

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0253.02 Jennifer Berman x3286

HOUSE BILL 20-1045

---

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

(None),

---

House Committees

Energy & Environment  
Appropriations

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING THE STABILIZATION OF STATE FUNDING FOR ENERGY

102 EFFICIENCY IMPROVEMENT PROGRAMS.

---

Bill Summary

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

**Investor-owned Utility Review Interim Study Committee.** To ensure consistent funding of energy efficiency improvement programs, including the state weatherization assistance program, the bill establishes a formula by which the general assembly will authorize the state treasurer to transfer money from the general fund to the Colorado energy office low-income energy assistance fund or the energy outreach Colorado

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

low-income energy assistance fund for use for energy efficiency improvement programs if, in a given year, an amount less than \$1 million is transferred from the severance tax operational fund to the Colorado energy office low-income energy assistance fund or the energy outreach Colorado low-income energy assistance fund. The formula calls for a transfer of money from the general fund in an amount equal to 75% of the difference between the amount transferred from the severance tax operational fund to one of the funds and \$1 million.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-8.7-112, **amend**  
3 (2)(a) and (3)(a); and **add** (3.5) as follows:

4 **40-8.7-112. Department of human services low-income energy**  
5 **assistance fund - creation - energy outreach Colorado low-income**  
6 **energy assistance fund - creation - Colorado energy office low-income**  
7 **energy assistance fund - creation - legislative declaration - definitions**  
8 **- repeal.** (2) (a) There is hereby created in the state treasury the energy  
9 outreach Colorado low-income energy assistance fund, which ~~shall be~~ IS  
10 administered by the Colorado energy office and ~~shall consist~~ CONSISTS of  
11 all ~~moneys~~ MONEY transferred by the state treasurer as specified in section  
12 39-29-109.3 (2)(f) ~~C.R.S.~~ AND ALL MONEY TRANSFERRED TO THE FUND  
13 PURSUANT TO SUBSECTION (3.5) OF THIS SECTION. All ~~moneys~~ MONEY in  
14 the fund ~~are~~ IS continuously appropriated to the Colorado energy office  
15 for distribution to the organization to be used for the purposes set forth in  
16 this subsection (2). All ~~moneys~~ MONEY in the fund at the end of each  
17 fiscal year shall be retained in the fund and ~~shall~~ DOES not revert to the  
18 general fund or any other fund.

19 (3) (a) There is hereby created in the state treasury the Colorado  
20 energy office low-income energy assistance fund, which ~~shall be~~ IS  
21 administered by the Colorado energy office and ~~shall consist~~ CONSISTS of

1 all ~~moneys~~ MONEY transferred by the treasurer as specified in section  
2 39-29-109.3 (2)(f), ~~C.R.S.~~ ALL MONEY TRANSFERRED TO THE FUND  
3 PURSUANT TO SUBSECTION (3.5) OF THIS SECTION, all ~~moneys~~ MONEY  
4 OTHERWISE transferred to the fund, all ~~moneys~~ MONEY received as a result  
5 of contracts entered into by the Colorado energy office for the office's  
6 program to improve the home energy efficiency of low-income  
7 households, and all ~~moneys~~ MONEY received by the Colorado energy  
8 office from gifts, grants, and donations for the office's program to  
9 improve the home energy efficiency of low-income households. All  
10 ~~moneys~~ MONEY in the fund ~~are~~ IS continuously appropriated to the  
11 Colorado energy office to be used for the purposes set forth in this  
12 subsection (3). All ~~moneys~~ MONEY in the fund at the end of each fiscal  
13 year shall be retained in the fund and ~~shall~~ DOES not revert to the general  
14 fund or any other fund.

15 (3.5) (a) **Legislative declaration.** (I) THE GENERAL ASSEMBLY  
16 HEREBY FINDS AND DETERMINES THAT:

17 (A) PROGRAMS THAT ARE DESIGNED TO ASSIST LOW-INCOME  
18 HOUSEHOLDS WITH ENERGY EFFICIENCY IMPROVEMENTS CAN BE  
19 DISPROPORTIONATELY IMPACTED BY INCONSISTENT FUNDING BECAUSE OF  
20 THE AMOUNT OF TIME REQUIRED TO SCALE UP PRODUCTION CAPACITY,  
21 ESPECIALLY FOR UNDERSERVED PARTS OF THE STATE;

22 (B) ENERGY EFFICIENCY IMPROVEMENTS ALSO REDUCE ENERGY  
23 USAGE AND THE ASSOCIATED ECONOMIC AND ENVIRONMENTAL COSTS  
24 OVER THE LONG TERM; AND

25 (C) ENERGY EFFICIENCY IMPROVEMENT PROGRAMS ARE ALSO  
26 VERY IMPORTANT THROUGHOUT THE STATE AND SAVE CONSUMERS  
27 MONEY.

1           (II) THEREFORE, THE GENERAL ASSEMBLY HEREBY DECLARES THAT  
2 IT IS IN THE PUBLIC INTEREST TO PROVIDE CONSISTENT STATE FUNDING FOR  
3 ENERGY EFFICIENCY IMPROVEMENT PROGRAMS.

4           (b) IF, IN STATE FISCAL YEAR 2020-21 OR ANY STATE FISCAL YEAR  
5 THEREAFTER, THE AMOUNT OF SEVERANCE TAX REVENUE THAT IS  
6 TRANSFERRED PURSUANT TO SECTION 39-29-109.3 (2)(f)(V)(A):

7           (I) TO THE ENERGY OUTREACH COLORADO LOW-INCOME ENERGY  
8 ASSISTANCE FUND CREATED IN SUBSECTION (2)(a) OF THIS SECTION FALLS  
9 BELOW ONE MILLION DOLLARS, THE GENERAL ASSEMBLY WILL AUTHORIZE  
10 THE STATE TREASURER TO TRANSFER FROM THE GENERAL FUND AN  
11 AMOUNT EQUAL TO SEVENTY-FIVE PERCENT OF THE DIFFERENCE BETWEEN  
12 ONE MILLION DOLLARS AND THE AMOUNT RECEIVED TO THE ENERGY  
13 OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE FUND FOR USE  
14 BY THE ORGANIZATION TO WHICH MONEY IS DISTRIBUTED PURSUANT TO  
15 SUBSECTION (2)(a) OF THIS SECTION FOR ENERGY EFFICIENCY  
16 IMPROVEMENT PROGRAMS; OR

17           (II) TO THE COLORADO ENERGY OFFICE LOW-INCOME ENERGY  
18 ASSISTANCE FUND CREATED IN SUBSECTION (3)(a) OF THIS SECTION FALLS  
19 BELOW ONE MILLION DOLLARS, THE GENERAL ASSEMBLY WILL AUTHORIZE  
20 THE STATE TREASURER TO TRANSFER FROM THE GENERAL FUND AN  
21 AMOUNT EQUAL TO SEVENTY-FIVE PERCENT OF THE DIFFERENCE BETWEEN  
22 ONE MILLION DOLLARS AND THE AMOUNT RECEIVED TO THE COLORADO  
23 ENERGY OFFICE LOW-INCOME ENERGY ASSISTANCE FUND FOR USE BY THE  
24 COLORADO ENERGY OFFICE FOR ENERGY EFFICIENCY IMPROVEMENT  
25 PROGRAMS.

26           (c) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
27 2024.

1           **SECTION 2. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly (August  
4 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
5 referendum petition is filed pursuant to section 1 (3) of article V of the  
6 state constitution against this act or an item, section, or part of this act  
7 within such period, then the act, item, section, or part will not take effect  
8 unless approved by the people at the general election to be held in  
9 November 2020 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.