

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 12-0418.01 Esther van Mourik x4215

HOUSE BILL 12-1315

HOUSE SPONSORSHIP

Becker,

SENATE SPONSORSHIP

Steadman,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

State, Veterans & Military Affairs
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REORGANIZATION OF THE GOVERNOR'S ENERGY**
102 **OFFICE, AND IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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 office of energy development (office). As part of the reorganization of the office, the bill changes the mission of the office to:

! Promoting all Colorado energy;

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

HOUSE
3rd Reading Unamended
April 12, 2012

HOUSE
Amended 2nd Reading
April 11, 2012

- ! 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.

The bill aligns the duties of the office with the new mission of the office.

The bill requires the office to obtain legislative approval prior to changing office policies related to its strategic plan, the definition of "renewable energy", energy transmission, or any policy that could negatively impact the use of traditional energy sources.

The bill creates the renewable energy fund and specifies that the fund be used by the office to work with communities, utilities, private and public organizations, and individuals to promote:

- ! The renewable energy standard;
- ! Renewable energy such as wind, solar, biomass, hydroelectricity, thermal gasification, and geothermal;
- ! Energy efficiency technologies;
- ! Cleaner technologies by utilizing traditional Colorado-sourced energy; and
- ! New energy technologies.

The bill changes the name of the clean energy fund to the innovative energy fund, aligns the purposes of that fund with the new mission of the office, limits the expenditures from the fund for those projects related to the severance of minerals subject to taxation under state law, and transfers moneys to the innovative energy fund from the perpetual base account of the severance tax trust fund.

The bill repeals:

- ! The wind for schools grant program;
- ! The Colorado clean energy development authority; and
- ! The green truck grant program.

The bill ends the office's role as a consultant to the reenergize Colorado program and the geothermal resource leasing fund.

The bill changes the name of the clean energy improvement debt reserve fund to the energy improvement debt reserve fund and includes improvements to the efficiency of traditional energy fixtures as part of the definition of "renewable energy improvement" for purposes of local improvement districts.

The bill ends the authority of the office to use up to 5% of the moneys in the Colorado office of energy development low-income energy assistance fund for planning, overseeing, and evaluating the program to improve the energy efficiency of low-income households.

Finally, the bill terminates the office on July 1, 2018, unless

extended through the sunset review process.

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

2 **SECTION 1.** In Colorado Revised Statutes, 11-59.7-103, **repeal**
3 (13); and **add** (8.5) as follows:

4 **11-59.7-103. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (8.5) "COLORADO ENERGY OFFICE" MEANS THE COLORADO
7 ENERGY OFFICE CREATED IN SECTION 24-38.5-101 (1), C.R.S.

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

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 11-59.7-107
11 as follows:

12 **11-59.7-107. Qualified energy conservation bond volume cap.**

13 (1) The qualified energy conservation bond volume cap shall be
14 administered by the ~~governor's energy office~~ COLORADO ENERGY
15 OFFICE pursuant to this section. The ~~governor's energy office~~ COLORADO
16 ENERGY OFFICE shall allocate the qualified energy conservation bond
17 volume cap to the state and large local governments in accordance with
18 federal law for the purpose of financing or refinancing projects approved
19 by the ~~governor's energy office~~ COLORADO ENERGY OFFICE. The qualified
20 energy conservation bond volume cap for calendar year 2009 shall be
21 allocated by the thirtieth day following June 2, 2009. The qualified energy
22 conservation bond volume cap for each subsequent calendar year shall be
23 allocated on or before February 15 of the calendar year.

24 (2) The state may reallocate any portion of the qualified energy
25 conservation bond volume cap allocated or reallocated to the state

1 pursuant to this section to any public entity for the purpose of financing
2 or refinancing projects approved by the ~~governor's energy office~~
3 COLORADO ENERGY OFFICE.

4 (3) Any portion of the qualified energy conservation bond volume
5 cap for a calendar year that is allocated to a large local government
6 pursuant to subsection (1) of this section that has not been used on bonds
7 issued or a lease-purchase agreement entered into or for which a contract
8 to purchase bonds or instruments evidencing interests in a lease-purchase
9 agreement has not been entered into on or before November 10 of the
10 calendar year shall, on November 11 of the calendar year, automatically
11 revert to the ~~governor's energy office~~ COLORADO ENERGY OFFICE. If
12 a contract to purchase has been entered into on or before November 10 of
13 the calendar year but the related bonds or lease-purchase agreement are
14 not issued or entered into on or before November 30 of the calendar year,
15 the volume cap shall automatically revert to the ~~governor's energy office~~
16 COLORADO ENERGY OFFICE on December 1 of the calendar year. The
17 ~~governor's energy office~~ COLORADO ENERGY OFFICE may reallocate to any
18 public entity for the purpose of financing or refinancing a project
19 approved by the office, or carry forward pursuant to subsection (4) of this
20 section, any volume cap that reverts to the office pursuant to this
21 subsection (3). Any volume cap that is reallocated to a public entity
22 pursuant to this subsection (3) that has not been used on bonds issued or
23 a lease-purchase agreement entered into by noon, prevailing Denver time,
24 on December 31 of a calendar year shall, at 12:01 p.m., prevailing Denver
25 time, on December 31 of the calendar year, automatically revert to the
26 ~~governor's energy office~~ COLORADO ENERGY OFFICE.

27 (4) The ~~governor's energy office~~ COLORADO ENERGY OFFICE

1 shall carry forward to the next calendar year any portion of the qualified
2 energy conservation bond volume cap that has not been used on bonds
3 issued or a lease-purchase agreement entered into by the end of a calendar
4 year. In selecting projects for the purpose of allocating qualified energy
5 conservation bond volume cap, the ~~governor's energy office~~ COLORADO
6 ENERGY OFFICE shall prioritize projects that are ready to be financed or
7 refinanced and that are most consistent with the purpose of this article
8 described in section 11-59.7-102 (1) (b). The ~~governor's energy office~~
9 COLORADO ENERGY OFFICE shall allocate qualified energy
10 conservation bond volume cap in a manner consistent with federal law
11 and the purpose of this article described in section 11-59.7-102 (1) (b)
12 and to minimize the qualified energy conservation bond volume cap that
13 has not been used on bonds issued or a lease-purchase agreement entered
14 into on or before the expiration of the qualified energy conservation bond
15 program. The ~~governor's energy office~~ COLORADO ENERGY OFFICE may
16 allocate qualified energy conservation bond volume cap to the state
17 pursuant to this section in anticipation of the enactment by the general
18 assembly of legislation authorizing a lease-purchase agreement. The state,
19 any large local government, or any other public entity to which qualified
20 energy conservation bond volume cap has been allocated pursuant to this
21 section may, at any time, relinquish the volume cap to the ~~governor's~~
22 ~~energy office~~ COLORADO ENERGY OFFICE. Any volume cap relinquished
23 may be reallocated by the ~~governor's energy office~~ COLORADO ENERGY
24 OFFICE to any public entity to finance or refinance a project approved by
25 the office or may be carried forward to the next calendar year. The
26 department of local affairs, in consultation with the ~~governor's energy~~
27 ~~office~~ COLORADO ENERGY OFFICE, may promulgate rules in accordance

1 with article 4 of title 24, C.R.S., regarding the manner in which the
2 qualified energy conservation bond volume cap will be allocated.

3 **SECTION 3.** In Colorado Revised Statutes, 11-59.7-111, **amend**
4 (1) introductory portion as follows:

5 **11-59.7-111. Reporting requirements.** (1) A public entity that
6 issues or enters into a stimulus obligation authorized by the allocation or
7 reallocation of volume cap to the public entity pursuant to section
8 11-59.7-106, 11-59.7-107, 11-59.7-108, or 11-59.7-109, by the public
9 school capital construction assistance board, the ~~governor's energy office~~
10 COLORADO ENERGY OFFICE, the commission on higher education, or the
11 department of local affairs, as applicable, shall deliver a report to the
12 entity that allocated or reallocated the volume cap within thirty days after
13 the stimulus obligation is issued or entered into. The report shall include
14 the following information and any other information requested by the
15 entity that allocated or reallocated the volume cap:

16 **SECTION 4.** In Colorado Revised Statutes, 22-43.7-107, **amend**
17 (2) (d) as follows:

18 **22-43.7-107. Public school facility construction guidelines -**
19 **establishment by board - use.** (2) The public school facility
20 construction guidelines shall identify and describe the capital
21 construction, renovation, and equipment needs in public school facilities
22 and means of addressing those needs that will provide educational and
23 safety benefits at a reasonable cost. In preparing the guidelines, the board
24 shall address the following considerations:

25 (d) Building performance standards and guidelines, including but
26 not limited to green building and energy efficiency criteria as specified in
27 executive order D0012 07, "Greening of State Government: Detailed

1 Implementation", issued by the governor on April 16, 2007, or any
2 subsequent executive orders or other policy directives concerning green
3 building and energy efficiency criteria issued by the governor or the
4 ~~governor's energy office~~ COLORADO ENERGY OFFICE;

5 **SECTION 5.** In Colorado Revised Statutes, 22-89-103, **amend**
6 (1) as follows:

7 **22-89-103. Definitions.** As used in this article, unless the context
8 otherwise requires:

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

11 **SECTION 6.** In Colorado Revised Statutes, 22-89-104, **amend**
12 (1) and (2) (a) as follows:

13 **22-89-104. Wind for schools grant program - created -**
14 **applications.** (1) There is hereby created the wind for schools grant
15 program to fund wind for schools projects at qualified schools. A
16 qualified school may, with the written authorization of the local board of
17 education, apply to the ~~governor's~~ COLORADO energy office, in
18 accordance with procedures and deadlines adopted by the office, to
19 receive moneys through the grant program. The office shall administer the
20 grant program as provided in this article and pursuant to policies adopted
21 by the office.

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

25 **SECTION 7.** In Colorado Revised Statutes, 22-89-105, **amend**
26 (1), (2) (a), (2) (b) introductory portion, and (3) as follows:

27 **22-89-105. Wind for schools grant program - policies -**

1 **awarding grants.** (1) The governor's COLORADO energy office shall
2 adopt policies for the implementation of the wind for schools grant
3 program. At a minimum, the policies shall specify the procedures for
4 applying for a grant, the form of the grant application, the information to
5 be provided by the applicant, and the criteria for awarding grants.

6 (2) (a) The governor's COLORADO energy office shall review each
7 grant application received from a qualified school pursuant to section
8 22-89-104 and shall make a determination as to whether the grant should
9 be awarded and, except as provided in paragraph (c) of this subsection
10 (2), the amount of the grant. If the office determines an application is
11 missing any information required by the office's policy to be included
12 with the application, the office may contact the applicant to obtain the
13 missing information.

14 (b) In awarding grants pursuant to this article, the governor's
15 COLORADO energy office shall consider, at a minimum, whether a
16 qualified school:

17 (3) The governor's COLORADO energy office shall use at least fifty
18 thousand dollars for the implementation of this grant program from the
19 existing resources of the office. The minimum funding requirement for
20 the implementation of this grant program may be met in one or more
21 fiscal years. The office shall not submit a request for an appropriation or
22 a supplemental appropriation for this purpose.

23 **SECTION 8.** In Colorado Revised Statutes, 22-92-103, **repeal**
24 (3); and **add** (1.5) as follows:

25 **22-92-103. Definitions.** As used in this article, unless the context
26 otherwise requires:

27 (1.5) "COLORADO ENERGY OFFICE" OR "OFFICE" MEANS THE

1 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., OR
2 ANY SUCCESSOR OFFICE.

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

6 SECTION 9. In Colorado Revised Statutes, 22-92-104, **amend**
7 (1) as follows:

8 **22-92-104. Renewable energy and energy efficiency for schools**
9 **loan program - created - applications - permissible uses of loans.**

10 (1) There is hereby created the renewable energy and energy efficiency
11 for schools loan program to fund renewable energy projects and
12 energy-efficient bus projects at qualified school districts. A qualified
13 school district may, with the written authorization of the school district
14 board of education, apply to the ~~governor's energy office~~ COLORADO
15 ENERGY OFFICE, in accordance with procedures and deadlines established
16 by rules promulgated by the state board of education pursuant to section
17 22-92-105, to receive moneys through the loan program. The office shall
18 administer the loan program as provided in this article and pursuant to the
19 policies adopted by the office.

20 SECTION 10. In Colorado Revised Statutes, 22-92-105, **amend**
21 (1) introductory portion, (2), (3), and (4) as follows:

22 **22-92-105. Renewable energy and energy efficiency for schools**
23 **loan program - rules - awarding loans.** (1) On or before October 15,
24 2009, the state board of education, in consultation with the ~~governor's~~
25 ~~energy office~~ COLORADO ENERGY OFFICE, shall promulgate rules
26 establishing policies and procedures for the administration of the
27 renewable energy and energy efficiency for schools loan program. At a

1 minimum, the rules shall include:

2 (2) (a) The ~~governor's energy office~~ COLORADO ENERGY OFFICE
3 ■ shall review each loan application received from a qualified school
4 district pursuant to section 22-92-104 (1), evaluate the renewable energy
5 project or energy-efficient bus project described therein, and make a
6 recommendation to the state treasurer as to whether to award the loan and
7 the amount of the loan. If the office determines an application is missing
8 any information required by the office's policy to be included with the
9 application, the office may contact the applicant to obtain the missing
10 information.

11 (b) In reviewing loan applications for renewable energy projects
12 and energy-efficient bus projects pursuant to paragraph (a) of this
13 subsection (2), the ~~governor's energy office~~ COLORADO ENERGY OFFICE
14 ■ shall consider, at a minimum, whether a qualified school district would
15 reduce its energy costs by the implementation of the renewable energy
16 project or energy-efficient bus project that is the subject of each loan
17 application.

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

1 a loan from the loan program shall be required to pay the fee until the
2 loan is repaid in full.

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

7 **SECTION 11.** In Colorado Revised Statutes, 22-92-107, **amend**
8 (1) (a) and (1) (b) as follows:

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

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

23 (b) No loan shall be authorized in an amount exceeding the
24 amount recommended by the ~~governor's energy office~~ COLORADO
25 ENERGY OFFICE pursuant to section 22-92-105 (2) (a) unless the
26 ~~governor's energy office~~ COLORADO ENERGY OFFICE approves the change
27 in the loan amount.

1 **SECTION 12.** In Colorado Revised Statutes, 23-31-313, **amend**
2 (7) (b) as follows:

3 **23-31-313. Healthy forests - vibrant communities - funds**
4 **created. (7) Enhanced economic opportunities.** In order to support
5 local business development and job creation through the implementation
6 of forest treatments, the forest service shall:

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

11 **SECTION 13.** In Colorado Revised Statutes, 23-31-314, **amend**
12 (1) (e), (2) (b) (I) introductory portion, and (4) as follows:

13 **23-31-314. Colorado forest biomass use work group - repeal.**

14 (1) There is hereby created the Colorado forest biomass use work group.
15 The work group shall invite an employee of the United States forest
16 service to participate in the work group's proceedings. The work group
17 consists of:

18 (e) The director of the ~~governor's energy office~~ COLORADO
19 ENERGY OFFICE created in section 24-38.5-101, C.R.S., or the director's
20 designee, whose participation is limited to identifying mechanisms that
21 are cost-neutral to consumers;

22 (2) The work group shall prioritize its efforts to protect critical
23 forested areas of the state, including the wildland-urban interface, electric
24 utility infrastructure, transportation corridors, water supply and quality,
25 and watersheds. The purpose of the work group is to:

26 (b) Recommend ways to maximize the Colorado state forest
27 service's effectiveness with regard to the following issues:

1 (I) The service acting as an information resource, in coordination
2 with the department of natural resources and the ~~governor's energy office~~
3 COLORADO ENERGY OFFICE, for persons seeking to utilize woody biomass
4 for energy development, including by maintaining and updating existing
5 data regarding:

6 (4) (a) The Colorado state forest service, the department of natural
7 resources, and the ~~governor's energy office~~ COLORADO ENERGY OFFICE
8 may accept private gifts, grants, and donations for the purpose of
9 providing support to the work group to perform its responsibilities
10 specified in this section and shall transmit such revenues to the state
11 treasurer, who shall deposit them in a separate account within the healthy
12 forests and vibrant communities fund created in section 23-31-313 (10),
13 which account is hereby created. Revenues in the account are available
14 to the Colorado state forest service and the work group only for the
15 purpose of carrying out the work group's duties under this section. The
16 account also consists of moneys appropriated and transferred to the
17 account. Any unencumbered moneys remaining in the account as of July
18 1, 2012, revert to the healthy forests and vibrant communities fund to be
19 used pursuant to section 23-31-313 (10).

20 (b) It is the intent of the general assembly that the Colorado state
21 forest service not be required to solicit gifts, grants, or donations from any
22 source for the purposes of this section and that no general fund moneys
23 be used to pay for grants awarded pursuant to this section or for any
24 expenses of the work group. The work group may also access existing
25 resources of the Colorado state forest service, the department of natural
26 resources, and the ~~governor's energy office~~ COLORADO ENERGY OFFICE,
27 to the extent that such resources are legally available and otherwise

1 unencumbered.

2 **SECTION 14.** In Colorado Revised Statutes, 23-41-114, **amend**

3 (4) (b) (VI) (A) as follows:

4 **23-41-114. Colorado energy research institute - creation.**

5 (4) The institute shall conduct:

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

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

16 **SECTION 15.** In Colorado Revised Statutes, 24-33-115, **amend**

17 (1) introductory portion as follows:

18 **24-33-115. Reenergize Colorado program - powers and duties**

19 **of executive director - repeal.** (1) In addition to all other powers and
20 duties conferred upon the executive director by law, the executive
21 director is hereby authorized and directed to work with the ~~governor's~~
22 ~~energy office,~~ COLORADO ENERGY OFFICE, the state board of land
23 commissioners, public utilities, and other state and federal agencies as
24 necessary to initiate the reenergize Colorado program. The purposes of
25 the program are:

26

27 **SECTION 16.** In Colorado Revised Statutes, **amend** 24-38.5-101

1 as follows:

2 **24-38.5-101. Colorado energy office - creation.** (1) There is
3 hereby created within the office of the governor the ~~governor's energy~~
4 ~~office~~ COLORADO ENERGY OFFICE, the head of which shall be the director
5 of the ~~governor's energy office~~ COLORADO ENERGY OFFICE. The director
6 of the office shall be assisted by a deputy director and a staff to fulfill the
7 office's mission to: ~~lead Colorado to a new energy economy by advancing~~
8 ~~energy efficiency and renewable, clean energy resources.~~

9 (a) ~~SUSTAIN THE COLORADO ENERGY ECONOMY AND PROMOTE ALL~~
10 COLORADO ENERGY;

11 (b) PROMOTE ECONOMIC DEVELOPMENT IN COLORADO THROUGH
12 ENERGY-MARKET ADVANCES THAT CREATE JOBS;

13 (c) ENCOURAGE COLORADO-BASED CLEAN AND INNOVATIVE
14 ENERGY SOLUTIONS THAT INCLUDE TRADITIONAL, CLEAN, AND
15 RENEWABLE ENERGY SOURCES IN ORDER TO ENCOURAGE A CLEANER AND
16 BALANCED ENERGY PORTFOLIO;

17 (d) ~~PROMOTE ENERGY EFFICIENCY;~~

18 (e) INCREASE ENERGY SECURITY;

19 (f) LOWER LONG-TERM CONSUMER COSTS; AND

20 (g) PROTECT THE ENVIRONMENT.

21 (2) ~~Staff of the governor's energy office shall include but not be~~
22 ~~limited to regional representatives to help engage municipalities,~~
23 ~~consumers, businesses, and others with the energy programs of the office.~~
24 ~~The regional representatives shall expedite programs and serve as a local~~
25 ~~resource to communities throughout Colorado.~~

26 **SECTION 17.** In Colorado Revised Statutes, 24-38.5-102,
27 **amend** (1) introductory portion, (1) (a), (1) (e), and (1) (o); **repeal** (1)

1 (s), and (2); and **add** (3) as follows:

2 **24-38.5-102. Colorado energy office - duties and powers.**

3 (1) The ~~governor's energy office~~ COLORADO ENERGY OFFICE shall:

4 (a) Work with communities, utilities, private and public
5 organizations, and individuals to promote:

6 (I) THE RENEWABLE ENERGY STANDARD ESTABLISHED IN SECTION
7 40-2-124, C.R.S.;

8 (II) CLEAN AND renewable energy, such as wind,
9 HYDROELECTRICITY, solar, and geothermal; and

10 (III) CLEANER ENERGY SOURCES SUCH AS BIOGAS AND BIOMASS;

11 (IV) TRADITIONAL ENERGY SOURCES SUCH AS OIL AND OTHER
12 PETROLEUM PRODUCTS, COAL, AND NATURAL GAS;

13 (V) Energy efficiency technologies AND PRACTICES;

14 (VI) CLEANER TECHNOLOGIES BY UTILIZING TRADITIONAL,
15 COLORADO-SOURCED ENERGY; AND

16 (VII) NEW ENERGY TECHNOLOGIES AS DESCRIBED IN SECTION
17 40-2-123, C.R.S.

18 (e) Advance INNOVATIVE energy efficiency, and renewable
19 energy, AND EFFICIENCY throughout the state as specified in ~~section~~
20 ~~24-75-1201~~ SECTIONS 24-38.5-102.4 AND 24-38.5-102.5;

21
22 (o) Collaborate with the department of higher education to
23 develop ~~renewable~~ energy curricula that will serve the work force needs
24 of ~~renewable~~ ALL energy industries. Such collaboration may include
25 research institutions, state colleges, community colleges, and trade
26 organizations in an effort to develop a means by which the state may
27 address all facets of work force demands in ~~the new energy economy~~

1 DEVELOPING A BALANCED ENERGY PORTFOLIO. Institutions may also
2 partner in the development of curricula with organizations that have
3 existing ENERGY curricula and training programs. ~~on renewable energy~~
4 ~~For the purposes of this paragraph (o), "renewable energy" shall have the~~
5 ~~same meaning as set forth in section 40-1-102 (11), C.R.S.~~

6 (s) ~~Administer the green truck grant program pursuant to part 3 of~~
7 ~~article 1 of title 42, C.R.S.;~~

8 ~~=====~~
9 (2) ~~The director of the governor's energy office shall serve as~~
10 ~~chairperson of the board of directors of the Colorado clean energy~~
11 ~~development authority as specified in article 9.7 of title 40, C.R.S.~~

12 (3) THE COLORADO ENERGY OFFICE SHALL NOTIFY THE HOUSE OF
13 REPRESENTATIVES AND SENATE COMMITTEES OF REFERENCE TO WHICH
14 THE OFFICE IS ASSIGNED PURSUANT TO SECTION 2-7-203 (1), C.R.S., AS
15 PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,
16 AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY
17 SECTION 2-7-203 (2), C.R.S., IF IT HAS MADE ANY CHANGES TO:

18 (a) ANY PRINCIPLES, POLICIES, OR PERFORMANCE-BASED GOALS
19 THAT THE OFFICE HAS OUTLINED IN ITS STRATEGIC PLAN REQUIRED
20 PURSUANT TO SECTION 2-7-204 (1) (a), C.R.S.;

21 ~~=====~~
22 (b) OFFICE POLICIES RELATED TO ENERGY TRANSMISSION; AND
23 (c) OFFICE POLICIES THAT POSITIVELY OR NEGATIVELY IMPACT THE
24 ENERGY SECTOR.

25 ~~=====~~
26 **SECTION 18. In Colorado Revised Statutes, add with amended**
27 **and relocated provisions 24-38.5-102.4 as follows:**

1 24-38.5-102.4. [Formerly 24-75-1201] Clean and renewable
2 energy fund - creation - use of fund - definitions. (1) (a) (I) The clean
3 AND RENEWABLE energy fund is hereby created in the state treasury. The
4 principal of the fund shall consist of MONEYS TRANSFERRED TO THE FUND
5 FROM THE GENERAL FUND, moneys transferred to the fund at the end of
6 the 2006-07 state fiscal year and at the end of each succeeding state fiscal
7 year from moneys received by the governor's COLORADO energy office,
8 pursuant to section 39-29-109.3 (2) (f), C.R.S., in accordance with section
9 40-8.7-112 (3) (g), C.R.S., moneys received pursuant to the federal
10 "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, or
11 any amendments thereto, or from revenue contracts, court settlement
12 funds, supplemental environmental program funds, repayment or return
13 of funds from eligible public depositories, and gifts, grants, and
14 donations, and any other moneys received by the governor's COLORADO
15 energy office. Interest and income earned on the deposit and investment
16 of moneys in the clean AND RENEWABLE energy fund shall be credited to
17 the fund. Moneys in the fund at the end of any state fiscal year shall
18 remain in the fund and shall not be credited to the state general fund or
19 any other fund. MONEYS IN THE FUND SHALL NOT BE TRANSFERRED TO THE
20 INNOVATIVE ENERGY FUND CREATED IN SECTION 24-38.5-102.5.

21 (II) (A) ON JULY 1, 2012, ONE MILLION FIVE HUNDRED SIXTY
22 THOUSAND FOUR HUNDRED NINETY-ONE DOLLARS SHALL BE TRANSFERRED
23 BY THE STATE TREASURER FROM THE GENERAL FUND TO THE CLEAN AND
24 RENEWABLE ENERGY FUND.

25 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JANUARY 1,
26 2013.

27 (III) (A) ON JULY 1, 2013, AND EACH JULY 1 THEREAFTER

1 THROUGH JULY 1, 2016, ONE MILLION SIX HUNDRED THOUSAND DOLLARS
2 SHALL BE TRANSFERRED BY THE STATE TREASURER FROM THE GENERAL
3 FUND TO THE CLEAN AND RENEWABLE ENERGY FUND.

4 (B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JANUARY
5 1, 2017.

6 (b) For purposes of this section, "governor's COLORADO energy
7 office" means the governor's COLORADO energy office created in section
8 24-38.5-101.

9 (2) (a) All moneys in the clean AND RENEWABLE energy fund are
10 continuously appropriated to the governor's COLORADO energy office for
11 the purposes of advancing energy efficiency and renewable energy
12 throughout the state.

13 (b) The governor's COLORADO energy office may expend moneys
14 from the clean AND RENEWABLE energy fund:

15 (I) To attract renewable energy industry investment in the state;

16 (II) To assist in technology transfer into the marketplace for newly
17 developed energy efficiency and renewable energy technologies;

18 (III) To provide market incentives for the purchase and
19 distribution of energy efficient and renewable energy products;

20 (IV) To assist in the implementation of energy efficiency projects
21 throughout the state;

22 (V) To aid governmental agencies in energy efficiency
23 government initiatives;

24 (VI) To facilitate widespread implementation of renewable energy
25 technologies; and

26 (VII) In any other manner that serves the purposes of advancing
27 energy efficiency and renewable energy throughout the state.

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

- 8 (A) The amount of the grant or loan;
- 9 (B) The quantified impact on energy demand or amount of clean
10 energy production generated as a result of the grant or loan;
- 11 (C) The potential economic impact of the grant or loan; and
- 12 (D) The public benefits expected to result from the grant or loan.

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

17 **SECTION 19.** In Colorado Revised Statutes, **add 24-38.5-102.5**
18 as follows:

19 **24-38.5-102.5. Innovative energy fund - creation - use of fund**
20 **- definitions.** (1) (a) **THE INNOVATIVE ENERGY FUND IS HEREBY CREATED**
21 **IN THE STATE TREASURY. THE PRINCIPAL OF THE FUND SHALL CONSIST OF**
22 **MONEYS TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY,**
23 **MONEYS TRANSFERRED AT THE END OF EACH STATE FISCAL YEAR FROM**
24 **MONEYS RECEIVED BY THE COLORADO ENERGY OFFICE, MONEYS RECEIVED**
25 **PURSUANT TO SECTION 39-29-108 (2), C.R.S., OR FROM REVENUE**
26 **CONTRACTS, COURT SETTLEMENT FUNDS, SUPPLEMENTAL PROGRAM**
27 **FUNDS, REPAYMENT OR RETURN OF FUNDS FROM ELIGIBLE PUBLIC**

1 DEPOSITORIES, AND GIFTS, GRANTS, AND DONATIONS, AND ANY OTHER
2 MONEYS RECEIVED BY THE COLORADO ENERGY OFFICE. INTEREST AND
3 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
4 INNOVATIVE ENERGY FUND SHALL BE CREDITED TO THE FUND. MONEYS IN
5 THE FUND AT THE END OF ANY STATE FISCAL YEAR SHALL REMAIN IN THE
6 FUND AND SHALL NOT BE CREDITED TO THE STATE GENERAL FUND OR ANY
7 OTHER FUND. MONEYS IN THE FUND SHALL NOT BE TRANSFERRED TO THE
8 CLEAN AND RENEWABLE ENERGY FUND CREATED IN SECTION
9 24-38.5-102.4.

10 (b) FOR PURPOSES OF THIS SECTION:

11 (I) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY
12 OFFICE CREATED IN SECTION 24-38.5-101.

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

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

16 (B) ESTABLISHES A MORE EFFICIENT OR ENVIRONMENTALLY
17 BENEFICIAL USE OF ENERGY; AND

18 (C) HELPS TO CREATE ENERGY INDEPENDENCE OR ENERGY
19 SECURITY FOR THE STATE.

20 (2) (a) ALL MONEYS IN THE INNOVATIVE ENERGY FUND ARE
21 CONTINUOUSLY APPROPRIATED TO THE COLORADO ENERGY OFFICE FOR
22 THE PURPOSES OF ADVANCING INNOVATIVE ENERGY EFFICIENCY
23 THROUGHOUT THE STATE; EXCEPT THAT THE MONEYS ARE LIMITED TO
24 EFFICIENCY PROJECTS AND ANY OTHER PROJECTS RELATED TO THE
25 SEVERANCE OF MINERALS SUBJECT TO TAXATION UNDER ARTICLE 29 OF
26 TITLE 39, C.R.S.

27 (b) THE COLORADO ENERGY OFFICE MAY EXPEND MONEYS FROM

1 THE INNOVATIVE ENERGY FUND:
2 (I) TO OVERCOME MARKET BARRIERS FACING EMERGING AND
3 COST-EFFECTIVE ENERGY TECHNOLOGIES;
4 (II) TO PROMOTE ROBUST RESEARCH, DEVELOPMENT,
5 COMMERCIALIZATION, AND FINANCING OF INNOVATIVE ENERGY
6 TECHNOLOGIES;
7 (III) TO EDUCATE THE GENERAL PUBLIC ON ENERGY ISSUES AND
8 OPPORTUNITIES;
9 (IV) TO ATTRACT INNOVATIVE ENERGY INDUSTRY INVESTMENT IN
10 THE STATE;
11 (V) TO ASSIST IN TECHNOLOGY TRANSFER INTO THE MARKETPLACE
12 FOR NEWLY DEVELOPED INNOVATIVE ENERGY EFFICIENCY TECHNOLOGIES;
13 (VI) TO PROVIDE MARKET INCENTIVES FOR THE PURCHASE AND
14 DISTRIBUTION OF EFFICIENT INNOVATIVE ENERGY PRODUCTS;
15 (VII) TO ASSIST IN THE IMPLEMENTATION OF INNOVATIVE ENERGY
16 EFFICIENCY PROJECTS THROUGHOUT THE STATE;
17 (VIII) TO AID GOVERNMENTAL AGENCIES IN INNOVATIVE ENERGY
18 EFFICIENCY GOVERNMENT INITIATIVES;
19 (IX) TO FACILITATE WIDESPREAD IMPLEMENTATION OF
20 INNOVATIVE ENERGY TECHNOLOGIES; AND
21 (X) IN ANY OTHER MANNER THAT SERVES THE PURPOSES OF
22 ADVANCING INNOVATIVE ENERGY EFFICIENCY THROUGHOUT THE STATE.
23 (c) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS
24 PARAGRAPH (c), THE MONEYS IN THE INNOVATIVE ENERGY FUND MAY
25 ALSO BE USED BY THE COLORADO ENERGY OFFICE TO MAKE GRANTS OR
26 LOANS TO PERSONS, AS DEFINED IN SECTION 2-4-401 (8), C.R.S., FOR USE
27 IN CARRYING OUT THE PURPOSES OF THIS SECTION. THE COLORADO

1 ENERGY OFFICE SHALL CONSIDER THE FOLLOWING INFORMATION IN
2 DETERMINING WHETHER TO MAKE A GRANT OR LOAN:

3 (A) THE AMOUNT OF THE GRANT OR LOAN;

4 (B) THE QUANTIFIED IMPACT ON ENERGY DEMAND OR AMOUNT OF
5 INNOVATIVE ENERGY PRODUCTION GENERATED AS A RESULT OF THE
6 GRANT OR LOAN;

7 (C) THE POTENTIAL ECONOMIC IMPACT OF THE GRANT OR LOAN;

8 AND

9 (D) THE PUBLIC BENEFITS EXPECTED TO RESULT FROM THE GRANT
10 OR LOAN.

11 (II) THE COLORADO ENERGY OFFICE MAY ESTABLISH TERMS AND
12 CONDITIONS FOR MAKING GRANTS OR LOANS PURSUANT TO THIS SECTION
13 AND IN ACCORDANCE WITH THE OBJECTIVES OF THE OFFICE AS SET FORTH
14 IN SECTION 24-38.5-102; EXCEPT THAT THE GRANTS OR LOANS SHALL BE
15 LIMITED TO INNOVATIVE ENERGY EFFICIENCY PROJECTS AND POLICY
16 DEVELOPMENT.

17 **SECTION 20.** In Colorado Revised Statutes, 24-38.5-103,
18 **amend** (2) as follows:

19 **24-38.5-103. Electric vehicle grant fund - creation -**
20 **administration.** (2) The ~~governor's energy office~~ COLORADO ENERGY
21 OFFICE is authorized to seek and accept gifts, grants, or donations from
22 private or public sources for the purposes of this section. All private and
23 public funds received through gifts, grants, or donations shall be
24 transmitted to the state treasurer, who shall credit the same to the fund.
25 The moneys in the fund shall be subject to annual appropriation by the
26 general assembly. Any moneys in the fund not expended for the purposes
27 of this section may be invested by the state treasurer as provided by law.

1 All interest and income derived from the investment and deposit of
2 moneys in the fund shall be credited to the fund. Any unexpended and
3 unencumbered moneys remaining in the fund at the end of a fiscal year
4 shall remain in the fund and shall not be credited or transferred to the
5 general fund or another fund.

6 **SECTION 21.** In Colorado Revised Statutes, 24-38.5-104,
7 **amend** (2) as follows:

8 **24-38.5-104. Photovoltaic installer qualifications - cooperation**
9 **with department of regulatory agencies.** (2) If the governor, by
10 executive order, appoints a committee to study the desirability of
11 credentialing of solar installers, the committee, or the ~~governor's energy~~
12 ~~office~~ COLORADO ENERGY OFFICE on the committee's behalf, is
13 specifically authorized to submit a proposal for such credentialing to the
14 department of regulatory agencies pursuant to section 24-34-104.1 (2). In
15 addition, the committee may study and make recommendations
16 concerning the scope-of-work provisions of section 40-2-128, C.R.S.,
17 specifically including enforcement of the supervision and worker ratio
18 requirements of section 40-2-128 (1) (c) and (1) (d), C.R.S.

19 **SECTION 22.** In Colorado Revised Statutes, 24-38.5-105,
20 **amend** (1) (a) and (1) (b) as follows:

21 **24-38.5-105. Clean energy improvement debt reserve fund -**
22 **authorization - use.** (1) (a) The clean energy improvement debt reserve
23 fund is hereby created in the state treasury. The principal of the fund shall
24 consist of up to ten million dollars of legally available moneys from
25 nonstate sources under the control of the ~~governor's energy office~~
26 COLORADO ENERGY OFFICE, which the state treasurer shall promptly
27 credit to the fund if instructed in writing to do so by the director of the

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

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

1 owed to holders of the district's bonds.

2 (II) A local improvement district or other district that issues bonds
3 and that wishes to rely on the clean energy improvement debt reserve
4 fund as a backup source of moneys for the payment of principal and
5 interest owed to holders of the bonds shall enter into a written agreement
6 with the ~~governor's energy office~~ COLORADO ENERGY OFFICE to pay to
7 the state treasurer for crediting to the fund such fees for the privilege of
8 relying on the fund as the ~~governor's energy office~~ COLORADO ENERGY
9 OFFICE may require. Fees to be paid by a district as required by the
10 ~~governor's energy office~~ COLORADO ENERGY OFFICE shall be deemed to
11 be a portion of the amount of the interest rate savings resulting from more
12 favorable financing terms attributable to the reliance upon the fund. The
13 ~~governor's energy office~~ 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 == ===== ==

21 **SECTION 23.** In Colorado Revised Statutes, 24-38.5-106,
22 **amend** (2) as follows:

23 **24-38.5-106. Financing of capital projects to make state**
24 **government more energy efficient - lease-purchase agreements -**
25 **legislative declaration - definition.** (2) (a) In order to make state
26 government more energy efficient in accordance with section
27 24-38.5-102, the ~~governor's energy office~~ COLORADO ENERGY OFFICE

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

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

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

18 **SECTION 24.** In Colorado Revised Statutes, **add** 24-38.5-107 as
19 follows:

20 **24-38.5-107. Colorado energy office - subject to audit.** (1) NO
21 LATER THAN JANUARY 15, 2017, THE STATE AUDITOR SHALL COMPLETE A
22 PERFORMANCE AUDIT OF THE COLORADO ENERGY OFFICE. THE STATE
23 AUDITOR SHALL PRESENT THE PERFORMANCE AUDIT REPORT TO THE
24 LEGISLATIVE AUDIT COMMITTEE. AFTER THE PERFORMANCE AUDIT REPORT
25 IS RELEASED BY THE LEGISLATIVE AUDIT COMMITTEE, THE STATE AUDITOR
26 SHALL PROVIDE COPIES, IN ACCORDANCE WITH SECTION 24-1-136 (9), TO
27 THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES

1 COMMITTEE, THE SENATE AGRICULTURE AND NATURAL RESOURCES
2 COMMITTEE, AND THE JOINT BUDGET COMMITTEE.

3 **SECTION 25.** In Colorado Revised Statutes, 24-38.5-203,
4 **amend** (1), (2), (3), (4) introductory portion, (6), (7), (8), and (9) as
5 follows:

6 **24-38.5-203. Green building incentive pilot program.**

7 (1) Except as provided in paragraph (b) of subsection (9) of this section,
8 the ~~governor's energy office~~ COLORADO ENERGY OFFICE shall establish
9 and administer a green building incentive pilot program in accordance
10 with the requirements established in this part 2.

11 (2) (a) A qualified homebuyer may submit an application,
12 provided by the ~~governor's energy office~~ COLORADO ENERGY OFFICE,
13 to the ~~governor's energy office~~ COLORADO ENERGY OFFICE for a grant
14 to make energy efficiency improvements to the homebuyer's existing
15 residence that the homebuyer is selling in preparation for purchasing a
16 highly efficient new residential construction.

17 (b) The ~~governor's energy office~~ COLORADO ENERGY OFFICE
18 shall award a larger grant to a qualified homebuyer with an existing
19 residence that has a home energy rating or home energy audit showing
20 greater inefficiency.

21 (3) The energy efficiency improvements shall be performed by
22 contractors approved by the ~~governor's energy office~~ COLORADO
23 ENERGY OFFICE as specified in subsection (6) of this section.

24 (4) The ~~governor's energy office~~ COLORADO ENERGY OFFICE
25 shall require the qualified homebuyer to submit documentation:

26 (6) The ~~governor's energy office~~ COLORADO ENERGY OFFICE
27 shall create a list of contractors eligible to perform energy efficiency

1 improvements to a qualified homebuyer's existing residence.

2 (7) In order to confirm that the qualified homebuyer met the
3 requirements of the pilot program, the qualified homebuyer shall submit
4 to the ~~governor's energy office~~ COLORADO ENERGY OFFICE copies of
5 closing documentation for the highly efficient new residential
6 construction no later than thirty days after the construction is complete.
7 If construction is delayed and not completed by the estimated completion
8 date, the ~~governor's energy office~~ COLORADO ENERGY OFFICE may grant
9 a waiver or extension for submission of this documentation.

10 (8) If the purchase of the highly efficient new residential
11 construction is not finalized for any reason, including but not limited to
12 the cancellation of the sale by the qualified homebuyer or the failure of
13 the qualified homebuyer to secure financing, the qualified homebuyer
14 shall reimburse the total amount of the grant to the ~~governor's energy~~
15 ~~office~~ COLORADO ENERGY OFFICE within thirty days after such
16 cancellation or failure.

17 (9) (a) Funding for the pilot program shall be provided from
18 federal funds transferred to the ~~governor's energy office~~ COLORADO
19 ENERGY OFFICE that the ~~governor's energy office~~ COLORADO ENERGY
20 OFFICE has already received prior to August 10, 2011, or may receive after
21 August 10, 2011. The ~~governor's energy office~~ COLORADO ENERGY
22 OFFICE may require additional documentation or information from the
23 qualified homebuyer as required to secure any additional federal funds.

24 (b) The ~~governor's energy office~~ COLORADO ENERGY OFFICE
25 shall not establish the pilot program set forth in this part 2 if federal funds
26 are not available.

27 **SECTION 26.** In Colorado Revised Statutes, 24-38.7-102,

1 **amend** (6) as follows:

2 **24-38.7-102. Definitions.** As used in this part 1, unless the
3 context otherwise requires:

4 (6) "Office" means the ~~governor's energy office~~ COLORADO
5 ENERGY OFFICE.

6 **SECTION 27.** In Colorado Revised Statutes, 24-38.7-103,
7 **amend** (2) (b) as follows:

8 **24-38.7-103. Colorado energy office - powers and duties -**
9 **program - fund created.** (2) (b) The program fund and the accounts of
10 the program fund shall consist of such moneys as the general assembly
11 may appropriate thereto from the ~~clean~~ INNOVATIVE energy fund created
12 in ~~section 24-75-1201 (1), C.R.S.~~ SECTION 24-38.5-102.5, THE CLEAN AND
13 RENEWABLE ENERGY FUND CREATED IN SECTION 24-38.5-102.4, and any
14 gifts, grants, or donations that may be made to the program fund. In
15 accordance with section 24-36-113 (1) (a), which requires the state
16 treasurer, in making investments, to use prudence and care to preserve the
17 principal and to secure the maximum rate of interest consistent with
18 safety and liquidity, if the general assembly chooses not to appropriate
19 moneys to the program fund or to the accounts of the program fund,
20 nothing in this article shall be deemed to require the state treasurer to
21 credit any moneys to the program fund or the accounts of the program
22 fund. All interest and income earned on the deposit and investment of
23 moneys in the program fund and the accounts of the program fund shall
24 be used for the loan buy-down account and the loan loss reserve account.
25 Moneys in the loan buy-down account and loan loss reserve account of
26 the program fund shall remain in the accounts and shall not be transferred
27 to the general fund or any other fund at the end of any fiscal year.

1 **SECTION 28.** In Colorado Revised Statutes, 24-38.7-202,
2 **amend** (3) as follows:

3 **24-38.7-202. Definitions.** As used in this part 2, unless the
4 context otherwise requires:

5 (3) "Office" means the ~~governor's energy office~~ COLORADO
6 ENERGY OFFICE.

7 **SECTION 29.** In Colorado Revised Statutes, **amend** 24-38.9-101
8 as follows:

9 **24-38.9-101. Legislative declaration.** The general assembly
10 finds, determines, and declares that as Colorado continues to expand its
11 ~~new~~ THE COLORADO energy economy, the state must ensure that Colorado
12 citizens have access to the necessary skills in order to compete for jobs in
13 the new energy market. The general assembly further finds, determines,
14 and declares that a skilled workforce is one of the most important drivers
15 in determining the future global competitiveness of Colorado. Therefore,
16 the general assembly finds that the purpose of the green jobs Colorado
17 training program is to maintain Colorado's competitive advantage and
18 ensure that future workforce supply can meet the oncoming demand for
19 green job skills in the ~~new~~ COLORADO energy economy.

20 **SECTION 30.** In Colorado Revised Statutes, 24-38.9-103,
21 **amend** (2) as follows:

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 energy office~~ COLORADO ENERGY
11 OFFICE, the director of the Colorado office of economic development, the
12 executive director of the department of human services, the executive
13 director of the department of local affairs, the chair of the Colorado
14 workforce development council or its successor, and the executive
15 director of the department of labor and employment, or their respective
16 designees.

17 **SECTION 31.** In Colorado Revised Statutes, **amend** 24-38.9-106
18 as follows:

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

23 **SECTION 32.** In Colorado Revised Statutes, 24-47.5-103,
24 **amend** (1) as follows:

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

1 commencing on July 1, 2007, and July 1, 2008, the general assembly shall
2 appropriate two million dollars from the operational account of the
3 severance tax trust fund as specified in section 39-29-109.3 (2) (g),
4 C.R.S., AS SAID PARAGRAPH (g) EXISTED PRIOR TO ITS REPEAL IN 2010, to
5 the governor's energy office created in section 24-38.5-101, AS SAID
6 OFFICE EXISTED PRIOR TO JULY 1, 2012, for distribution to the authority for
7 the purposes specified in section 24-47.5-102; except that, if grants of
8 federal moneys equal to or exceeding the amount of state moneys
9 appropriated pursuant to this article have not been received by June 30,
10 2012, the unexpended and unencumbered balance of said appropriation
11 shall revert to the operational account of the severance tax trust fund.

12 **SECTION 33.** In Colorado Revised Statutes, 24-77-102, **repeal**
13 (15) (b) (XVI) as follows:

14 **24-77-102. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (15) (b) "Special purpose authority" includes, but is not limited to:

17 (XVI) ~~The Colorado clean energy development authority created~~
18 ~~pursuant to section 40-9.7-104, C.R.S.;~~

19 **SECTION 34.** In Colorado Revised Statutes, 25-16.5-105,
20 **amend** (1) (m) (I) as follows:

21 **25-16.5-105. Powers and duties of advisory board.** (1) The
22 advisory board shall have the following powers and duties:

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

1 jurisdiction over matters concerning public health and the environment.

2 **SECTION 35.** In Colorado Revised Statutes, 25-16.5-105.5,
3 **amend** (2) (c) (III) as follows:

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

9 (III) One member of the committee shall be a representative of the
10 ~~governor's energy office~~ COLORADO ENERGY OFFICE created in section
11 24-38.5-101, C.R.S.

12 **SECTION 36.** In Colorado Revised Statutes, 30-28-211, **amend**
13 (2) (b) and (2) (c) as follows:

14 **30-28-211. Energy efficient building codes - legislative**
15 **declaration - definitions.** (2) As used in this section, unless the context
16 otherwise requires:

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

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

24 **SECTION 37.** In Colorado Revised Statutes, 30-20-602, **add**
25 (4.7) (c) as follows:

26 **30-20-602. Definitions.** As used in this part 6, unless the context
27 otherwise requires:

1 (4.7) (c) "RENEWABLE ENERGY IMPROVEMENT" INCLUDES AN
2 IMPROVEMENT TO THE EFFICIENCY OF A TRADITIONAL ENERGY FIXTURE.

3 **SECTION 38.** In Colorado Revised Statutes, 31-15-602, **amend**
4 (2) (b) and (2) (c) as follows:

5 **31-15-602. Energy efficient building codes - legislative**
6 **declaration - definitions - repeal.** (2) As used in this section, unless the
7 context otherwise requires:

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

13 (c) "Office" means the ~~governor's energy office~~ COLORADO
14 ENERGY OFFICE created in section 24-38.5-101, C.R.S.

15 **SECTION 39.** In Colorado Revised Statutes, 32-20-102, **amend**
16 (1) (a) (V) (B) as follows:

17 **32-20-102. Legislative declaration.** (1) The general assembly
18 hereby finds and declares that:

19 (a) It is in the best interest of the state and its citizens and a public
20 purpose to enable and encourage the owners of eligible real property to
21 invest in new energy improvements, including energy efficiency
22 improvements and renewable energy improvements, sooner rather than
23 later by creating the Colorado new energy improvement district and
24 authorizing the district to establish, develop, finance, implement, and
25 administer a new energy improvement program that includes both energy
26 efficiency improvements and renewable energy improvements to assist
27 any such owners who choose to join the district in completing new energy

1 improvements to their property because:

2 (V) The commitment of a significant amount of sustainable
3 funding for increased construction of new energy improvements will
4 create jobs and stimulate the state economy:

5 (B) By reinforcing the leadership role of the state in the new
6 COLORADO energy economy and thereby attracting new energy
7 manufacturing facilities and related jobs to the state; and

8 **SECTION 40.** In Colorado Revised Statutes, 32-20-104, **amend**
9 (2) (a) (I) (A) as follows:

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 energy office~~ COLORADO
18 ENERGY OFFICE created in section 24-38.5-101 (1), C.R.S.; and

19 == ==

20 **SECTION 41.** In Colorado Revised Statutes, 36-1-147.5, **amend**
21 (4) as follows:

22 **36-1-147.5. Leasing arrangements for renewable energy**
23 **resources development - legislative declaration - definitions.** (4) The
24 state board of land commissioners shall collaborate with the ~~governor's~~
25 ~~energy office~~ as COLORADO ENERGY OFFICE created in section
26 24-38.5-101, C.R.S., to ensure that potential renewable energy resource
27 developers are aware of any lands identified by the board as being

1 suitable for development of renewable energy resources.

2 **SECTION 42.** In Colorado Revised Statutes, 37-95-112.5,
3 **amend** (2) and (3) (a) as follows:

4 **37-95-112.5. Watershed protection and forest health projects**
5 **- repeal.** (2) The authority may make and contract to make loans with the
6 proceeds of the bonds authorized by this section to governmental agencies
7 pursuant to this section to finance the cost of watershed protection
8 projects and forest health projects if the authority or the governmental
9 agency has entered into an agreement with the Colorado clean energy
10 development authority, AS IT EXISTED PRIOR TO JULY 1, 2012, or the
11 Colorado state forest service with respect to the application of proceeds
12 of such bonds. The authority may make the loans subject to terms and
13 conditions that are determined by the authority to be consistent with the
14 purposes of the loans. The loans shall be evidenced by notes, bonds, or
15 other obligations of the governmental agency that are issued to the
16 authority, and the governmental agencies are authorized to issue such
17 notes, bonds, or other obligations for such purposes. All notes, bonds, or
18 other obligations evidencing a loan from the authority may be sold at a
19 private sale to the authority at any price, whether or not less than par
20 value. The denominations, times for payment of principal and interest,
21 and provisions for redemption prior to maturity of such bonds, notes, or
22 other obligations shall be as the authority and the governmental agency
23 agree. Each loan to a governmental agency and the notes, bonds, or other
24 obligations issued to evidence the same shall bear interest at the rate or
25 rates and have the maturities as the authority and the governmental
26 agency agree. The authority may charge and collect from governmental
27 agencies fees and charges in connection with the loans or other services

1 from the authority, including, but not limited to, fees and charges
2 sufficient to reimburse the authority for all reasonable costs that it
3 necessarily incurred in providing such loans. All watershed protection
4 projects and forest health projects funded with moneys made available
5 pursuant to this section shall comply with all applicable federal and state
6 laws, such as best management practices for water quality established by
7 the Colorado state forest service pursuant to section 24-33-201, C.R.S.

8 (3) Governmental agencies participating in watershed protection
9 projects and forest health projects shall specify how the moneys made
10 available pursuant to financing by the authority are to be allocated in a
11 memorandum of understanding with the authority, subject to the
12 following limitations:

13 (a) Up to twenty percent of the proceeds of bonds issued by the
14 authority may be distributed ~~to the Colorado clean energy development~~
15 ~~authority, created pursuant to section 40-9.7-104, C.R.S.,~~ for watershed
16 protection projects and forest health projects, including the establishment
17 of incentives for use of beetle-infested lumber.

18 **SECTION 43.** In Colorado Revised Statutes, 38-35.7-106,
19 **amend** (2), (3), (4), and (5) as follows:

20 **38-35.7-106. Solar prewire option - solar consultation.**

21 (2) Every person that builds a new single-family detached residence for
22 sale, whether or not the residence has been prewired for a photovoltaic
23 solar generation system, shall provide to every buyer under contract a list
24 of businesses in the area that offer residential solar installation services
25 so that the buyer, if he or she so desires, can obtain expert help in
26 assessing whether the residence is a good candidate for solar installation
27 and how much of a cost savings a residential photovoltaic solar

1 generation system could provide. The list of businesses shall be derived
2 from a master list of Colorado solar installers maintained by the
3 ~~governor's energy office~~ COLORADO ENERGY OFFICE.

4 (3) The ~~governor's energy office~~ COLORADO ENERGY OFFICE
5 shall maintain and update, as appropriate, a master list of Colorado solar
6 installers and shall make the master list available, upon request, to any
7 person that requests a copy. The ~~governor's energy office~~ COLORADO
8 ENERGY OFFICE may specify qualifications for businesses to be included
9 in the master list and shall make the master list available on its official
10 web site.

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

17 (5) The ~~governor's energy office~~ COLORADO ENERGY OFFICE or
18 its designees shall offer periodic training sessions on residential
19 photovoltaic solar generation systems or solar thermal systems to persons
20 that build new single-family detached residences. The ~~governor's energy~~
21 ~~office~~ COLORADO ENERGY OFFICE may assess and collect from
22 participants a registration fee, not to exceed the actual costs of providing
23 such training.

24 **SECTION 44.** In Colorado Revised Statutes, **amend** 39-27-109.7
25 as follows:

26 **39-27-109.7. Data collection services.** In order to track the
27 movement of gasoline or special fuel within this state and thereby

1 facilitate and expedite the collection of excise taxes imposed pursuant to
2 this part 1, the executive director of the department of revenue may enter
3 into a contract with one or more private entities for the provision of a
4 computer-based program to monitor and track the data that licensees are
5 required to report to the department pursuant to this part 1. Such
6 computer-based program shall be funded solely with moneys from the
7 highway users tax fund; except that, for the state fiscal year 2009-10, up
8 to thirty-seven thousand six hundred thirty dollars for the computer-based
9 program to monitor and track exempt dyed diesel fuel that is blended with
10 biodiesel fuel after withdrawal at a terminal rack or refinery rack pursuant
11 to section 39-27-102.5 (2) (a) may be funded by moneys received by the
12 governor's energy office created in section 24-38.5-101, C.R.S., AS SAID
13 OFFICE EXISTED PRIOR TO JULY 1, 2012, from the United States department
14 of energy.

15 
16 **SECTION 45.** In Colorado Revised Statutes, 39-29-108, **amend**
17 (2) as follows:

18 **39-29-108. Allocation of severance tax revenues - definitions.**
19 (2) (a) (I) Of the total gross receipts realized from the severance taxes
20 imposed on minerals and mineral fuels under the provisions of this article
21 after ~~June 30, 1981~~ JUNE 30, 2012, ONE MILLION FIVE HUNDRED
22 THOUSAND DOLLARS SHALL BE ANNUALLY TRANSFERRED ON JULY 1, 2012,
23 AND EACH JULY 1 THEREAFTER THROUGH JULY 1, 2016, TO THE
24 INNOVATIVE ENERGY FUND CREATED IN SECTION 24-38.5-102.5, C.R.S. OF
25 THE REMAINDER OF THE TOTAL GROSS RECEIPTS IN EACH FISCAL YEAR
26 AFTER EACH JULY 1 TRANSFER TO THE INNOVATIVE ENERGY FUND, fifty
27 percent shall be credited to the state severance tax trust fund created by

1 section 39-29-109, and fifty percent shall be credited to the local
2 government severance tax fund created by section 39-29-110.

3 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1,
4 2017.

5 (b) OF THE TOTAL GROSS RECEIPTS REALIZED FROM THE
6 SEVERANCE TAXES IMPOSED ON MINERALS AND MINERAL FUELS UNDER
7 THE PROVISIONS OF THIS ARTICLE AFTER JUNE 30, 2017, FIFTY PERCENT
8 SHALL BE CREDITED TO THE STATE SEVERANCE TAX TRUST FUND CREATED
9 BY SECTION 39-29-109, AND FIFTY PERCENT SHALL BE CREDITED TO THE
10 LOCAL GOVERNMENT SEVERANCE TAX FUND CREATED BY SECTION
11 39-29-110.

12 **SECTION 46.** In Colorado Revised Statutes, 39-29-109.3,
13 **amend** (2) (f) (V) (A) and (4) (c) (I) (A) as follows:

14 **39-29-109.3. Operational account of the severance tax trust**
15 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
16 of this section, if the general assembly chooses not to spend up to one
17 hundred percent of the moneys in the operational account as specified in
18 subsection (1) of this section, the state treasurer shall transfer the
19 following:

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

22 (V) (A) For the state fiscal year commencing July 1, 2012, thirteen
23 million dollars as follows: Twenty-five percent to the department of
24 human services low-income energy assistance fund created in section
25 40-8.7-112 (1), C.R.S.; twenty-five percent to the energy outreach
26 Colorado low-income energy assistance fund created in section
27 40-8.7-112 (2) (a), C.R.S.; and fifty percent to the ~~governor's energy~~

1 ~~office~~ COLORADO ENERGY OFFICE low-income energy assistance fund
2 created in section 40-8.7-112 (3) (a), C.R.S.

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

6 (A) The transfers to the ~~governor's energy office~~ COLORADO
7 ENERGY OFFICE low-income energy assistance fund shall be made on July
8 1;

9 **SECTION 47.** In Colorado Revised Statutes, 39-29-109.5,
10 **amend** (1) (a), (1) (a.5), (2), and (3) introductory portion as follows:

11 **39-29-109.5. Interest differential - public school energy**
12 **efficiency fund - creation - uses - definitions - repeal.** (1) As used in
13 this section, unless the context otherwise requires:

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

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

21 (2) On December 1, 2007, and the first day of every third month
22 thereafter up to and including September 1, 2015, the legislative council
23 staff shall calculate the interest differential earned during the prior
24 calendar quarter and notify the state treasurer of such amount. Upon
25 receiving notice, the treasurer shall transfer an amount equal to the
26 interest differential from the severance tax funds to the public school
27 energy efficiency fund, which is hereby created in the state treasury;

1 except that the total transfer to the fund for any state fiscal year shall not
2 exceed one million five hundred thousand dollars. Moneys in the fund are
3 hereby ~~continuously~~ ANNUALLY appropriated to the ~~governor's energy~~
4 ~~office~~ COLORADO ENERGY OFFICE for the purposes set forth in subsection
5 (3) of this section. All income and interest derived from the deposit and
6 investment of the moneys in the fund shall be credited to the fund.

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

15 **SECTION 48.** In Colorado Revised Statutes, 40-2-123, **amend**
16 (2) (j) as follows:

17 **40-2-123. New energy technologies - consideration by**
18 **commission - incentives - demonstration projects - definitions -**
19 **legislative declaration - repeal.** (2) (j) In order to reduce the cost to
20 Colorado consumers of an IGCC project, the department of public health
21 and environment, the governor's office of economic development, and the
22 ~~governor's energy office~~ COLORADO ENERGY OFFICE may provide public
23 utilities with reasonable assistance in seeking and obtaining financial and
24 other support and sponsorship for a project from the United States
25 congress, the United States department of energy, and other appropriate
26 federal and state agencies and institutions. To obtain this assistance, the
27 utility may provide to these state agencies copies of its IGCC project

1 proposal. The ~~governor's energy office~~ COLORADO ENERGY OFFICE
2 shall manage and distribute to the utility some or all of any funds
3 provided by the state of Colorado or by the United States government to
4 the state of Colorado for purposes of study or development of an IGCC
5 project.

6 **SECTION 49.** In Colorado Revised Statutes, 40-4-118, **amend**
7 (2) (a) (I) and (5) as follows:

8 **40-4-118. Colorado smart grid task force - fund - definition -**
9 **reports - repeal.** (2) **Membership.** (a) The task force consists of eleven
10 members as follows:

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

16 (5) **Funding.** (a) The ~~governor's energy office~~ COLORADO ENERGY
17 OFFICE may accept private gifts, grants, and donations for the purpose
18 of providing support to the task force to perform its responsibilities
19 specified in this section. Any such gifts, grants, and donations shall be held
20 in a separate account within the ~~clean~~ INNOVATIVE energy fund created in
21 ~~section 24-75-1201~~ SECTION 24-38.5-102.5, C.R.S., and shall be available
22 to the office and the task force only for the purpose of carrying out the task
23 force's duties under this section. The account shall also consist of moneys
24 appropriated and transferred to the account. Any unexpended or
25 unencumbered moneys remaining in the account as of January 1, 2015,
26 shall revert to the clean ANDRENEWABLE energy fund CREATED IN SECTION
27 24-38.5-102.4, C.R.S., to be used by the ~~governor's energy office~~

1 COLORADO ENERGY OFFICE.

2 (b) It is the intent of the general assembly that the ~~governor's~~
3 ~~energy office~~ COLORADO ENERGY OFFICE not be required to solicit gifts,
4 grants, or donations from any source for the purposes of this section and
5 that no general fund moneys be used to pay for grants awarded pursuant
6 to this section or for any expenses of the task force.

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

15 **SECTION 50.** In Colorado Revised Statutes, 40-6-108, **amend** (2)
16 (b) as follows:

17 **40-6-108. Complaints - service - notice of hearing.** (2) (b) Any
18 public utility giving notice of a proposed gas or electric tariff shall serve
19 such notice upon the ~~governor's energy office~~ COLORADO ENERGY OFFICE
20 or its successor agency. The office shall be granted leave to intervene
21 as a matter of right, upon a timely filing of a petition or other pleading in
22 accordance with this section, in adjudicatory matters affecting gas or
23 electric utilities; except that the office shall not be a party to any individual
24 complaint between a utility and an individual.

25 **SECTION 51.** In Colorado Revised Statutes, 40-8.5-103.5, **amend**
26 (4) (b) as follows:

27 **40-8.5-103.5. Commission created - duties.** (4) (b) The

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

8 **SECTION 52.** In Colorado Revised Statutes, 40-8.7-110, **amend**
9 (1.5) as follows:

10 **40-8.7-110. Reports.** (1.5) To the extent applicable, the
11 organization shall include in the report the information required by
12 paragraphs (b) and (c) of subsection (1) of this section for moneys
13 received from the ~~governor's energy office~~ COLORADO ENERGY OFFICE
14 pursuant to section 40-8.7-112 (2) (a).

15 **SECTION 53.** In Colorado Revised Statutes, 40-8.7-112, **amend**
16 (2), (3) (a), (3) (b) introductory portion, (3) (d) introductory portion,
17 (3) (e), (3) (f) introductory portion, and (3) (g); **repeal** (4) (d); and **add** (4)
18 (a.5) as follows:

19 **40-8.7-112. Department of human services low-income energy**
20 **assistance fund - creation - energy outreach Colorado low-income**
21 **energy assistance fund - creation - Colorado energy office**
22 **low-income energy assistance fund - creation - definitions.**

23 (2) (a) There is hereby created in the state treasury the energy
24 outreach Colorado low-income energy assistance fund, which shall be
25 administered by the ~~governor's energy office~~ COLORADO ENERGY
26 OFFICE and shall consist of all moneys transferred by the STATE treasurer
27 as specified in section 39-29-109.3 (2) (f), C.R.S. All moneys in the fund

1 are continuously appropriated to the ~~governor's energy office~~ COLORADO
2 ENERGY OFFICE for distribution to the organization to be used for the
3 purposes set forth in this subsection (2). All moneys in the fund at the end
4 of each fiscal year shall be retained in the fund and shall not revert to the
5 general fund or any other fund.

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

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

1 (a) of this subsection (2).

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

6 (e) The organization shall include information related to any
7 moneys received from the ~~governor's energy office~~ COLORADO ENERGY
8 OFFICE pursuant to paragraph (a) of this subsection (2) in the report it
9 prepares pursuant to section 40-8.7-110.

10 (3) (a) There is hereby created in the state treasury the ~~governor's~~
11 ~~energy office~~ COLORADO ENERGY OFFICE low-income energy assistance
12 fund, which shall be administered by the ~~governor's energy office~~
13 COLORADO ENERGY OFFICE and shall consist of all moneys transferred by
14 the treasurer as specified in section 39-29-109.3 (2) (f), C.R.S., ALL
15 MONEYS TRANSFERRED TO THE FUND, ALL MONEYS RECEIVED AS A RESULT
16 OF CONTRACTS ENTERED INTO BY THE COLORADO ENERGY OFFICE FOR THE
17 OFFICES'S PROGRAM TO IMPROVE THE HOME ENERGY EFFICIENCY OF
18 LOW-INCOME HOUSEHOLDS, AND ALL MONEYS RECEIVED BY THE
19 COLORADO ENERGY OFFICE FROM GIFTS, GRANTS, AND DONATIONS FOR THE
20 OFFICES'S PROGRAM TO IMPROVE THE HOME ENERGY EFFICIENCY OF
21 LOW-INCOME HOUSEHOLDS. All moneys in the fund are continuously
22 appropriated to the ~~governor's energy office~~ COLORADO ENERGY OFFICE
23 to be used for the purposes set forth in this subsection (3). All moneys in
24 the fund at the end of each fiscal year shall be retained in the fund and
25 shall not revert to the general fund or any other fund.

26 (b) The ~~governor's energy office~~ COLORADO ENERGY OFFICE
27 shall use moneys it receives pursuant to paragraph (a) of this subsection

1 (3) for a program to provide home energy efficiency improvements for
2 low-income households, which shall include any of the following services:

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

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

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

20 (g) If the governor's energy office, AS IT EXISTED PRIOR TO JULY 1,
21 2012, cannot use all of the moneys it receives for the state fiscal year
22 commencing July 1, 2008, pursuant to paragraph (a) of this subsection (3)
23 for the program described in paragraph (b) of this subsection (3), at the
24 end of the fiscal year the state treasurer shall transfer the moneys that the
25 governor's energy office cannot use to the clean energy fund created in
26 section 24-75-1201 (1), C.R.S., AS SAID FUND EXISTED PRIOR TO JULY 1,
27 2012.

1 (4) For purposes of this section, unless the context otherwise
2 requires:

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

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

7 **SECTION 54.** In Colorado Revised Statutes, 42-3-228, **amend** (2)
8 and (3) as follows:

9 **42-3-228. Special plates - Colorado carbon fund.** (2) The
10 Colorado carbon fund, established by the ~~governor's energy office~~
11 COLORADO ENERGY OFFICE, may design the Colorado carbon fund special
12 license plates. The design for the special license plates shall conform with
13 standards established by the department and shall be subject to the
14 department's approval.

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

22 **SECTION 55.** In Colorado Revised Statutes, **repeal** ■ ■ article
23 9.7 of title 40, and part 3 of article 1 of title 42.

24 **SECTION 56. Repeal of provisions being relocated in this act.**
25 In Colorado Revised Statutes, **repeal** part 12 of article 75 of title 24.

26 **SECTION 57. Appropriation.** (1) In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the

1 innovative energy fund created in section 24-38.5-102.5, Colorado
2 Revised Statutes, not otherwise appropriated, to the governor - lieutenant
3 governor - state planning and budgeting, for the fiscal year beginning July
4 1, 2012, the sum of \$1,500,000 and 10.3 FTE, or so much thereof as may
5 be necessary, to be allocated for the implementation of this act as follows:

6 (a) \$1,373,312 and 10.3FTE for Colorado energy office, program
7 administration;

8 (b) \$33,604 for Colorado energy office, legal services;

9 (c) \$45,714 for special purpose, health, life, and dental;

10 (d) \$1,368 for special purpose, short-term disability;

11 (e) \$24,740 for special purpose, amortization equalization
12 disbursement; and

13 (f) \$21,262 for special purpose, supplemental amortization
14 equalization disbursement.

15 **SECTION 58. Appropriation.** In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 Colorado energy office low-income assistance fund created in section
18 40-8.7-112 (3) (a), Colorado Revised Statutes, not otherwise appropriated,
19 to the governor - lieutenant governor - state planning and budgeting, for
20 the fiscal year beginning July 1, 2012, the sum of \$600,000, or so much
21 thereof as may be necessary, for allocation to the Colorado energy office
22 for weatherization services related to the implementation of this act.

23 **SECTION 59. Appropriation.** (1) In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys in the clean
25 and renewable energy fund, created in section 24-38.5-102.4, Colorado
26 Revised Statutes, not otherwise appropriated, to the governor - lieutenant
27 governor - state planning and budgeting, for the fiscal year beginning July

1 1, 2012, the sum of \$1,560,491 and 10.4 FTE, or so much thereof as may
2 be necessary, to be allocated for the implementation of this act as follows:

3 (a) \$1,433,803 and 10.4 FTE for Colorado energy office, program
4 administration;

5 (b) \$33,604 for Colorado energy office, legal services;

6 (c) \$45,714 for special purpose, health, life, and dental;

7 (d) \$1,368 for special purpose, short-term disability;

8 (e) \$24,740 for special purpose, amortization equalization
9 disbursement; and

10 (f) \$21,262 for special purpose, supplemental amortization
11 equalization disbursement.

12 **SECTION 60. Effective date.** This act takes effect July 1, 2012.

13 **SECTION 61. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.