (1) of this section for moneys
3 received from the ~~governor's~~ COLORADO energy office pursuant to section
4 40-8.7-112 (2) (a).

5 **SECTION 47.** 40-8.7-112 (2) and (3) (a), the introductory
6 portions to 40-8.7-112 (3) (b) and (3) (d), 40-8.7-112 (3) (e), the
7 introductory portion to 40-8.7-112 (3) (f), and 40-8.7-112 (3) (g) and (4)
8 (d), Colorado Revised Statutes, are amended, and the said 40-8.7-112 (4)
9 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
10 read:

11 **40-8.7-112. Department of human services low-income energy**
12 **assistance fund - creation - energy outreach Colorado low-income**
13 **energy assistance fund - creation - Colorado energy office low-income**
14 **energy assistance fund - creation - definitions.** (2) (a) There is hereby
15 created in the state treasury the energy outreach Colorado low-income
16 energy assistance fund, which shall be administered by the ~~governor's~~
17 COLORADO energy office and shall consist of all moneys transferred by
18 the STATE treasurer as specified in section 39-29-109.3 (2) (f), C.R.S. All
19 moneys in the fund are continuously appropriated to the ~~governor's~~
20 COLORADO energy office for distribution to the organization to be used
21 for the purposes set forth in this subsection (2). All moneys in the fund at
22 the end of each fiscal year shall be retained in the fund and shall not
23 revert to the general fund or any other fund.

24 (b) The organization shall use moneys it receives from the
25 ~~governor's~~ COLORADO energy office pursuant to paragraph (a) of this
26 subsection (2) to provide direct bill payment assistance to low-income
27 households when the department of human services is not accepting client

1 applications for the program specified in section 26-1-109, C.R.S. Bill
2 payments shall be paid to each utility as vendor payments. The
3 organization may use up to five percent of the moneys for administration
4 of the direct bill payment assistance in accordance with generally
5 accepted accounting principles.

6 (c) The organization shall hold and administer all moneys it
7 receives from the ~~governor's~~ COLORADO energy office pursuant to
8 paragraph (a) of this subsection (2) in a separately identifiable account,
9 the use of which shall be restricted to the purposes set forth in paragraph
10 (b) of this subsection (2). The organization shall maintain its books and
11 records pertaining to any moneys received from the ~~governor's~~
12 COLORADO energy office in accordance with generally accepted
13 accounting principles. If the organization commingles the moneys with
14 other assets of the organization for investment purposes, the organization
15 shall maintain accurate accounts of the investment moneys and shall
16 credit or charge a pro rata portion of all investment earnings, gains, or
17 losses to the account that holds the moneys received from the ~~governor's~~
18 COLORADO energy office pursuant to paragraph (a) of this subsection (2).

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

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

27 (3) (a) There is hereby created in the state treasury the ~~governor's~~

1 COLORADO energy office low-income energy assistance fund, which shall
2 be administered by the governor's COLORADO energy office and shall
3 consist of all moneys transferred by the treasurer as specified in section
4 39-29-109.3 (2) (f), C.R.S. All moneys in the fund are continuously
5 appropriated to the governor's COLORADO energy office to be used for the
6 purposes set forth in this subsection (3). All moneys in the fund at the end
7 of each fiscal year shall be retained in the fund and shall not revert to the
8 general fund or any other fund.

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

13 (d) In carrying out the program to improve the home energy
14 efficiency of low-income households, the governor's COLORADO energy
15 office shall:

16 (e) The governor's COLORADO energy office may use up to five
17 percent of the moneys transferred pursuant to paragraph (a) of this
18 subsection (3) for planning, overseeing, and evaluating the program to
19 improve the home energy efficiency of low-income households. The
20 governor's COLORADO energy office shall not hire additional state
21 employees using these moneys to implement the program but may
22 contract with nonprofit organizations, for-profit organizations, and
23 governmental entities as is necessary to carry out the program.

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

1 (g) If the governor's energy office, AS IT EXISTED PRIOR TO JULY
2 1, 2011, cannot use all of the moneys it receives for the state fiscal year
3 commencing July 1, 2008, pursuant to paragraph (a) of this subsection (3)
4 for the program described in paragraph (b) of this subsection (3), at the
5 end of the fiscal year the state treasurer shall transfer the moneys that the
6 governor's energy office cannot use to the clean energy fund created in
7 section 24-75-1201 (1), C.R.S., AS SAID FUND EXISTED PRIOR TO JULY 1,
8 2011.

9 (4) For purposes of this section, unless the context otherwise
10 requires:

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

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

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

18 **40-9.7-103. Definitions.** As used in this article, unless the context
19 otherwise requires:

20 (5.1) "COLORADO ENERGY OFFICE" MEANS THE COLORADO
21 ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S.

22 ~~(8.5) "Governor's energy office" means the governor's energy~~
23 ~~office as created in section 24-38.5-101, C.R.S.~~

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

26 **40-9.7-104. Colorado clean energy development authority -**
27 **creation - board membership.** (2) The authority shall be governed by

1 a board of directors, which shall exercise the powers of the authority and
2 shall be composed of nine members, including:

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

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

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

9 **42-1-303. Definitions.** As used in this part 3, unless the context
10 otherwise requires:

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

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

16 **42-1-304. Green truck grant program - created.** (1) There is
17 hereby created in the ~~governor's~~ COLORADO energy office the green truck
18 grant program to provide grants to qualified recipients for reductions in
19 truck emissions and energy usage by:

20 **SECTION 52.** 42-3-228, Colorado Revised Statutes, is repealed.

21 **SECTION 53. Appropriation.** The general assembly anticipates
22 that, for the fiscal year beginning July 1, 2011, the governor - lieutenant
23 governor - state planning and budgeting, economic development
24 programs division, for global business development, will receive the sum
25 of two hundred thirty-seven thousand one hundred sixty-four dollars
26 (\$237,164) in federal funds and 3.0 FTE for the implementation of this
27 act. Although these funds are not appropriated in this act, they are noted

1 for the purpose of indicating the assumptions used relative to these funds.

2 **SECTION 54. Effective date.** This act shall take effect July 1,
3 2011.

4 **SECTION 55. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.