

## CHAPTER 359

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**GOVERNMENT - STATE**


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## SENATE BILL 18-003

BY SENATOR(S) Scott, Grantham, Holbert, Baumgardner, Cooke, Coram, Crowder, Gardner, Hill, Jahn, Lambert, Lundberg, Marble, Neville T., Priola, Sonnenberg, Tate;  
 also REPRESENTATIVE(S) Hansen and Becker J., Arndt, Exum, Gray, Herod, Hooton, Jackson, Kennedy, Lee, Lontine, McLachlan, Michaelson Jenet, Pettersen, Rosenthal, Singer, Weissman, Duran.

**AN ACT****CONCERNING THE COLORADO ENERGY OFFICE.**

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

**SECTION 1.** In Colorado Revised Statutes, **repeal** article 89 of title 22 as follows:

**ARTICLE 89**  
**Wind for Schools Grant Program**

**22-89-101. Short title.** ~~This article shall be known and may be cited as the "Wind for Schools Grant Program".~~

**22-89-102. Legislative declaration.** ~~(1) The general assembly hereby finds, determines, and declares that:~~

~~(a) Colorado's schools face a perennial struggle with tight budgets, and their financial difficulties are worsened by volatile electricity prices that often lead to high electricity bills;~~

~~(b) A small but growing number of schools have responded to these difficulties by beginning to produce their own electricity with wind turbines;~~

~~(c) By producing their own electricity with wind turbines, some schools have reduced their electricity costs while promoting energy independence and environmental responsibility and have provided students with an opportunity to understand this burgeoning technology;~~

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~(d) The general assembly would serve the best interests of Colorado schools by supporting the efforts of public schools and community colleges that are considering wind power projects.~~

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

~~(1) "Colorado energy office" means the Colorado energy office created in section 24-38.5-101, C.R.S.~~

~~(2) "Qualified school" means a public school or community college in the state that is working with the national renewable energy laboratory to establish a wind for schools project. A qualified school shall have a project team involved that includes the school, community, and technical assistance membership.~~

~~(3) "Wind for schools grant program" or "grant program" means the grant program created pursuant to section 22-89-104 to fund wind power projects at a qualified school.~~

~~(4) "Wind for schools project" means a project supported by the national renewable energy laboratory and wind powering America to help a qualified school install a wind turbine that will help defray the school's energy costs and provide educational opportunities for students relating to the generation of wind power.~~

**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 Colorado energy office, 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 Colorado energy office shall adopt policies specifying when a qualified school may request a grant and the procedure for making the request.~~

~~(b) A qualified school that receives a grant through the grant program shall use the moneys received to pay for technical assistance, equipment, or installation costs associated with a wind for schools project.~~

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

~~(1) The Colorado energy office 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 Colorado energy office 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 Colorado energy office shall consider, at a minimum, whether a qualified school:~~

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

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

**SECTION 2.** In Colorado Revised Statutes, **repeal** article 92 of title 22 as follows:

**ARTICLE 92**  
**Renewable Energy and Energy Efficiency**  
**for Schools Loan Program**

**22-92-101. Short title.** ~~This article shall be known and may be cited as the "Renewable Energy and Energy Efficiency for Schools Loan Program Act".~~

**22-92-102. Legislative declaration.** ~~(1) The general assembly hereby finds that:~~

~~(a) Colorado's school districts face a perennial struggle with tight budgets, and their financial difficulties are worsened by volatile energy prices that often lead to high utility bills;~~

~~(b) A small but growing number of school districts have responded to these difficulties by beginning to produce their own energy with renewable energy sources;~~

~~(c) By producing their own energy with renewable energy sources, some school districts have reduced their energy costs while promoting energy independence and environmental responsibility and have provided students with an opportunity to understand this burgeoning technology; and~~

~~(d) Some school districts have also reduced their energy costs by improving the efficiency of their existing energy sources.~~

~~(2) The general assembly further finds that section 3 of article IX of the state constitution authorizes the general assembly to adopt laws establishing the terms~~

and conditions upon which the state treasurer may make loans to school districts in order to assist public schools in providing necessary buildings, land, and equipment:

~~(3) Now, therefore, the general assembly determines and declares that it would serve the best interests of Colorado schools for the state to make available loans to support the efforts of school districts that choose to undertake renewable energy projects or energy efficiency projects. Furthermore, to ensure that the best interests of Colorado schools are being served, the legislative service agencies of the general assembly shall conduct a post-enactment review of this act and report their conclusions to the education committees of the house of representatives and senate, or any successor committees. The review shall include consideration of the following information:~~

~~(a) The name and location of each qualified school district that has applied for a loan from the loan program;~~

~~(b) The number of loans that have been awarded to qualified school districts from the loan program;~~

~~(c) The name and location of each qualified school district that has been awarded a loan from the loan program;~~

~~(d) The amount of each loan that is awarded to a qualified school district from the loan program;~~

~~(e) The terms of repayment for each loan that is awarded to a qualified school district from the loan program;~~

~~(f) The rate of interest that is being charged on each loan that is awarded to a qualified school district from the loan program; and~~

~~(g) Any other information that the legislative service agencies determine may be helpful to the education committees of the house of representatives and senate, or any successor committees, in evaluating the effectiveness of the loan program.~~

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

~~(1) "Bank" shall have the same meaning as set forth in section 11-101-401 (5), C.R.S.~~

~~(1.5) "Colorado energy office" or "office" means the Colorado energy office created in section 24-38.5-101, C.R.S., or any successor office.~~

~~(2) "Energy efficiency project" means a project that will result in more efficient use of energy or resources. The term includes:~~

~~(a) Installation of equipment and related infrastructure that will help defray energy costs;~~

~~(b) Improving the energy efficiency of a building by addressing lighting issues;~~

~~improving mechanical systems and equipment, adding insulation or otherwise improving the building envelope, adding or incorporating solar thermal technologies, or improving operations management;~~

~~(c) Reducing water usage or water consumption; and~~

~~(d) Improving the energy efficiency of motor vehicle fleets, including bus fleets, through measures including the use of hybrid or alternative-fuel vehicles and the addition of fuel-saving technologies to existing vehicles.~~

~~(3) Repealed.~~

~~(4) "Public school fund" means the public school fund created and existing pursuant to section 3 of article IX of the state constitution.~~

~~(5) "Qualified school district" means a school district in the state that has a renewable energy project team.~~

~~(6) "Renewable energy and energy efficiency for schools loan program" or "loan program" means the renewable energy and energy efficiency for schools loan program created in section 22-92-104.~~

~~(7) "Renewable energy and energy efficiency for schools loan program administration fund" or "fund" means the renewable energy and energy efficiency for schools loan program administration fund created in section 22-92-106.~~

~~(8) "Renewable energy project" means a project to help a qualified school district install equipment and related infrastructure that will help defray the school district's energy costs and provide educational opportunities for students relating to the generation of renewable energy. A "renewable energy project" shall be operated in compliance with existing laws and may incorporate one or more of the following:~~

~~(a) Wind energy;~~

~~(b) Solar energy; or~~

~~(c) Other sources of renewable energy.~~

~~(9) "Renewable energy project team" means a team of people who are dedicated to a renewable energy project at a school district. A renewable energy project team shall include, at a minimum, representatives of the school district, representatives of the local community, and at least one member who provides professional technical assistance to the school district to facilitate a renewable energy project or energy efficiency project. The member of a renewable energy project team who provides professional technical assistance to the school district may be a representative of a local electrical utility.~~

**22-92-104. Renewable energy and energy efficiency for schools loan program - created - applications - permissible uses of loans.** ~~(1) There is hereby created the renewable energy and energy efficiency for schools loan program to fund renewable energy projects and energy efficiency projects at qualified school~~

districts. A qualified school district may, with the written authorization of the school district board of education, apply to the Colorado energy office, in accordance with procedures and deadlines established by rules promulgated by the state board of education pursuant to section 22-92-105, to receive moneys through the loan program. The office shall administer the loan program as provided in this article and pursuant to the policies adopted by the office.

(2) If a qualified school district applies for a loan from the loan program pursuant to subsection (1) of this section, and the state treasurer authorizes a loan for the school district pursuant to section 22-92-107, the school district shall not accept the loan unless the school district has first determined what financing terms are available to it from at least two banks.

(3) (a) A qualified school district that receives a loan through the loan program shall use the moneys received to pay for technical assistance, equipment, or installation costs associated with a renewable energy project or an energy efficiency project.

(b) A qualified school district that receives a loan through the loan program for a renewable energy project may use the moneys received to finance the acquisition of a renewable energy project that is located on the school premises and, if it generates electricity, is interconnected on the customer side of the utility meter in accordance with interconnection standards adopted by the public utilities commission. Such a project may incorporate or consist of third-party ownership, as authorized under part 2 of article 38.7 of title 24, C.R.S., or an interest in a community solar garden, as defined in section 40-2-127, C.R.S.

(4) A qualified school district that applies for a loan through the loan program for a renewable energy project shall contact its local electrical utility and allow the utility, at the utility's discretion, to place a representative of the utility on the school district's renewable energy project team.

(5) A qualified school district may apply for a loan from the loan program for a renewable energy project or an energy efficiency project that is located at a charter school of the school district.

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

(a) Policies specifying the procedures by which a qualified school district may apply for a loan, the form of the loan application, the information to be provided by an applicant, and the criteria used by the office for awarding and denying loans;

(b) The requirements that the office shall require of loan applicants, which requirements shall include, but need not be limited to a requirement that a loan applicant submit with its application:

~~(I) An energy rating for the facility for which a renewable energy project loan is intended that demonstrates that the facility qualifies for the federal energy star label or meets the efficiency requirements set forth in section 22-32-124.3; or~~

~~(H) An energy efficiency plan that is created in consultation with the office, which plan includes:~~

~~(A) Cost-effective energy-saving measures and programs that the applicant will implement; and~~

~~(B) Actions that the applicant will take to implement, monitor, review, and revise the plan.~~

~~(2) (a) The Colorado energy office shall review each loan application received from a qualified school district pursuant to section 22-92-104 (1), evaluate the renewable energy project or energy efficiency project described therein, and make a recommendation to the state treasurer as to whether to award the loan and the amount of the loan. 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 reviewing loan applications for renewable energy projects and energy efficiency projects pursuant to paragraph (a) of this subsection (2), the Colorado energy office shall consider, at a minimum, whether a qualified school district would reduce its energy costs by the implementation of the renewable energy project or energy efficiency project that is the subject of each loan application.~~

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

~~(4) If the state treasurer elects to impose a fee as part of the loan application process pursuant to subsection (3) of this section, the Colorado energy office shall forward all moneys received as fees to the state treasurer.~~

**22-92-106. Renewable energy and energy efficiency for schools loan program administration fund - creation - administrative costs.** ~~(1) There is hereby created in the state treasury the renewable energy and energy efficiency for schools loan program administration fund. The fund shall consist of:~~

~~(a) Moneys appropriated to the fund from the public school energy efficiency fund created in section 39-29-109.5 (2), C.R.S.;~~

~~(b) Any other moneys appropriated by the general assembly to the fund;~~

~~(c) Any gifts, grants, or donations received by the office for the fund pursuant to subsection (4) of this section; and~~

~~(d) Any other moneys directed to the fund by the office pursuant to subsection (5) of this section.~~

~~(2) The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs incurred by the office in administering the program pursuant to this article. The moneys in the fund shall not be included in any loan made to a qualified school district pursuant to this article.~~

~~(3) Any moneys in the fund not expended for the purpose of this article may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.~~

~~(4) The office may seek and accept gifts, grants, and donations from public and private sources to fund the program, but receipt of gifts, grants, and donations shall not be a prerequisite to the implementation of the program. All private and public funds received through gifts, grants, and donations shall be transmitted to the state treasurer, who shall credit the same to the fund.~~

~~(5) To the extent permitted by law, the office may, at its discretion, direct other moneys to fund the program.~~

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

~~(a) No loan shall be authorized for any renewable energy project or energy efficiency project that has not been evaluated by the Colorado energy office pursuant to section 22-92-105 (2)(a).~~

~~(b) No loan shall be authorized in an amount exceeding the amount recommended by the Colorado energy office pursuant to section 22-92-105 (2)(a) unless the Colorado energy office approves the change in the loan amount.~~

~~(c) No loan shall be authorized unless the method for repayment of the loan is specified in the application.~~

~~(2)(a) Subject to the limitations described in this section, the state treasurer shall determine the amount of the permanent school fund that may be loaned out pursuant to this section, which qualified school districts shall receive loans, the amount of~~



each loan, the terms of repayment of each loan, and the rate of interest to be charged on loans. The average rate of interest charged on loans made in any calendar year must at least equal the average book yield earned by the fund in the most recently completed quarter. Payments of the principal of and interest on all loans shall be returned to the public school fund.

~~(b) The state treasurer may include, as part of any loan agreement with any qualified school district, whatever terms and conditions he or she feels are necessary to protect the principal of the public school fund against loss.~~

~~(3) The general assembly shall appropriate money from the general fund to restore moneys to the public school fund, together with interest, that are lost by reason of the failure of any school district to repay a loan made pursuant to this section.~~

~~(4) Administrative costs that will be incurred by a qualified school district as a result of the renewable energy project or energy efficiency project that is the basis for the loan may be included in the amount of the loan.~~

**SECTION 3.** In Colorado Revised Statutes, 23-31-313, **amend** (7)(b) as follows:

**23-31-313. Healthy forests - vibrant communities - funds created - repeal.**

(7) **Enhanced economic opportunities.** In order to support local business development and job creation through the implementation of forest treatments, the forest service shall:

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

**SECTION 4.** In Colorado Revised Statutes, 23-41-114, **amend** (4)(b)(VI)(A) as follows:

**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 Colorado energy office 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 5.** In Colorado Revised Statutes, 24-38.5-102, **amend** (1)(a) and (1)(o); and **repeal** (1)(f), (1)(g), (1)(i), and (1)(r) as follows:

**24-38.5-102. Colorado energy office - duties and powers.** (1) The Colorado energy office shall:

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

(I) The renewable energy standard established in section 40-2-124; ~~C.R.S.~~;

(II) Clean and renewable energy, such as wind, hydroelectricity, solar, and geothermal;

(III) Cleaner energy sources such as biogas, ~~and~~ biomass, AND NUCLEAR;

(IV) Traditional energy sources such as oil and other petroleum products, coal, ~~PROPANE~~, and natural gas;

(V) Energy efficiency technologies and practices;

(VI) Cleaner technologies by utilizing traditional, Colorado-sourced energy; ~~and~~

(VII) New energy technologies as described in section 40-2-123; ~~C.R.S.~~ AND

(VIII) ENERGY STORAGE SYSTEMS.

(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.;~~

(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.;~~

(o) Collaborate with ~~the department of higher education~~ STAKEHOLDERS to develop AND ENCOURAGE INCREASED UTILIZATION OF energy curricula, INCLUDING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH CURRICULA, that will serve the work force needs of all energy industries. Such collaboration may include EXECUTIVE DEPARTMENTS, research institutions, state colleges, community colleges, INDUSTRY, and trade organizations in an effort to develop a means by which the state may address all facets of work force demands in developing a balanced energy portfolio. Institutions may also partner in the development of curricula with organizations that have existing energy curricula and training programs.

(r) ~~Implement and administer the renewable energy and energy efficiency for schools loan program pursuant to article 92 of title 22, C.R.S.;~~

**SECTION 6.** In Colorado Revised Statutes, 24-38.5-102.4, **amend** (1)(a)(I), (2)(a), and (2)(b) as follows:

**24-38.5-102.4. Energy fund - creation - use of fund - definitions - repeal.**

(1) (a) (I) The ~~clean and renewable~~ energy fund is hereby created in the state treasury. The principal of the fund ~~shall consist~~ CONSISTS of ~~moneys~~ MONEY transferred to the fund from the general fund, ~~moneys~~ MONEY 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 ~~moneys~~ MONEY received by the Colorado energy office, ~~moneys~~ MONEY received pursuant to the federal "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, or any amendments thereto, or from revenue contracts, court settlement funds, supplemental environmental program funds, repayment or return of funds from eligible public depositories, and gifts, grants, and donations, and any other ~~moneys~~ MONEY received by the Colorado energy office. Interest and income earned on the deposit and investment of ~~moneys~~ MONEY in the ~~clean and renewable~~ energy fund ~~shall be~~ ARE credited to the fund. ~~Moneys~~ MONEY in the fund at the end of any state fiscal year ~~shall remain~~ REMAINS in the fund and ~~shall~~ MAY not be credited to the state general fund or any other fund. ~~Moneys~~ MONEY in the fund ~~shall~~ MAY not be transferred to the innovative energy fund created in section 24-38.5-102.5.

(2) (a) All ~~moneys~~ MONEY in the ~~clean and renewable~~ energy fund ~~are~~ IS continuously appropriated to the Colorado energy office for the purposes of advancing energy efficiency and renewable energy throughout the state.

(b) The Colorado energy office may expend ~~moneys~~ MONEY from the ~~clean and renewable~~ 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) TO EDUCATE THE GENERAL PUBLIC ON ENERGY ISSUES AND OPPORTUNITIES;  
AND

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

**SECTION 7.** In Colorado Revised Statutes, 24-38.5-102.5, **amend** (1)(a) and (2)(c)(II) as follows:

**24-38.5-102.5. Innovative energy fund - creation - use of fund - definitions - repeal.** (1) (a) The innovative energy fund is hereby created in the state treasury. The principal of the fund ~~shall consist~~ CONSISTS of ~~moneys~~ MONEY transferred to the fund by the general assembly, ~~moneys~~ MONEY transferred at the end of each state fiscal year from ~~moneys~~ MONEY received by the Colorado energy office,

~~moneys received pursuant to section 39-29-108 (2), C.R.S.; or from revenue contracts, court settlement funds, supplemental program funds, repayment or return of funds from eligible public depositories, and gifts, grants, and donations, and any other moneys MONEY received by the Colorado energy office. Interest and income earned on the deposit and investment of moneys MONEY in the innovative energy fund shall be IS credited to the fund. Moneys MONEY in the fund at the end of any state fiscal year shall remain REMAINS in the fund and shall MAY not be credited to the state general fund or any other fund. Moneys MONEY in the fund shall MAY not be transferred to the clean and renewable energy fund created in section 24-38.5-102.4.~~

(2) (c) (II) The Colorado 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. ~~except that the grants or loans shall be limited to innovative energy efficiency projects and policy development.~~

**SECTION 8.** In Colorado Revised Statutes, **repeal** 24-38.5-104 as follows:

**24-38.5-104. Photovoltaic installer qualifications - cooperation with department of regulatory agencies.** (1) ~~Effective July 1, 2011, all photovoltaic installations funded wholly or partially through state or federal grants, including grants under the federal "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, shall be subject to the requirements set forth in section 40-2-128, C.R.S.~~

(2) ~~If the governor, by executive order, appoints a committee to study the desirability of credentialing of solar installers, the committee, or the Colorado energy office on the committee's behalf, is specifically authorized to submit a proposal for such credentialing to the department of regulatory agencies pursuant to section 24-34-104.1 (2). In addition, the committee may study and make recommendations concerning the scope-of-work provisions of section 40-2-128, C.R.S., specifically including enforcement of the supervision and worker ratio requirements of section 40-2-128 (1)(c) and (1)(d), C.R.S.~~

**SECTION 9.** In Colorado Revised Statutes, **repeal** part 2 of article 38.5 of title 24 as follows:

PART 2  
GREEN BUILDING INCENTIVE  
PILOT PROGRAM

**24-38.5-201. Legislative declaration.** (1) ~~The general assembly hereby finds and declares that:~~

(a) ~~An incentive-based green building pilot program will strive to reduce electricity, gas, and water use in older homes while providing an incentive for homebuyers to purchase new residential construction that meets stringent energy efficiency standards;~~

(b) ~~Providing incentives for new residential construction that meets stringent~~

energy efficiency standards and improving energy efficiency in existing residences can stimulate local and state economies and provide opportunities for job growth in green jobs and industries that are focused on improving energy efficiency of both new and existing residences; and

(c) An incentive-based green building pilot program will benefit homebuyers who are attempting to purchase highly energy efficient new residential construction and retrofit existing homes in an attempt to reduce energy and water consumption.

**24-38.5-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(1) "Energy code" means the 2006 international energy conservation code, or any successor edition, published by the international code council or any state or local energy code that has more recent or more stringent requirements.

(2) "Energy efficiency improvement" means:

(a) An upgrade to a structure, appliance, fixture, plumbing, heating or cooling system, or water heater in any existing residence that is intended to reduce the consumption of electricity, natural gas, water, or any other fuel or energy source; and

(b) The installation or upgrade of building insulation, air sealing measures, and duct sealing in any existing residence.

(3) "Existing residence" means a residence, either single-family detached or multi-family, that:

(a) Is located in Colorado;

(b) Is used as the qualified homebuyer's primary residence; and

(c) Has a current home energy rating, as determined by a recognized green building rating system, that is below minimum standards, as determined by the energy code.

(4) "Green building incentive pilot program" or "pilot program" means the green building incentive pilot program described in section 24-38.5-203.

(5) "Highly efficient new residential construction" means a new single-family detached residence or new multi-family residence located in Colorado that is designed and constructed to be at least twenty-five percent more efficient than the energy code's requirements, as documented by a recognized green building rating system.

(6) "Home energy audit" means an inspection, survey, and analysis of a home's structure and systems in order to quantify the building's projected energy consumption.

(7) "Home energy rating" means an objective and standard measurement of a

home's energy efficiency relative to standards contained in an energy code, such as those developed by the residential energy services network or any successor organization.

(8) "Qualified homebuyer" means a person that has entered into a sales contract to purchase highly efficient new residential construction and will be selling the person's existing residence in order to purchase the highly efficient new residential construction as the person's primary residence.

(9) "Recognized green building rating system" means a system of rules for comparing the performance of a whole building or building system to the energy code, to a problem, or to a test case that serves as a basis for evaluation or comparison. "Recognized green building rating system" includes, but is not limited to:

(a) The federal energy star program, jointly operated by the United States environmental protection agency and the United States department of energy, or its successor program;

(b) The January 2008 version, or any successor standard, of the "LEED for Homes Rating System" administered by the United States green building council or its successor organization;

(c) The national green building standard, commonly cited as ANSI/ICC 700-2008, established by the national association of home builders and the international council code, or any successor standard; and

(d) Energy audits that are performed by the electric utility, or its designee, providing service to the residence.

**24-38.5-203. Green building incentive pilot program.** (1) Except as provided in paragraph (b) of subsection (9) of this section, the Colorado energy office shall establish and administer a green building incentive pilot program in accordance with the requirements established in this part 2.

(2) (a) A qualified homebuyer may submit an application, provided by the Colorado energy office, to the Colorado energy office for a grant to make energy efficiency improvements to the homebuyer's existing residence that the homebuyer is selling in preparation for purchasing a highly efficient new residential construction.

(b) The Colorado energy office shall award a larger grant to a qualified homebuyer with an existing residence that has a home energy rating or home energy audit showing greater inefficiency.

(3) The energy efficiency improvements shall be performed by contractors approved by the Colorado energy office as specified in subsection (6) of this section.

(4) The Colorado energy office shall require the qualified homebuyer to submit documentation:

~~(a) That the home energy rating of the qualified homebuyer's existing residence is below the energy code's requirements;~~

~~(b) That the qualified homebuyer has entered into a sales contract to purchase a highly efficient new residential construction;~~

~~(c) Of the estimated completion date of the qualified homebuyer's highly efficient new residential construction;~~

~~(d) Of the name or names of the contractors that will perform the energy efficiency improvements on the existing residence; and~~

~~(e) That the highly efficient new residential construction meets the definition specified in section 24-38.5-202 (5). The qualified homebuyer may seek such documentation from the home builder, who may then submit the documentation on behalf of the qualified homebuyer.~~

~~(5) Energy efficiency improvements made to an existing residence shall be completed in a manner that is consistent with a home energy rating or a home energy audit, and shall result in improved energy efficiency. Retrofits and upgrades to improve the energy efficiency of a qualified homebuyer's existing residence shall be completed before the closing of the sale of the residence.~~

~~(6) The Colorado energy office shall create a list of contractors eligible to perform energy efficiency improvements to a qualified homebuyer's existing residence.~~

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

~~(8) If the purchase of the highly efficient new residential construction is not finalized for any reason, including but not limited to the cancellation of the sale by the qualified homebuyer or the failure of the qualified homebuyer to secure financing, the qualified homebuyer shall reimburse the total amount of the grant to the Colorado energy office within thirty days after such cancellation or failure.~~

~~(9) (a) Funding for the pilot program shall be provided from federal funds transferred to the Colorado energy office that the Colorado energy office has already received prior to August 10, 2011, or may receive after August 10, 2011. The Colorado energy office may require additional documentation or information from the qualified homebuyer as required to secure any additional federal funds.~~

~~(b) The Colorado energy office shall not establish the pilot program set forth in this part 2 if federal funds are not available.~~

**SECTION 10.** In Colorado Revised Statutes, **repeal** article 38.7 of title 24 as follows:

**ARTICLE 38.7**  
**Colorado Clean Energy Finance Program**

PART 1  
GENERAL PROVISIONS

**24-38.7-101. Short title.** ~~This article shall be known and may be cited as the "Colorado Clean Energy Finance Program Act".~~

**24-38.7-101.5. Legislative declaration.** ~~The general assembly finds, determines, and declares that energy-efficiency improvements for existing buildings are one of the wisest investments that any individual or business can make. However, many Coloradans may be under the mistaken impression that the cost of such improvements is out of reach for them or that financing would be difficult to obtain. Therefore, the general assembly encourages all Coloradans to investigate the possibility of financing energy-efficiency improvements by contacting their current lenders, including banks, mortgage lenders, credit unions, and other financial institutions. Nothing in this article is intended to affect lending requirements or limitations nor to alter the scope of lending as currently defined between banks and credit unions or other lenders.~~

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

(1) ~~"Area median income" means the median income of the county in which the primary residence of a qualified borrower is located in relation to family size, as published annually by the United States department of housing and urban development.~~

(2) ~~"Certified contractor" means:~~

~~(a) A contractor, including but not limited to a general, heating, air conditioning, or lighting contractor, certified by the program administrator to market the program to potential qualified borrowers and make clean energy improvements that may be financed by clean energy loans; and~~

~~(b) A manufacturer or dealer of manufactured homes, as defined in section 24-32-3302, who is certified by the program administrator to market the program to potential qualified borrowers and make clean energy improvements that may be financed by clean energy loans.~~

(3) ~~"Clean energy improvement" means:~~

~~(a) Any repair of or addition or improvement to residential real property completed by or under the supervision of a certified contractor that improves the energy efficiency of the property or replaces all or a portion of the energy from nonrenewable sources used in connection with the property with energy from renewable sources; and~~

~~(b) Any installation of, or connection with, equipment that produces or conducts recycled energy or renewable energy resources, as defined in section 40-2-124,~~



~~C.R.S., or solar heating and cooling systems, for use on residential or commercial real property if such installation or connection is completed by or under the supervision of a certified contractor.~~

~~(4) "Clean energy loan" means a loan in a maximum amount of twelve thousand five hundred dollars originated by a participating public lender or a participating private lender, including but not limited to a bank or mortgage lender, to a qualified borrower for the purpose of financing one or more clean energy improvements to the borrower's primary residence, rental property, or place of business; except that, if the qualified borrower is a nonprofit corporation or local government housing authority that provides units in a multi-unit housing project as homes to individuals or families who meet the income qualifications of first tier or second tier qualified borrowers, the maximum amount of a loan shall be twelve thousand five hundred dollars multiplied by the number of units in the multi-unit housing project provided to the individuals or families.~~

~~(5) "First tier qualified borrower" means a qualified borrower whose income is less than eighty percent of area median income.~~

~~(6) "Office" means the Colorado energy office.~~

~~(7) "Program" means the Colorado clean energy finance program.~~

~~(8) "Program administrator" or "administrator" means one or more entities selected by the office to:~~

~~(a) Market the program;~~

~~(b) Recruit, train, and certify contractors;~~

~~(c) Measure and verify, in accordance with standards established by the office, energy, emissions, and gross and net cost savings resulting from clean energy improvements financed by clean energy loans originated and serviced by participating public lenders and private lenders;~~

~~(d) Encourage homeowners to participate in utility demand side management programs where applicable; and~~

~~(e) Perform such other duties as may be authorized in this article or required by the office.~~

~~(9) "Program fund" means the clean energy program fund created in section 24-38.7-103 (2)(a).~~

~~(10) "Public lender" means a county, municipality, district, authority, or other political subdivision of the state authorized to make economic development, affordable housing, or housing rehabilitation loans.~~

~~(11) "Qualified borrower" means an individual or family who owns his, her, or their primary residence and satisfies lending guidelines established by the program administrator or a Colorado charitable nonprofit corporation exempt from taxation~~

~~under section 501 (c) (3) of the federal "Internal Revenue Code of 1986", as amended, or county or municipal housing authority that provides homes for ownership or rental to homeowners or renters who meet the income qualifications of first tier or second tier qualified borrowers.~~

~~(12) "Second tier qualified borrower" means a qualified borrower whose income is eighty percent or more, but less than one hundred twenty percent, of area median income.~~

~~(13) "Third tier qualified borrower" means a qualified borrower whose income is one hundred twenty percent or more of area median income.~~

**24-38.7-103. Colorado energy office - powers and duties - program - fund created.** ~~(1) The Colorado clean energy finance program is hereby created. The office shall oversee the program and the program administrator and shall, in addition to exercising any other powers and performing any other duties specified in this article:~~

~~(a) Select the program administrator in accordance with the provisions of the "Procurement Code", articles 101 to 112 of this title. In selecting the program administrator, the office shall consider the extent to which a potential program administrator has demonstrated experience in recruiting, training, and certifying contractors or can otherwise establish that it will be able to perform such functions.~~

~~(b) Directly market the program to the general public or contract with the program administrator for the marketing of the program to the general public;~~

~~(c) Develop and operate or contract with the program administrator for the development and operation of a quality assurance, measurement, and verification program to:~~

~~(i) Monitor the quality of clean energy improvement installations;~~

~~(ii) Measure and report on energy, emissions, and gross and net cost savings resulting from clean energy improvements financed by clean energy loans; and~~

~~(iii) Authorize participating lenders, certified contractors, and qualified borrowers on whose property clean energy improvements are made to use the "Colorado Clean & Green" logo or other logo and marketing materials prepared in accordance with section 24-38.7-105.~~

~~(d) Determine, in consultation with the state treasurer, when the administrative and procedural framework for the program and the available administrative and financial resources for the program are sufficiently developed to allow the office to effectively oversee the program. No clean energy loan shall be marketed to a potential qualified borrower, applied for by a potential qualified borrower, or made to a qualified borrower until the office has determined that it is ready to effectively oversee the program and instructed certified contractors to begin marketing clean energy loans.~~

~~(e) Exercise such other powers and perform such other duties necessary or~~

incidental to or implied from the specific powers and duties specified in this article:

~~(2)(a) The clean energy program fund is hereby created in the state treasury, and the following accounts are hereby created in the fund:~~

~~(I) The loan buy-down account; and~~

~~(II) The loan loss reserve account.~~

~~(b) The program fund and the accounts of the program fund shall consist of such moneys as the general assembly may appropriate thereto from the innovative energy fund created in section 24-38.5-102.5, the clean and renewable energy fund created in section 24-38.5-102.4, and any gifts, grants, or donations that may be made to the program fund. In accordance with section 24-36-113 (1)(a), which requires the state treasurer, in making investments, to use prudence and care to preserve the principal and to secure the maximum rate of interest consistent with safety and liquidity, if the general assembly chooses not to appropriate moneys to the program fund or to the accounts of the program fund, nothing in this article shall be deemed to require the state treasurer to credit any moneys to the program fund or the accounts of the program fund. All interest and income earned on the deposit and investment of moneys in the program fund and the accounts of the program fund shall be used for the loan buy-down account and the loan loss reserve account. Moneys in the loan buy-down account and loan loss reserve account of the program fund shall remain in the accounts and shall not be transferred to the general fund or any other fund at the end of any fiscal year.~~

~~(3) (a) All moneys in the program fund are continuously appropriated to the office, and the office shall make payments from the loan buy-down account of the program fund to participating public lenders and private lenders to compensate the lenders for the reduction in the amount of future interest payments resulting from the provision of clean energy loans to first tier and second tier qualified borrowers at the below-market interest rates determined pursuant to section 24-38.7-104 (2). The office shall pay the compensation for each clean energy loan by paying to the lender a lump sum equal to the present value of the reduction in future interest payments on the date the loan closes.~~

~~(b) The office shall make payments from the loan loss reserve account of the program fund to compensate participating public lenders and private lenders for the uncollectible amount of clean energy loans any such lenders have written off. The office shall pay the compensation for each uncollectible clean energy loan by paying to the lender a lump sum equal to the present value of the uncollectible portion of the loan on the date the lender wrote it off.~~

~~(c) The state treasurer shall periodically transfer moneys from the loan buy-down account of the program fund to the loan loss reserve account of the program fund to ensure that the balance of the loan loss reserve account is at least five percent of the total principal amount of outstanding clean energy loans made by participating public lenders and private lenders. The administrator shall update the state treasurer regarding outstanding clean energy loans originated by such lenders as required by the state treasurer so that the state treasurer can accurately determine the appropriate amount and timing of transfers.~~

~~(d) The state treasurer may invest up to a total amount of forty million dollars of state moneys in bonds or notes issued by participating public or private lenders for the purpose of funding clean energy loans under this part 1 and under part 2 of this article during the 2008-09, 2009-10, and 2010-11 fiscal years subject to the following conditions:~~

~~(f) The state treasurer may invest no more than fifteen million dollars during the 2008-09 fiscal year and no more than a total amount of twenty-five million dollars during the 2008-09 and 2009-10 fiscal years; and~~

~~(H) Such investments shall be subject to the state treasurer's discretion and shall comply with the qualifications for state investments listed in section 24-36-113.~~

**24-38.7-104. Program administrator - training and certification of contractors - reporting.** ~~(1) In accordance with terms contractually agreed to by the program administrator and the office, acting on behalf of the state, the program administrator shall implement and administer the program by:~~

~~(a) Recruiting, selecting, screening, training, and certifying contractors, including but not limited to general, heating, air conditioning, and lighting contractors, to be certified contractors capable of marketing the program and completing clean energy improvements. The program administrator may charge contractors a reasonable fee for training and certification, and the recruiting, selection, screening, training, and certification process shall include, at a minimum:~~

~~(f) Direct marketing of the program to contractors;~~

~~(H) Financial and business practices background checks of contractors seeking to become certified contractors; and~~

~~(HH) Initial training that includes:~~

~~(A) Education regarding the elements of the program, the financial and environmental benefits of clean energy improvements, including but not limited to specific education regarding products qualified to bear the federal energy star label, and recommended means of marketing the program to potential program customers; and~~

~~(B) The provision of information regarding additional required training and other requirements for contractors who may wish to become preferred contractors under the federal home performance with energy star program.~~

~~(b) Issuing annual reports regarding the administration of the program as specified in subsection (3) of this section.~~

~~(2) A potential qualified borrower shall apply for a clean energy loan by completing an initial loan application. The office or, at the discretion of the office, the program administrator or participating public lenders and private lenders shall prescribe the form of the loan application and shall determine, based on the application and such other information as the administrator may reasonably require from the applicant, whether the applicant is a qualified borrower and, if so, whether~~

the qualified borrower is a first tier, second tier, or third tier qualified borrower. However, a participating public lender may only originate clean energy loans for first tier and second tier qualified borrowers. A qualified borrower may choose a loan term of up to ten years. The state treasurer shall, using a formula tied to a regularly published interest rate index selected by the state treasurer, determine a base annual rate of interest to be charged on loans made to third tier qualified borrowers. The state treasurer shall set an annual rate of interest for loans to second tier qualified borrowers by subtracting a number of basis points selected by the state treasurer from the base annual rate and shall set an annual rate of interest for loans to first tier qualified borrowers by subtracting a number of basis points selected by the state treasurer from the annual rate of interest for loans to second tier qualified borrowers. The interest rate charged to a qualified borrower that is a nonprofit corporation or a housing authority shall be the interest rate charged to second tier qualified borrowers; except that the interest rate charged to a nonprofit corporation or housing authority shall be the interest rate charged to first tier qualified buyers if the nonprofit corporation or housing authority only provides the housing for which the loan will finance clean energy improvements to individuals or families who are first tier qualified borrowers.

(2.5) (a) The office shall not issue a clean energy loan under this article for the installation of solar photovoltaic equipment to a qualified borrower until the borrower certifies that:

~~(1) (A) The performance of all photovoltaic electrical work, the installation of photovoltaic modules, and the installation of photovoltaic module mounting equipment is subject to on-site supervision by a certified photovoltaic energy practitioner as designated by the North American board of certified energy practitioners (NABCEP) or a licensed master electrician, licensed journeyman electrician, or licensed residential wireman, as defined in section 12-23-101, C.R.S.~~

~~(B) In the case of building-integrated photovoltaic technology, if the type of building-integrated photovoltaic technology installed or the scope of the building-integrated photovoltaic installation involved does not require a licensed master electrician, licensed journeyman electrician, or licensed residential wireman to perform the installation work and the installation work concerns the installation of roofing materials, the on-site supervision may be performed by a certified solar energy installer, as designated by NABCEP or roof integrated solar energy (RISE):~~

~~(C) For a building-integrated photovoltaic installation, a licensed master electrician, licensed journeyman electrician, or licensed residential wireman must perform the installation work for any stage of the installation after the installation materials penetrate the roof, a structural wall, or another part of the building, or any stage of the installation in which the building-integrated photovoltaic materials transition to a surface-mounted junction box and utilize types of conduit and building wire that are approved by the national electrical code, as defined in section 12-23-101 (3.2), C.R.S.~~

~~(D) By submitting an initial application for funding or an initial contract proposal, the applicant assumes responsibility for employing or contracting with one or more certified energy practitioners or licensed master electricians, licensed journeyman electricians, or licensed residential wiremen to supervise the installation~~

and as necessary to maintain the three-to-one ratio required by subparagraphs (H) and (I) of this paragraph (a), including during any off-site, pre-installation assembly. To receive final payment for the work, the applicant must supply the name and certification number of each certified energy practitioner or the license number of each master electrician, journeyman electrician, or residential wireman who actually provided on-site supervision or was present to maintain the three-to-one ratio required by subparagraphs (H) and (I) of this paragraph (a).

~~(H) All work performed on the alternating-current side of the inverter will be performed by an electrical contractor who employs a licensed journeyman electrician or a licensed residential wireman who will perform the work. All electrical work that pertains to article 23 of title 12, C.R.S., will be performed by an electrical apprentice registered with the appropriate state regulatory agency, a licensed journeyman electrician, or a licensed residential wireman. The appropriate ratio of no less than one journeyman or residential wireman for every three electrical apprentices will be maintained.~~

~~(I) On a system with a direct current design capacity of more than five hundred kilowatts:~~

~~(A) During any photovoltaic electrical work, the ratio of the number of persons who are assisting with the work and who are neither licensed electricians nor registered electrical apprentices to the number of persons who are certified as provided in subparagraph (I) of this paragraph (a) shall never exceed three to one, and a person who is both licensed and certified shall not count double for purposes of measuring this ratio; and~~

~~(B) There shall be at least one on-site supervisor who is certified as provided in subparagraph (I) of this paragraph (a) during the installation of photovoltaic modules, the installation of photovoltaic module mounting equipment, and any photovoltaic electrical work; except that, if at any time during any of these stages, there are more than twelve persons on the work site who are neither licensed electricians nor registered electrical apprentices and who are not certified as provided in subparagraph (I) of this paragraph (a), there shall be at least two persons who are certified as provided in subparagraph (I) of this paragraph (a) present on the work site and providing direct supervision.~~

~~(II) On a system with a direct current design capacity of five hundred kilowatts or less:~~

~~(A) During the installation of photovoltaic modules, the installation of photovoltaic module mounting equipment, and any photovoltaic electrical work, the ratio of the number of persons who are assisting with the work and who are neither licensed electricians nor registered electrical apprentices to the number of persons who are certified as provided in paragraph (a) of this subsection (2.5) shall never exceed three to one, and a person who is both licensed and certified shall not count double for purposes of measuring this ratio; and~~

~~(B) There shall be, at all times, at least one on-site supervisor who is certified as provided in subparagraph (I) of this paragraph (a).~~

~~(b) As used in this subsection (2.5), the terms "photovoltaic electrical work" and "photovoltaic module mounting equipment" shall have the meanings set forth in section 40-2-128, C.R.S.~~

~~(3)(a) No later than one year from the date of issuance of the first clean energy loan by a participating public lender or private lender pursuant to this article, and no later than the same date each subsequent year, the program administrator shall provide to the office a report detailing its administration of the program since its inception and for the prior fiscal year. The report shall include, at a minimum:~~

~~(i) A detailed accounting of the financial status of the program, including statements regarding:~~

~~(A) The total number and principal amount of clean energy loans originated and the number and principal amount of clean energy loans originated to first tier, second tier, and third tier qualified borrowers;~~

~~(B) The total amount of outstanding principal and interest on clean energy loans owed by qualified borrowers and the amount of such principal and interest owed by first tier, second tier, and third tier qualified borrowers;~~

~~(C) The total number and principal and interest amounts of any uncollectible clean energy loans written off by participating public lenders and private lenders and the number and principal amounts of such loans issued to first tier, second tier, and third tier qualified borrowers;~~

~~(D) The total amount of bonds or other notes in which the state treasurer has invested as authorized by section 24-38.7-103 (3)(d), the payments made on such bonds or other notes, and the payments to be made in the future on such bonds or other notes; and~~

~~(E) The amounts paid to participating public lenders and private lenders by the office pursuant to section 24-38.7-103 (3)(a) and (3)(b) and any contracts entered into by the state and the administrator as authorized by this article;~~

~~(H) Estimates of the total energy, emissions, and gross and net cost savings resulting from clean energy improvements financed by clean energy loans; and~~

~~(III) Any recommended program improvements.~~

~~(b) Subject to the limitation set forth in section 24-1-136 (11), no later than January 30, 2010, and no later than each January 30 thereafter, the office shall report to the transportation and energy committee of the house of representatives and the agriculture, natural resources, and energy committee of the senate, or any successor committees, regarding the program. The report shall include the information provided to the office in the program administrator's annual report and whatever additional information the office deems relevant to fully apprise the committees regarding the status of the program.~~

**24-38.7-105. Administration - "Colorado Clean & Green" designation - cash funding.** (1) The office, or the administrator under the direction of the office, may

produce or cause to be produced a suitable design or drawing, referred to in this section as the "logo", to be used in the marketing of clean energy loans and clean energy improvements. The logo may, but is not required to, contain the slogan "Colorado Clean & Green" or other words or symbols as the office in its discretion may deem appropriate.

(2) The title to the logo and copyrights for all marketing materials using the logo shall at all times remain in and be reserved to the office.

(3) The logo, or any reproduction, copy, or facsimile thereof, may not be used in any advertising, display, labeling, or identification without prior written permission from the office.

(4) A lender, certified contractor, or qualified borrower that complies with this article and the office's qualifications for use of the logo shall be permitted to use the logo in advertising, labeling, or marketing of products and services.

(5) The cost of the design and production of the logo shall be recovered through license fees. The office or administrator may condition the design and production of the logo on the receipt of gifts, grants, donations, or advance deposits in an amount sufficient to defray the costs of design and production.

## PART 2 THIRD-PARTY COMMERCIAL SOLAR ENERGY INSTALLATIONS

**24-38.7-201. Legislative declaration.** This part 2 is intended to complement part 1 of this article by facilitating clean energy loans for larger-scale commercial, industrial, and institutional installations of solar heating or cooling and solar electric generation facilities, which hold great potential for clean energy development but in which the size limitations, economic incentives, and industry practices applicable to small residential installations either cannot be duplicated or are not economically feasible.

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

(1) "Clean energy improvement" means an installation of solar heating, solar cooling, or solar electric generation equipment and any related controls, meters, wiring, and other facilities on commercial, industrial, or government-owned real property.

(2) "Clean energy loan" means a loan originated by a participating public lender or a participating private lender, including but not limited to a bank or mortgage lender, for the purpose of financing one or more clean energy improvements to commercial, industrial, or government-owned real property, subject to the following conditions:

(a) The loan may, but need not, be to an independent third party rather than to the owner of the property or to a public utility.



~~(b) The loan may be for a fixed term of twenty years.~~

~~(c) The loan may be a fully assumable, nonrecourse loan and may not be subject to any prepayment penalty.~~

~~(d) The amount of the loan may exceed the amount stated in section 24-38.7-102 (4).~~

~~(3) "Office" means the Colorado energy office.~~

~~(4) "Public lender" means a county, municipality, district, authority, or other political subdivision of the state authorized to make economic development, affordable housing, or housing rehabilitation loans. "Public lender" includes, without limitation, the Colorado housing and finance authority.~~

**24-38.7-203. Colorado energy office - administrator - state treasurer - powers and duties - statement of intent.** ~~(1) The office and the administrator shall administer this part 2 substantially in accordance with part 1 of this article, except with regard to:~~

~~(a) The definitions of terms common to both part 1 of this article and this part 2, as such definitions are modified in this part 2; and~~

~~(b) Provisions that, in the judgment and discretion of the office, the administrator, and the state treasurer, are appropriate only in the context of small residential installations under part 1 of this article.~~

~~(2) The provisions of part 1 of this article and of article 36 of this title concerning the type and quality of investments made by the state treasurer shall continue to apply. The general assembly intends that the extension of the program under this part 2 be accomplished as seamlessly as possible, within existing appropriations, and with minimal disruption to the current practices of the office, the administrator, and the state treasurer.~~

**SECTION 11.** In Colorado Revised Statutes, 38-35.7-106, **amend** (2) and (4); and **repeal** (3) and (5) as follows:

**38-35.7-106. Solar prewire option - solar consultation.** (2) Every person that builds a new single-family detached residence for sale, whether or not the residence has been prewired for a photovoltaic solar generation system, shall provide to every buyer under contract a list of businesses in the area that offer residential solar installation services so that the buyer, if he or she so desires, can obtain expert help in assessing whether the residence is a good candidate for solar installation and how much of a cost savings a residential photovoltaic solar generation system could provide. The list of businesses shall be derived from a master list of Colorado solar installers maintained by the ~~Colorado energy office~~ COLORADO SOLAR ENERGY INDUSTRIES ASSOCIATION, OR A SUCCESSOR ORGANIZATION.

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

qualifications for businesses to be included in the master list and shall make the master list available on its official website.

(4) Providing the master list of solar installers prepared by the ~~Colorado energy office~~ COLORADO SOLAR ENERGY INDUSTRIES ASSOCIATION, OR A SUCCESSOR ORGANIZATION, to a buyer under contract shall not constitute an endorsement of any installer or contractor listed. A person that builds a new single-family detached residence shall not be liable for any advice, labor, or materials provided to the buyer by a third-party solar installer.

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

**SECTION 12.** In Colorado Revised Statutes, **amend** 39-27-109.7 as follows:

**39-27-109.7. Data collection services.** In order to track the movement of gasoline or special fuel within this state and thereby facilitate and expedite the collection of excise taxes imposed pursuant to this part 1, the executive director of the department of revenue may enter into a contract with one or more private entities for the provision of a computer-based program to monitor and track the data that licensees are required to report to the department pursuant to this part 1. Such computer-based program shall be funded solely with ~~moneys~~ MONEY from the highway users tax fund. ~~except that, for the state fiscal year 2009-10, up to thirty-seven thousand six hundred thirty dollars for the computer-based program to monitor and track exempt dyed diesel fuel that is blended with biodiesel fuel after withdrawal at a terminal rack or refinery rack pursuant to section 39-27-102.5 (2) (a) may be funded by moneys received by the governor's energy office created in section 24-38.5-101, C.R.S., as said office existed prior to July 1, 2012, from the United States department of energy.~~ The department shall update the computer-based program to monitor and track the data that liquefied petroleum licensees are required to report to the department pursuant to this part 1 based on the changes in House Bill 15-1228, enacted in 2015.

**SECTION 13.** In Colorado Revised Statutes, 42-3-228, **amend** (2) and (3) as follows:

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

(3) A person may apply for the Colorado carbon fund special license plates if the person pays the taxes and fees required under this section and provides to the department or an authorized agent a certificate, issued by ~~the Colorado energy office, or a successor office,~~ NATURAL CAPITALISM SOLUTIONS, A 501 (c)(3) NONPROFIT ORGANIZATION, OR ANY SUCCESSOR ORGANIZATION, confirming that such person has made to the Colorado carbon fund, or its successor, the donation

required to qualify for the special license plates.

**SECTION 14.** In Colorado Revised Statutes, 22-41-110, **amend** (1)(b)(II) and (1)(b)(III); and **repeal** (1)(b)(IV) as follows:

**22-41-110. Timely payment of school district obligations.** (1) (b) This section applies to:

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

(III) Refunding bonds issued by a school district pursuant to article 56 of title 11. ~~C.R.S.; and~~

(IV) ~~Obligations of a school district in connection with a loan received under the renewable energy and energy efficiency for schools loan program created in section 22-92-104.~~

**SECTION 15. 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: June 1, 2018