

CHAPTER 33

GOVERNMENT - STATE

HOUSE BILL 08-1025

BY REPRESENTATIVE(S) Weissmann, Benefield, Carroll M., Fischer, Frangas, Gallegos, Gardner C., Green, Kerr A., Labuda, Levy, Madden, McFadyen, Primavera, Scanlan, Solano, Todd, Borodkin, Garza-Hicks, Hodge, Kerr J., Merrifield, Middleton, Roberts, and Soper;
also SENATOR(S) Tupa, Boyd, Gibbs, Groff, Keller, Schwartz, Shaffer, Tapia, Williams, and Windels.

AN ACT

CONCERNING THE GOVERNOR'S ENERGY OFFICE.

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

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 38.5
Governor's Energy Office**

24-38.5-101. Governor's energy office - creation. (1) THERE IS HEREBY CREATED WITHIN THE OFFICE OF THE GOVERNOR THE GOVERNOR'S ENERGY OFFICE, THE HEAD OF WHICH SHALL BE THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE. THE DIRECTOR OF THE OFFICE SHALL BE ASSISTED BY A DEPUTY DIRECTOR AND A STAFF TO FULFILL THE OFFICE'S MISSION TO LEAD COLORADO TO A NEW ENERGY ECONOMY BY ADVANCING ENERGY EFFICIENCY AND RENEWABLE, CLEAN ENERGY RESOURCES.

(2) STAFF OF THE GOVERNOR'S ENERGY OFFICE SHALL INCLUDE BUT NOT BE LIMITED TO REGIONAL REPRESENTATIVES TO HELP ENGAGE MUNICIPALITIES, CONSUMERS, BUSINESSES, AND OTHERS WITH THE ENERGY PROGRAMS OF THE OFFICE. THE REGIONAL REPRESENTATIVES SHALL EXPEDITE PROGRAMS AND SERVE AS A LOCAL RESOURCE TO COMMUNITIES THROUGHOUT COLORADO.

24-38.5-102. Governor's energy office - duties and powers. (1) THE GOVERNOR'S ENERGY OFFICE SHALL:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) WORK WITH COMMUNITIES, UTILITIES, PRIVATE AND PUBLIC ORGANIZATIONS, AND INDIVIDUALS TO PROMOTE RENEWABLE ENERGY SUCH AS WIND, SOLAR, AND GEOTHERMAL, AND ENERGY EFFICIENCY TECHNOLOGIES;

(b) DEVELOP PROGRAMS TO PROMOTE HIGH PERFORMANCE BUILDINGS FOR COMMERCIAL AND RESIDENTIAL MARKETS;

(c) MAKE STATE GOVERNMENT MORE ENERGY EFFICIENT;

(d) PROMOTE TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT;

(e) ADVANCE ENERGY EFFICIENCY AND RENEWABLE ENERGY THROUGHOUT THE STATE AS SPECIFIED IN SECTION 24-75-1201;

(f) IMPLEMENT AND ADMINISTER A WIND FOR SCHOOLS PROJECT PURSUANT TO ARTICLE 89 OF TITLE 22, C.R.S.;

(g) WORK WITH THE COLORADO ENERGY RESEARCH INSTITUTE TO PROVIDE GRANTS TO ADVANCE ENERGY-EFFICIENT DESIGN AND CONSTRUCTION AS SPECIFIED IN SECTION 23-41-114 (4) (b) (VI), C.R.S.;

(h) DISTRIBUTE MONEY TO THE RENEWABLE ENERGY AUTHORITY AS SPECIFIED IN SECTION 24-47.5-103 (1);

(i) SEND AN OFFICE REPRESENTATIVE TO THE POLLUTION PREVENTION ADVISORY BOARD ASSISTANCE COMMITTEE PURSUANT TO SECTION 25-16.5-105.5 (2) (c) (III), C.R.S.;

(j) ENSURE THAT INFORMATION EXPLAINING THE REQUIREMENTS OF ENERGY CODES IS AVAILABLE AND PROVIDE TECHNICAL ASSISTANCE CONCERNING THE IMPLEMENTATION AND ENFORCEMENT OF ENERGY CODES TO BOTH COUNTIES AND MUNICIPALITIES AS SPECIFIED IN SECTIONS 30-28-211 (7) AND 31-15-602 (7), C.R.S.;

(k) COLLABORATE WITH THE STATE BOARD OF LAND COMMISSIONERS REGARDING RENEWABLE ENERGY RESOURCE DEVELOPMENT AS SPECIFIED IN SECTION 36-1-147.5 (4), C.R.S.;

(l) PROVIDE HOME ENERGY EFFICIENCY IMPROVEMENTS FOR LOW-INCOME HOUSEHOLDS AS SPECIFIED IN SECTION 39-29-109 (1.5), C.R.S., AND PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY AN ANNUAL REPORT AS SPECIFIED IN SECTION 39-29-109 (1.5) (h) (V), C.R.S.;

(m) ESTABLISH AND MANAGE A PROGRAM TO IMPROVE ENERGY EFFICIENCY IN PUBLIC SCHOOLS AS PROVIDED IN SECTION 39-29-109.5, C.R.S.;

(n) PROVIDE PUBLIC UTILITIES WITH REASONABLE ASSISTANCE, IF REQUESTED, IN SEEKING AND OBTAINING SUPPORT AND SPONSORSHIP FOR AN IGCC PROJECT AS DEFINED IN SECTION 40-2-123 (2) (b) (I), C.R.S., AND MANAGE AND DISTRIBUTE TO THE UTILITY SOME OR ALL OF ANY FUNDS PROVIDED BY THE STATE OR BY THE UNITED STATES GOVERNMENT TO THE STATE FOR PURPOSES OF STUDY OR DEVELOPMENT OF AN IGCC PROJECT AS SPECIFIED IN SECTION 40-2-123 (2) (j),

C.R.S.;

(o) COLLABORATE WITH THE DEPARTMENT OF HIGHER EDUCATION TO DEVELOP RENEWABLE ENERGY CURRICULA THAT WILL SERVE THE WORK FORCE NEEDS OF RENEWABLE ENERGY INDUSTRIES. SUCH COLLABORATION MAY INCLUDE RESEARCH INSTITUTIONS, STATE COLLEGES, COMMUNITY COLLEGES, AND TRADE ORGANIZATIONS IN AN EFFORT TO DEVELOP A MEANS BY WHICH THE STATE MAY ADDRESS ALL FACETS OF WORK FORCE DEMANDS IN THE NEW ENERGY ECONOMY. INSTITUTIONS MAY ALSO PARTNER IN THE DEVELOPMENT OF CURRICULA WITH ORGANIZATIONS THAT HAVE EXISTING CURRICULA AND TRAINING PROGRAMS ON RENEWABLE ENERGY. FOR THE PURPOSES OF THIS PARAGRAPH (o), "RENEWABLE ENERGY" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 40-1-102 (11),C.R.S.

(p) ANNUALLY REPORT TO THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE AND THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

(2) THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE SHALL SERVE AS CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE COLORADO CLEAN ENERGY DEVELOPMENT AUTHORITY AS SPECIFIED IN ARTICLE 9.7 OF TITLE 40, C.R.S.

SECTION 2. 22-89-103 (1), Colorado Revised Statutes, is amended to read:

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

(1) ~~"Office of energy management and conservation" means the office of energy management and conservation within the office of the governor or any successor office that is created within the office of the governor for the purpose of promoting energy management or conservation~~ "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S.

SECTION 3. 22-89-104 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

22-89-104. Wind for schools grant program - created - applications.

(1) There is hereby created the wind for schools grant program to fund wind for schools projects at qualified schools. A qualified school may, with the written authorization of the local board of education, apply to the GOVERNOR'S ENERGY office, ~~of energy management and conservation~~, in accordance with procedures and deadlines adopted by the office, to receive moneys through the grant program. The office shall administer the grant program as provided in this article and pursuant to policies adopted by the office.

(2) (a) The GOVERNOR'S ENERGY office ~~of energy management and conservation~~ shall adopt policies specifying when a qualified school may request a grant and the procedure for making the request.

SECTION 4. 22-89-105, Colorado Revised Statutes, is amended to read:

22-89-105. Wind for schools grant program - policies - awarding grants.

(1) The GOVERNOR'S ENERGY office ~~of energy management and conservation~~ shall adopt policies for the implementation of the wind for schools grant program. At a minimum, the policies shall specify the procedures for applying for a grant, the form of the grant application, the information to be provided by the applicant, and the criteria for awarding grants.

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

(b) In awarding grants pursuant to this article, the GOVERNOR'S ENERGY office ~~of energy management and conservation~~ shall consider, at a minimum, whether a qualified school:

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

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

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

(3) The GOVERNOR'S ENERGY office ~~of energy management and conservation~~ shall use at least fifty thousand dollars for the implementation of this grant program from the existing resources of the office. ~~of energy management and conservation~~. The minimum funding requirement for the implementation of this grant program may be met in one or more fiscal years. The office ~~of the governor~~ shall not submit a request for an appropriation or a supplemental appropriation for this purpose.

SECTION 5. 23-41-114 (4) (b) (VI) (A), Colorado Revised Statutes, is amended to read:

23-41-114. Colorado energy research institute - creation. (4) The institute shall conduct:

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

(VI) (A) To provide grants through the governor's ENERGY office ~~of energy management and conservation~~ CREATED IN SECTION 24-38.5-101, C.R.S., for the development of a central resource for building trade professionals, including contractors, engineers, architects, and designers, for the purpose of increasing available tools and education to advance energy-efficient design and construction.

SECTION 6. 24-47.5-103 (1), Colorado Revised Statutes, is amended to read:

24-47.5-103. Funding - appropriations contingent on receipt of federal grant moneys - repeal. (1) For the state fiscal year commencing on July 1, 2006, and in each of the state fiscal years commencing on July 1, 2007, and July 1, 2008, the general assembly shall appropriate two million dollars from the operational account of the severance tax trust fund created in section 39-29-109, C.R.S., to the governor's ENERGY office ~~of energy management and conservation, or any analogous successor office~~ CREATED IN SECTION 24-38.5-101, for distribution to the authority for the purposes specified in section 24-47.5-102; except that, if grants of federal moneys equal to or exceeding the amount of state moneys appropriated pursuant to this article have not been received by June 30, 2012, the unexpended and unencumbered balance of said appropriation shall revert to the operational account of the severance tax trust fund.

SECTION 7. 24-75-1201, Colorado Revised Statutes, is amended to read:

24-75-1201. Clean energy fund - creation - use of fund - definitions. (1) (a) The clean energy fund is hereby created in the state treasury. The principal of the fund shall consist of moneys transferred to the fund at the end of the 2006-07 state fiscal year and at the end of each succeeding state fiscal year from the limited gaming fund created in section 12-47.1-701 (1), C.R.S., in accordance with section 12-47.1-701 (5), C.R.S., and from moneys received by the governor's energy office ~~or any successor office~~, pursuant to section 39-29-109 (1.5), C.R.S., in accordance with section 39-29-109 (1.5) (h) (VII), C.R.S. Interest and income earned on the deposit and investment of moneys in the clean energy fund shall be credited to the fund. Moneys in the fund at the end of any state fiscal year shall remain in the fund and shall not be credited to the state general fund or any other fund.

(b) FOR PURPOSES OF THIS SECTION, "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(2) (a) All moneys in the clean energy fund are continuously appropriated to the governor's energy office ~~or any successor office~~, for the purposes of advancing energy efficiency and renewable energy throughout the state. ~~The office may expend moneys from the fund:~~

(b) THE GOVERNOR'S ENERGY OFFICE MAY EXPEND MONEYS FROM THE CLEAN ENERGY FUND:

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

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

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

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

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

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

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

(c) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), THE MONEYS IN THE CLEAN ENERGY FUND MAY ALSO BE USED BY THE GOVERNOR'S ENERGY OFFICE TO MAKE GRANTS OR LOANS TO PERSONS, AS DEFINED IN SECTION 2-4-401 (8), C.R.S., FOR USE IN CARRYING OUT THE PURPOSES OF THIS PART 12. THE GOVERNOR'S ENERGY OFFICE SHALL CONSIDER THE FOLLOWING INFORMATION IN DETERMINING WHETHER TO MAKE A GRANT OR LOAN:

(A) THE AMOUNT OF THE GRANT OR LOAN;

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

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

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

(II) THE GOVERNOR'S ENERGY OFFICE MAY ESTABLISH TERMS AND CONDITIONS FOR MAKING GRANTS OR LOANS PURSUANT TO THIS SECTION AND IN ACCORDANCE WITH THE OBJECTIVES OF THE OFFICE AS SET FORTH IN SECTION 24-38.5-102.

SECTION 8. 25-16.5-105 (1) (m) (I), Colorado Revised Statutes, is amended to read:

25-16.5-105. Powers and duties of the advisory board - advanced technology fund. (1) The advisory board shall have the following powers and duties:

(m) (I) In accordance with the provisions of subparagraph (II) of this paragraph (m), to submit an annual report to the department of local affairs, the department, the governor's ENERGY office ~~of energy management and conservation~~ CREATED IN SECTION 24-38.5-101, C.R.S., and the standing committee of reference in each house of the general assembly exercising jurisdiction over matters concerning public health and the environment.

SECTION 9. 25-16.5-105.5 (2) (c) (III), Colorado Revised Statutes, is amended to read:

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

(III) One member of the committee shall be a representative of the governor's

ENERGY office ~~of energy management and conservation~~ CREATED IN SECTION 24-38.5-101, C.R.S.

SECTION 10. 30-28-211 (2) (b) and (2) (c), Colorado Revised Statutes, are amended to read:

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

(b) "Energy code" means, at a minimum, the 2003 international energy conservation code, or any successor edition, published by the international code council or any other code determined by the GOVERNOR'S ENERGY office ~~of energy management and conservation~~ CREATED IN SECTION 24-38.5-101, C.R.S., to be more appropriate for local conditions.

(c) "Office" means the GOVERNOR'S ENERGY office ~~of energy management and conservation within the office of the governor or any successor office that is created within the office of the governor for the purpose of promoting energy management or conservation~~ CREATED IN SECTION 24-38.5-101, C.R.S.

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

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

(b) "Energy code" means, at a minimum, the 2003 international energy conservation code, or any successor edition, published by the international code council or any other code determined by the GOVERNOR'S ENERGY office ~~of energy management and conservation~~ CREATED IN SECTION 24-38.5-101, C.R.S., to be more appropriate for local conditions.

(c) "Office" means the GOVERNOR'S ENERGY office ~~of energy management and conservation within the office of the governor or any successor office that is created within the office of the governor for the purpose of promoting energy management or conservation~~ CREATED IN SECTION 24-38.5-101, C.R.S.

SECTION 12. 36-1-147.5 (4), Colorado Revised Statutes, is amended to read:

36-1-147.5. Leasing arrangements for renewable energy resources development - legislative declaration - definitions. (4) The state board of land commissioners shall collaborate with the GOVERNOR'S ENERGY office ~~of energy management and conservation~~ AS CREATED IN SECTION 24-38.5-101, C.R.S., to ensure that potential renewable energy resource developers are aware of any lands identified by the board as being suitable for development of renewable energy resources.

SECTION 13. 39-29-109 (1.5) (b) (II), (1.5) (c) (II), (1.5) (d) (I) (B), and (1.5) (e) (I) (B), the introductory portions to 39-29-109 (1.5) (h) (I) and (1.5) (h) (III), 39-29-109 (1.5) (h) (IV), the introductory portion to (1.5) (h) (V), and 39-29-109 (1.5) (h) (VI), (1.5) (h) (VII), (1.5) (i) (IV), and (8) (a), Colorado Revised Statutes,

are amended to read:

39-29-109. Severance task trust fund - created - administration - use of moneys - definitions - repeal. (1.5) (b) For the state fiscal year commencing on July 1, 2005, the general assembly shall appropriate twenty-four million dollars from the operational account of the severance tax trust fund as follows:

(II) Four million dollars shall be appropriated to the GOVERNOR'S ENERGY office ~~of the governor to be used by the office of energy management and conservation~~ to provide home energy efficiency improvements for low-income households.

(c) For the state fiscal year commencing on July 1, 2006, the general assembly shall appropriate eleven million dollars from the operational account of the severance tax trust fund as follows:

(II) Four million dollars shall be appropriated to the GOVERNOR'S ENERGY office ~~of the governor to be used by the office of energy management and conservation~~ to provide home energy efficiency improvements for low-income households.

(d) (I) For the state fiscal year commencing on July 1, 2007, the general assembly shall appropriate twelve million dollars, or a lesser amount as set forth in subparagraph (II) of this paragraph (d), as follows:

(B) Five million dollars shall be appropriated to the GOVERNOR'S ENERGY office ~~of the governor to be used by the office of energy management and conservation~~ to provide home energy efficiency improvements for low-income households.

(e) (I) For the state fiscal year commencing on July 1, 2008, the general assembly shall appropriate thirteen million dollars, or a lesser amount as set forth in subparagraph (II) of this paragraph (e), as follows:

(B) Six million dollars shall be appropriated to the GOVERNOR'S ENERGY office ~~of the governor to be used by the office of energy management and conservation~~ to provide home energy efficiency improvements for low-income households.

(h) (I) The GOVERNOR'S ENERGY office ~~of energy management and conservation~~ shall use moneys it receives pursuant to this subsection (1.5) for a program to provide home energy efficiency improvements for low-income households, which shall include any of the following services:

(III) In carrying out the program to improve the home energy efficiency of low-income households, the GOVERNOR'S ENERGY office ~~of energy management and conservation~~ shall:

(IV) The GOVERNOR'S ENERGY office ~~of energy management and conservation~~ may use up to five percent of the moneys appropriated pursuant to this subsection (1.5) for planning, overseeing, and evaluating the program to improve the home energy efficiency of low-income households. The office shall not hire additional state employees using these moneys to implement the program, but may contract with nonprofit organizations, for-profit organizations, and governmental entities as is necessary to carry out the program.

(V) For any fiscal year in which moneys are expended as part of the program to improve the home energy efficiency of low-income households, the GOVERNOR'S ENERGY office ~~of energy management and conservation~~ shall prepare and submit to the general assembly an annual report that specifies:

(VI) If in a given fiscal year that commences before July 1, 2006, the GOVERNOR'S ENERGY office ~~of energy management and conservation~~ determines that it cannot use all of the moneys it receives pursuant to this subsection (1.5), the office shall notify the governor and the joint budget committee of the general assembly of such fact. Upon notification, the general assembly may make a supplemental appropriation to reduce the amount appropriated to the office and increase the amount appropriated to the department of human services for the purpose of increasing available funds under the low-income energy assistance program.

(VII) If in a given fiscal year that commences on or after July 1, 2006, the governor's energy office ~~or any successor office~~, cannot use all of the moneys it receives pursuant to this subsection (1.5) for the program described in subparagraph (I) of this paragraph (h), at the end of the fiscal year the state treasurer shall transfer the moneys that the office cannot use to the clean energy fund created in section 24-75-1201 (1), C.R.S.

(i) As used in this subsection (1.5), unless the context otherwise requires:

(IV) ~~"Office of energy management and conservation" means the office of energy management and conservation within the office of the governor or any successor office that is created within the office of the governor for the purpose of promoting energy management or conservation~~ "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S ENERGY OFFICE AS CREATED IN SECTION 24-38.5-101, C.R.S.

(8)(a) Subject to the end balance requirement of paragraph (f) of subsection (1.5) of this section and the maintenance of a two-year reserve pursuant to sub-subparagraph (A) of subparagraph (III) of paragraph (c) of subsection (1) of this section, for three state fiscal years beginning with the state fiscal year commencing on July 1, 2006, a portion of the operational account of the severance tax trust fund shall be appropriated to the governor's ENERGY office ~~of energy management and conservation, or analogous successor office~~, for distribution to the Colorado renewable energy authority created in section 24-47.5-101, C.R.S., for the purposes stated in section 24-47.5-102 (2), C.R.S. The amount appropriated shall be two million dollars per year, subject to the limitations stated in section 24-47.5-102, C.R.S., and in this paragraph (a). If there are insufficient moneys in the operational account to make all appropriations and transfers at the highest level authorized by law, the appropriations authorized by this subsection (8) and subsection (8.5) of this section shall be reduced pro rata as necessary to accommodate all appropriations and transfers at the highest level authorized by law other than this subsection (8) and subsection (8.5) of this section.

SECTION 14. 39-29-109.5 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-29-109.5. Interest differential - public school energy efficiency fund - creation - uses - definitions - repeal. (1) As used in this section, unless the

context otherwise requires:

(a.5) "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S ENERGY OFFICE AS CREATED IN SECTION 24-38.5-101, C.R.S.

SECTION 15. 39-29-109.5 (2) and the introductory portion to 39-29-109.5 (3), Colorado Revised Statutes, are amended to read:

39-29-109.5. Interest differential - public school energy efficiency fund - creation - uses - definitions - repeal. (2) On December 1, 2007, and the first day of every third month thereafter up to and including September 1, 2010, the legislative council staff shall calculate the interest differential earned during the prior calendar quarter and notify the state treasurer of such amount. Upon receiving notice, the treasurer shall transfer an amount equal to the interest differential from the severance tax funds to the public school energy efficiency fund, which is hereby created in the state treasury; except that the total transfer to the fund for any state fiscal year shall not exceed one million five hundred thousand dollars. Moneys in the fund are hereby continuously appropriated to the GOVERNOR'S ENERGY office ~~of the governor to be used by the governor's energy office, or an analogous successor office~~; for the purposes set forth in subsection (3) of this section. All income and interest derived from the deposit and investment of the moneys in the fund shall be credited to the fund.

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

SECTION 16. 40-2-123 (2) (j), Colorado Revised Statutes, is amended to read:

40-2-123. New energy technologies - consideration by commission - incentives - demonstration projects. (2) (j) In order to reduce the cost to Colorado consumers of an IGCC project, the department of public health and environment, the governor's office of economic development, and the governor's ENERGY office ~~of energy management and conservation~~ may provide public utilities with reasonable assistance in seeking and obtaining financial and other support and sponsorship for a project from the United States congress, the United States department of energy, and other appropriate federal and state agencies and institutions. To obtain this assistance, the utility may provide to these state agencies copies of its IGCC project proposal. The governor's ENERGY office ~~of energy management and conservation~~ shall manage and distribute to the utility some or all of any funds provided by the state of Colorado or by the United States government to the state of Colorado for purposes of study or development of an IGCC project.

SECTION 17. 40-9.7-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(8.5) "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S ENERGY OFFICE AS CREATED IN SECTION 24-38.5-101, C.R.S.

SECTION 18. 40-9.7-104 (2) (a) (IV), Colorado Revised Statutes, is amended to read:

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

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

(IV) The director of the governor's ENERGY office, ~~of energy management and conservation~~, who shall serve as the chairperson of the board.

SECTION 19. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 18, 2008