

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 08-1049.01 Esther van Mourik

**HOUSE BILL 08-1387**

**HOUSE SPONSORSHIP**

**Buescher**, Gallegos, McFadyen, and Pommer

**SENATE SPONSORSHIP**

**Veiga**,

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**House Committees**

Finance  
Appropriations

**Senate Committees**

Agriculture, Natural Resources & Energy  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING ENERGY-RELATED ASSISTANCE TO LOW-INCOME**  
102 **HOUSEHOLDS FROM THE PROCEEDS OF THE OPERATIONAL**  
103 **ACCOUNT OF THE SEVERANCE TAX TRUST FUND, AND MAKING AN**  
104 **APPROPRIATION IN CONNECTION THEREWITH.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Extends funding from the operational account of the severance tax trust fund used for the purpose of providing energy-related assistance to low-income households through direct bill payment assistance and home energy efficiency improvements. Establishes the amounts that are to be

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

SENATE  
3rd Reading Unamended  
May 5, 2008

SENATE  
Amended 2nd Reading  
May 2, 2008

HOUSE  
3rd Reading Unamended  
April 28, 2008

HOUSE  
Amended 2nd Reading  
April 25, 2008

transferred for such purposes in state fiscal years 2009-10 through 2013-14, and requires the end balance of the operational account for state fiscal years 2008-09 through 2012-13 to be at least as much as will be initially transferred in the next state fiscal year for such purposes.

Defines terms.

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

2 **SECTION 1.** 39-29-109 (1) (a), Colorado Revised Statutes, is  
3 amended to read:

4 **39-29-109. Severance tax trust fund - created - administration**  
5 **- use of moneys - definitions - repeal.** (1) (a) There is hereby created  
6 in the office of the state treasurer the severance tax trust fund. The fund  
7 is to be perpetual and held in trust as a replacement for depleted natural  
8 resources, ~~and~~ for the development and conservation of the state's water  
9 resources pursuant to sections 37-60-106 (1) (j) and (1) (l), 37-60-119,  
10 and 37-60-122, C.R.S., ~~and~~ for the use in funding programs that promote  
11 and encourage sound natural resource planning, management, and  
12 development related to minerals, energy, geology, and ~~water~~ WATER, AND  
13 FOR THE USE IN FUNDING PROGRAMS TO REDUCE THE BURDEN OF  
14 INCREASING HOME ENERGY COSTS ON LOW-INCOME HOUSEHOLDS. State  
15 severance tax receipts shall be credited to the severance tax trust fund as  
16 provided in section 39-29-108. Except as otherwise set forth in section  
17 39-29-109.5, all income derived from the deposit and investment of the  
18 moneys in the severance tax trust fund shall be credited to the severance  
19 tax trust fund. At the end of any fiscal year, all unexpended and  
20 unencumbered moneys in the fund shall remain therein and shall not be  
21 credited or transferred to the general fund or any other fund. All moneys  
22 in the fund shall be subject to appropriation by the general assembly for  
23 the following purposes:

1           **SECTION 2.** 39-29-109 (1.5), Colorado Revised Statutes, is  
2 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

3           **39-29-109. Severance tax trust fund - created - administration**  
4 **- use of moneys - definitions - repeal.** (1.5) THE STATE TREASURER  
5 SHALL TRANSFER THE FOLLOWING MONEYS FROM THE OPERATIONAL  
6 ACCOUNT OF THE SEVERANCE TAX TRUST FUND TO PROVIDE  
7 ENERGY-RELATED ASSISTANCE TO LOW-INCOME HOUSEHOLDS AS  
8 SPECIFIED IN SECTION 40-8.7-112, C.R.S.:

9           (a) (I) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2008,  
10 THIRTEEN MILLION DOLLARS AS FOLLOWS:

11           (A) FIVE MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS TO  
12 THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE  
13 FUND CREATED IN SECTION 40-8.7-112 (1), C.R.S.;

14           (B) ONE MILLION FIFTY THOUSAND DOLLARS TO THE ENERGY  
15 OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE FUND CREATED  
16 IN SECTION 40-8.7-112 (2) (a), C.R.S.; AND

17           (C) SIX MILLION DOLLARS TO THE GOVERNOR'S ENERGY OFFICE  
18 LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112  
19 (3) (a), C.R.S.

20           (II) IF, BASED ON INFORMATION AVAILABLE ON SEPTEMBER 1,  
21 2008, IT IS DETERMINED THAT THE AMOUNT EQUAL TO ONE-HALF OF THE  
22 OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL YEAR  
23 COMMENCING JULY 1, 2007, WAS LESS THAN TWELVE MILLION DOLLARS,  
24 THEN THE TOTAL TRANSFER REQUIRED PURSUANT TO SUBPARAGRAPH (I)  
25 OF THIS PARAGRAPH (a) SHALL BE REDUCED BY THE DIFFERENCE BETWEEN  
26 TWELVE MILLION DOLLARS AND THE AMOUNT EQUAL TO ONE-HALF OF THE  
27 OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL YEAR

1 COMMENCING JULY 1, 2007, AND THE TRANSFERS REQUIRED PURSUANT TO  
2 SUB-SUBPARAGRAPHS (A), (B), AND (C) OF SUBPARAGRAPH (I) OF THIS  
3 PARAGRAPH (a) SHALL BE REDUCED PROPORTIONALLY.

4 (III) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2010.

5 (b) (I) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2009,  
6 THIRTEEN MILLION DOLLARS AS FOLLOWS:

7 (A) TWENTY-FIVE PERCENT TO THE DEPARTMENT OF HUMAN  
8 SERVICES LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION  
9 40-8.7-112 (1), C.R.S.;

10 (B) TWENTY-FIVE PERCENT TO THE ENERGY OUTREACH  
11 COLORADO LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION  
12 40-8.7-112 (2) (a), C.R.S.; AND

13 (C) FIFTY PERCENT TO THE GOVERNOR'S ENERGY OFFICE  
14 LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112  
15 (3) (a), C.R.S.

16 (II) IF, BASED ON INFORMATION AVAILABLE ON SEPTEMBER 1,  
17 2009, IT IS DETERMINED THAT THE AMOUNT EQUAL TO ONE-HALF OF THE  
18 OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL YEAR  
19 COMMENCING JULY 1, 2008, WAS LESS THAN TWELVE MILLION DOLLARS,  
20 THEN THE TOTAL TRANSFER REQUIRED PURSUANT TO SUBPARAGRAPH (I)  
21 OF THIS PARAGRAPH (b) SHALL BE REDUCED BY THE DIFFERENCE BETWEEN  
22 TWELVE MILLION DOLLARS AND THE AMOUNT EQUAL TO ONE-HALF OF THE  
23 OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL YEAR  
24 COMMENCING JULY 1, 2008, AND THE TRANSFERS REQUIRED PURSUANT TO  
25 SUB-SUBPARAGRAPHS (A), (B), AND (C) OF SUBPARAGRAPH (I) OF THIS  
26 PARAGRAPH (b) SHALL BE REDUCED PROPORTIONALLY.

27 (III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2011.

1 (c) (I) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2010,  
2 THIRTEEN MILLION DOLLARS AS FOLLOWS:

3 (A) TWENTY-FIVE PERCENT TO THE DEPARTMENT OF HUMAN  
4 SERVICES LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION  
5 40-8.7-112 (1), C.R.S.;

6 (B) TWENTY-FIVE PERCENT TO THE ENERGY OUTREACH  
7 COLORADO LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION  
8 40-8.7-112 (2) (a), C.R.S.; AND

9 (C) FIFTY PERCENT TO THE GOVERNOR'S ENERGY OFFICE  
10 LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112  
11 (3) (a), C.R.S.

12 (II) IF, BASED ON INFORMATION AVAILABLE ON SEPTEMBER 1,  
13 2010, IT IS DETERMINED THAT THE AMOUNT EQUAL TO ONE-HALF OF THE  
14 OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL YEAR  
15 COMMENCING JULY 1, 2009, WAS LESS THAN TWELVE MILLION DOLLARS,  
16 THEN THE TOTAL TRANSFER REQUIRED PURSUANT TO SUBPARAGRAPH (I)  
17 OF THIS PARAGRAPH (c) SHALL BE REDUCED BY THE DIFFERENCE BETWEEN  
18 TWELVE MILLION DOLLARS AND THE AMOUNT EQUAL TO ONE-HALF OF THE  
19 OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL YEAR  
20 COMMENCING JULY 1, 2009, AND THE TRANSFERS REQUIRED PURSUANT TO  
21 SUB-SUBPARAGRAPHS (A), (B), AND (C) OF SUBPARAGRAPH (I) OF THIS  
22 PARAGRAPH (c) SHALL BE REDUCED PROPORTIONALLY.

23 (III) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2012.

24 (d) (I) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2011,  
25 THIRTEEN MILLION DOLLARS AS FOLLOWS:

26 (A) TWENTY-FIVE PERCENT TO THE DEPARTMENT OF HUMAN  
27 SERVICES LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION

1 40-8.7-112 (1), C.R.S.;

2 (B) TWENTY-FIVE PERCENT TO THE ENERGY OUTREACH  
3 COLORADO LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION  
4 40-8.7-112 (2) (a), C.R.S.; AND

5 (C) FIFTY PERCENT TO THE GOVERNOR'S ENERGY OFFICE  
6 LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112  
7 (3) (a), C.R.S. █

8 (II) IF, BASED ON INFORMATION AVAILABLE ON SEPTEMBER 1,  
9 2011, IT IS DETERMINED THAT THE AMOUNT EQUAL TO ONE-HALF OF THE  
10 OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL YEAR  
11 COMMENCING JULY 1, 2010, WAS LESS THAN TWELVE MILLION DOLLARS,  
12 THEN THE TOTAL TRANSFER REQUIRED PURSUANT TO SUBPARAGRAPH (I)  
13 OF THIS PARAGRAPH (d) SHALL BE REDUCED BY THE DIFFERENCE BETWEEN  
14 TWELVE MILLION DOLLARS AND THE AMOUNT EQUAL TO ONE-HALF OF THE  
15 OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL YEAR  
16 COMMENCING JULY 1, 2010, AND THE TRANSFERS REQUIRED PURSUANT TO  
17 SUB-SUBPARAGRAPHS (A), (B), AND (C) OF SUBPARAGRAPH (I) OF THIS  
18 PARAGRAPH (d) SHALL BE REDUCED PROPORTIONALLY.

19 (III) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2013.

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22 █

23 (e) (I) IN ADDITION TO THE REQUIREMENTS OF SUBPARAGRAPH (III)  
24 OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, THE END BALANCE  
25 OF THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND  
26 SHALL BE AT LEAST THIRTEEN MILLION DOLLARS FOR THE STATE FISCAL  
27 YEAR COMMENCING JULY 1, 2007. █

1           (II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE  
2 REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) SHALL  
3 ENSURE THAT THERE ARE ADEQUATE MONEYS IN THE OPERATIONAL  
4 ACCOUNT OF THE SEVERANCE TAX TRUST FUND TO MAKE THE TRANSFERS  
5 REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5).

6           (f) AS USED IN THIS SUBSECTION (1.5), UNLESS THE CONTEXT  
7 OTHERWISE REQUIRES:

8           [REDACTED]

9           (I) "OPERATIONAL ACCOUNT SURPLUS" MEANS AN AMOUNT EQUAL  
10 TO THE DIFFERENCE BETWEEN THE TOTAL REVENUES IN THE OPERATIONAL  
11 ACCOUNT OF THE SEVERANCE TAX TRUST FUND FOR A GIVEN STATE FISCAL  
12 YEAR AND THE PROGRAM EXPENDITURES AND SAVINGS FOR THE SAME  
13 STATE FISCAL YEAR.

14           [REDACTED]

15           (II) "PROGRAM EXPENDITURES AND SAVINGS" MEANS THE SUM OF  
16 ALL APPROPRIATIONS AND TRANSFERS FROM THE OPERATIONAL ACCOUNT  
17 OF THE SEVERANCE TAX TRUST FUND FOR A GIVEN STATE FISCAL YEAR  
18 THAT WERE AUTHORIZED PURSUANT TO A PROVISION OF LAW THAT WAS  
19 ENACTED PRIOR TO JANUARY 1, 2008, AND THE AMOUNT OF THE END  
20 BALANCE REQUIRED TO BE MAINTAINED PURSUANT TO SUBPARAGRAPH  
21 (III) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION FOR THE SAME  
22 STATE FISCAL YEAR.

23           (III) "TOTAL REVENUES IN THE OPERATIONAL ACCOUNT OF THE  
24 SEVERANCE TAX TRUST FUND" MEANS AN AMOUNT EQUAL TO THE SUM OF  
25 THE BEGINNING BALANCE OF THE OPERATIONAL ACCOUNT OF THE  
26 SEVERANCE TAX TRUST FUND FOR A GIVEN STATE FISCAL YEAR AND THE  
27 AMOUNT OF TAX RECEIPTS THAT ARE CREDITED TO THE OPERATIONAL

1 ACCOUNT OF THE SEVERANCE TAX TRUST FUND FOR THE SAME STATE  
2 FISCAL YEAR.

3 **SECTION 3.** 39-29-109.3 (2) (f), Colorado Revised Statutes, as  
4 enacted by House Bill 08-1398, enacted at the Second Regular Session of  
5 the Sixty-sixth General Assembly, is amended to read:

6 **39-29-109.3. Operational account of the severance tax trust**  
7 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)  
8 of this section, if the general assembly chooses not to spend up to one  
9 hundred percent of the moneys in the operational account as specified in  
10 subsection (1) of this section, the state treasurer shall transfer the  
11 following:

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

14 (I) (A) For the state fiscal year commencing July 1, 2008, thirteen  
15 million dollars as follows: Five million nine hundred fifty thousand  
16 dollars to the department of human services low-income energy assistance  
17 fund created in section 40-8.7-112 (1), C.R.S.; one million fifty thousand  
18 dollars to the energy outreach Colorado low-income energy assistance  
19 fund created in section 40-8.7-112 (2) (a), C.R.S.; and six million dollars  
20 to the governor's energy office low-income energy assistance fund created  
21 in section 40-8.7-112 (3) (a), C.R.S.

22 (B) In addition to the requirements of subsection (3) of this  
23 section, the end balance of the operational account shall be at least  
24 thirteen million dollars for the state fiscal year commencing July 1, 2007.

25 (C) It is the intent of the general assembly that the requirements  
26 of ~~sub-subparagraph (A)~~ SUB-SUBPARAGRAPH (B) of this ~~subparagraph~~  
27 ~~(H)~~ SUBPARAGRAPH (I) shall ensure that there are adequate moneys in the

1 operational account to make the transfer required in THIS subparagraph  
2 (I). of this paragraph (f).

3 (D) Subparagraphs (f) and (h) of this paragraph (f) and This  
4 subparagraph (h) are (I) IS repealed, effective July 1, 2010.

5 (II) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2009,  
6 THIRTEEN MILLION DOLLARS AS FOLLOWS: TWENTY-FIVE PERCENT TO  
7 THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE  
8 FUND CREATED IN SECTION 40-8.7-112 (1), C.R.S.; TWENTY-FIVE PERCENT  
9 TO THE ENERGY OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE  
10 FUND CREATED IN SECTION 40-8.7-112 (2) (a), C.R.S.; AND FIFTY PERCENT  
11 TO THE GOVERNOR'S ENERGY OFFICE LOW-INCOME ENERGY ASSISTANCE  
12 FUND CREATED IN SECTION 40-8.7-112 (3) (a), C.R.S.

13 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,  
14 2011.

15 (III) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2010,  
16 THIRTEEN MILLION DOLLARS AS FOLLOWS: TWENTY-FIVE PERCENT TO  
17 THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE  
18 FUND CREATED IN SECTION 40-8.7-112 (1), C.R.S.; TWENTY-FIVE PERCENT  
19 TO THE ENERGY OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE  
20 FUND CREATED IN SECTION 40-8.7-112 (2) (a), C.R.S.; AND FIFTY PERCENT  
21 TO THE GOVERNOR'S ENERGY OFFICE LOW-INCOME ENERGY ASSISTANCE  
22 FUND CREATED IN SECTION 40-8.7-112 (3) (a), C.R.S.

23 (B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1,  
24 2012.

25 (IV) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2011,  
26 THIRTEEN MILLION DOLLARS AS FOLLOWS: TWENTY-FIVE PERCENT TO  
27 THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE

1 FUND CREATED IN SECTION 40-8.7-112 (1), C.R.S.; TWENTY-FIVE PERCENT  
2 TO THE ENERGY OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE  
3 FUND CREATED IN SECTION 40-8.7-112 (2) (a), C.R.S.; AND FIFTY PERCENT  
4 TO THE GOVERNOR'S ENERGY OFFICE LOW-INCOME ENERGY ASSISTANCE  
5 FUND CREATED IN SECTION 40-8.7-112 (3) (a), C.R.S.

6 (B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1,  
7 2013.

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9  
10 **SECTION 4.** Article 8.7 of title 40, Colorado Revised Statutes,  
11 is amended BY THE ADDITION OF A NEW SECTION to read:

12 **40-8.7-112. Department of human services low-income energy**  
13 **assistance fund - creation - energy outreach Colorado low-income**  
14 **energy assistance fund - creation - governor's energy office**  
15 **low-income energy assistance fund - creation - definitions.** (1) THERE  
16 IS HEREBY CREATED IN THE STATE TREASURY THE DEPARTMENT OF HUMAN  
17 SERVICES LOW-INCOME ENERGY ASSISTANCE FUND, WHICH SHALL BE  
18 ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES AND SHALL  
19 CONSIST OF ALL MONEYS TRANSFERRED BY THE TREASURER AS SPECIFIED  
20 IN SECTION 39-29-109 (1.5), C.R.S. ALL MONEYS IN THE FUND ARE  
21 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF HUMAN SERVICES  
22 FOR THE PURPOSE OF INCREASING AVAILABLE FUNDS UNDER THE  
23 LOW-INCOME ENERGY ASSISTANCE PROGRAM SPECIFIED IN SECTION  
24 26-1-109, C.R.S. ALL MONEYS IN THE FUND AT THE END OF EACH FISCAL  
25 YEAR SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE  
26 GENERAL FUND OR ANY OTHER FUND.

27 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE

1 ENERGY OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE FUND,  
2 WHICH SHALL BE ADMINISTERED BY THE GOVERNOR'S ENERGY OFFICE AND  
3 SHALL CONSIST OF ALL MONEYS TRANSFERRED BY THE TREASURER AS  
4 SPECIFIED IN SECTION 39-29-109 (1.5), C.R.S. ALL MONEYS IN THE FUND  
5 ARE CONTINUOUSLY APPROPRIATED TO THE GOVERNOR'S ENERGY OFFICE  
6 FOR DISTRIBUTION TO THE ORGANIZATION TO BE USED FOR THE PURPOSES  
7 SET FORTH IN THIS SUBSECTION (2). ALL MONEYS IN THE FUND AT THE END  
8 OF EACH FISCAL YEAR SHALL BE RETAINED IN THE FUND AND SHALL NOT  
9 REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

10 (b) THE ORGANIZATION SHALL USE THE MONEYS IT RECEIVES FROM  
11 THE GOVERNOR'S ENERGY OFFICE PURSUANT TO PARAGRAPH (a) OF THIS  
12 SUBSECTION (2) TO PROVIDE DIRECT BILL PAYMENT ASSISTANCE TO  
13 LOW-INCOME HOUSEHOLDS WHEN THE DEPARTMENT OF HUMAN SERVICES  
14 IS NOT ACCEPTING CLIENT APPLICATIONS FOR THE PROGRAM SPECIFIED IN  
15 SECTION 26-1-109, C.R.S. BILL PAYMENTS SHALL BE PAID TO EACH  
16 UTILITY AS VENDOR PAYMENTS. THE ORGANIZATION MAY USE UP TO FIVE  
17 PERCENT OF THE MONEYS COLLECTED FOR ADMINISTRATION OF THE  
18 DIRECT BILL PAYMENT ASSISTANCE PROGRAM IN ACCORDANCE WITH  
19 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

20 (c) THE ORGANIZATION SHALL HOLD AND ADMINISTER ALL  
21 MONEYS IT RECEIVES FROM THE GOVERNOR'S ENERGY OFFICE PURSUANT  
22 TO PARAGRAPH (a) OF THIS SUBSECTION (2) IN A SEPARATELY  
23 IDENTIFIABLE ACCOUNT, THE USE OF WHICH SHALL BE RESTRICTED TO THE  
24 PURPOSES SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE  
25 ORGANIZATION SHALL MAINTAIN ITS BOOKS AND RECORDS PERTAINING TO  
26 ANY MONEYS RECEIVED FROM THE GOVERNOR'S ENERGY OFFICE IN  
27 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. IF

1 THE ORGANIZATION COMMINGLES THE MONEYS WITH OTHER ASSETS OF  
2 THE ORGANIZATION FOR INVESTMENT PURPOSES, THE ORGANIZATION  
3 SHALL MAINTAIN ACCURATE ACCOUNTS OF THE INVESTMENT MONEYS AND  
4 SHALL CREDIT OR CHARGE A PRO RATA PORTION OF ALL INVESTMENT  
5 EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT HOLDS THE MONEYS  
6 RECEIVED FROM THE GOVERNOR'S ENERGY OFFICE PURSUANT TO  
7 PARAGRAPH (a) OF THIS SUBSECTION (2).

8 (d) THE ORGANIZATION SHALL, ON AN ANNUAL BASIS, DEVELOP A  
9 BUDGET FOR THE DIRECT BILL PAYMENT ASSISTANCE PROGRAM TO  
10 DETERMINE THE ALLOCATION OF THE MONEYS RECEIVED FROM THE  
11 GOVERNOR'S ENERGY OFFICE PURSUANT TO PARAGRAPH (a) OF THIS  
12 SUBSECTION (2).

13 (e) THE ORGANIZATION SHALL INCLUDE INFORMATION RELATED TO  
14 ANY MONEYS RECEIVED FROM THE GOVERNOR'S ENERGY OFFICE PURSUANT  
15 TO PARAGRAPH (a) OF THIS SUBSECTION (2) IN THE REPORT IT PREPARES  
16 PURSUANT TO SECTION 40-8.7-110.

17 (3) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
18 GOVERNOR'S ENERGY OFFICE LOW-INCOME ENERGY ASSISTANCE FUND,  
19 WHICH SHALL BE ADMINISTERED BY THE GOVERNOR'S ENERGY OFFICE AND  
20 SHALL CONSIST OF ALL MONEYS TRANSFERRED BY THE TREASURER AS  
21 SPECIFIED IN SECTION 39-29-109 (1.5), C.R.S. ALL MONEYS IN THE FUND  
22 ARE CONTINUOUSLY APPROPRIATED TO THE GOVERNOR'S ENERGY OFFICE  
23 TO BE USED FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (3). ALL  
24 MONEYS IN THE FUND AT THE END OF EACH FISCAL YEAR SHALL BE  
25 RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR  
26 ANY OTHER FUND.

27 (b) THE GOVERNOR'S ENERGY OFFICE SHALL USE THE MONEYS IT

1 RECEIVES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) FOR A  
2 PROGRAM TO PROVIDE HOME ENERGY EFFICIENCY IMPROVEMENTS FOR  
3 LOW-INCOME HOUSEHOLDS, WHICH SHALL INCLUDE ANY OF THE  
4 FOLLOWING SERVICES:

5 (I) PROVIDING LOW-COST AND COST-EFFECTIVE ENERGY  
6 EFFICIENCY MEASURES AND ENERGY EDUCATION TO LOW-INCOME  
7 HOUSEHOLDS;

8 (II) RETROFITTING HOUSEHOLDS WITH LOW-COST AND  
9 COST-EFFECTIVE ENERGY EFFICIENCY MEASURES THROUGH THE STATE  
10 WEATHERIZATION ASSISTANCE PROGRAM;

11 (III) PROVIDING HEATING SYSTEM AND OTHER APPLIANCE  
12 REPLACEMENT;

13 (IV) PROVIDING COST-EFFECTIVE RENEWABLE ENERGY MEASURES;

14 (V) SUPPLEMENTING THE FUNDING OF ANY ENERGY EFFICIENCY  
15 MEASURES OR SERVICES OFFERED TO LOW-INCOME HOUSEHOLDS THROUGH  
16 ELECTRIC OR GAS UTILITY ENERGY EFFICIENCY OR RENEWABLE ENERGY  
17 PROGRAMS; OR

18 (VI) PAYING A PORTION OF THE COST FOR ENERGY EFFICIENCY  
19 UPGRADES TO NEW HOUSING BUILT FOR LOW-INCOME FAMILIES.

20 (c) HOUSEHOLDS ELIGIBLE FOR THE HOME ENERGY EFFICIENCY  
21 PROGRAM DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3) SHALL  
22 BE AT OR BELOW ONE HUNDRED PERCENT OF THE AREA MEDIAN INCOME  
23 GUIDELINES ADJUSTED FOR FAMILY SIZE BASED ON THE MOST RECENTLY  
24 PUBLISHED AREA MEDIAN INCOME LIMITS ESTABLISHED BY THE UNITED  
25 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

26 (d) IN CARRYING OUT THE HOME ENERGY EFFICIENCY PROGRAM  
27 DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE GOVERNOR'S

1 ENERGY OFFICE SHALL:

2 (I) SERVE AS MANY LOW-INCOME HOUSEHOLDS THROUGHOUT THE  
3 STATE AS POSSIBLE;

4 (II) ACHIEVE THE MAXIMUM LIFETIME ENERGY SAVINGS PER  
5 DOLLAR EXPENDED;

6 (III) USE COMPETITIVE BIDDING PROCEDURES WHEN HIRING  
7 CONTRACTORS; AND

8 (IV) WHENEVER FEASIBLE, CONTRACT WITH ACCREDITED  
9 COLORADO YOUTH CORPS TO PROVIDE LABOR.

10 (e) THE GOVERNOR'S ENERGY OFFICE MAY USE UP TO FIVE PERCENT  
11 OF THE MONEYS TRANSFERRED PURSUANT TO PARAGRAPH (a) OF THIS  
12 SUBSECTION (3) FOR PLANNING, OVERSEEING, AND EVALUATING THE  
13 HOME ENERGY EFFICIENCY PROGRAM DESCRIBED IN PARAGRAPH (b) OF  
14 THIS SUBSECTION (3). THE GOVERNOR'S ENERGY OFFICE SHALL NOT USE  
15 THESE MONEYS TO HIRE ADDITIONAL STATE EMPLOYEES TO IMPLEMENT  
16 THE PROGRAM, BUT MAY CONTRACT WITH NONPROFIT ORGANIZATIONS,  
17 FOR-PROFIT ORGANIZATIONS, AND GOVERNMENTAL ENTITIES AS IS  
18 NECESSARY TO CARRY OUT THE PROGRAM.

19 (f) FOR ANY STATE FISCAL YEAR IN WHICH MONEYS ARE EXPENDED  
20 AS PART OF THE HOME ENERGY EFFICIENCY PROGRAM DESCRIBED IN  
21 PARAGRAPH (b) OF THIS SUBSECTION (3), THE GOVERNOR'S ENERGY OFFICE  
22 SHALL PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY AN ANNUAL  
23 REPORT THAT SPECIFIES:

24 (I) HOW THE MONEYS WERE EXPENDED;

25 (II) THE NUMBER OF HOUSEHOLDS SERVED;

26 (III) THE EXPECTED ENERGY SAVINGS AND OTHER NONENERGY  
27 BENEFITS; AND

1 (IV) RECOMMENDATIONS FOR ANY FUTURE PROGRAMS OF A  
2 SIMILAR NATURE.

3 (g) IF THE GOVERNOR'S ENERGY OFFICE CANNOT USE ALL OF THE  
4 MONEYS IT RECEIVES FOR THE STATE FISCAL YEAR COMMENCING JULY 1,  
5 2008, PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) FOR THE  
6 HOME ENERGY EFFICIENCY PROGRAM DESCRIBED IN PARAGRAPH (b) OF  
7 THIS SUBSECTION (3), AT THE END OF THE 2008-09 STATE FISCAL YEAR THE  
8 STATE TREASURER SHALL TRANSFER THE MONEYS THAT THE GOVERNOR'S  
9 ENERGY OFFICE CANNOT USE TO THE CLEAN ENERGY FUND CREATED IN  
10 SECTION 24-75-1201 (1), C.R.S.

11 (4) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
12 OTHERWISE REQUIRES:

13 (a) "ACCREDITED COLORADO YOUTH CORPS" MEANS A YOUTH  
14 CORPS ORGANIZATION THAT IS ACCREDITED BY THE COLORADO YOUTH  
15 CORPS ASSOCIATION OR THE NATIONAL ASSOCIATION OF SERVICE AND  
16 CONSERVATION CORPS, OR ANY SUCCESSOR ORGANIZATION.

17 (b) "COST-EFFECTIVE" MEANS ENERGY EFFICIENCY MEASURES  
18 WHOSE MONETARY BENEFITS EXCEED COSTS OVER THE LIFETIME OF THE  
19 MEASURES.

20 (c) "ENERGY EFFICIENCY MEASURES" MEANS MEASURES THAT  
21 REDUCE CONSUMPTION OF FOSSIL FUELS OR ELECTRICITY.

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

24 **SECTION 5.** 40-8.5-103.5, Colorado Revised Statutes, is  
25 amended BY THE ADDITION OF A NEW SUBSECTION to read:

26 **40-8.5-103.5. Commission created - duties.** (4) (a) NO LATER  
27 THAN DECEMBER 15, 2008, THE COMMISSION SHALL MAKE

1 RECOMMENDATIONS TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF  
2 REPRESENTATIVES, AND THE PRESIDENT OF THE SENATE REGARDING ANY  
3 NECESSARY LEGISLATIVE CHANGES TO IMPROVE THE EFFECTIVENESS AND  
4 EFFICIENCY OF THE STATE'S LOW-INCOME ENERGY ASSISTANCE SERVICES  
5 PROVIDED PURSUANT TO ARTICLE 8.7 OF THIS TITLE AND SECTION  
6 26-1-109, C.R.S. WITH ASSISTANCE AND CONSULTATION FROM  
7 REPRESENTATIVES FROM TWO COUNTIES CHOSEN BY THE EXECUTIVE  
8 DIRECTOR, OR HIS OR HER DESIGNEE, OF COLORADO COUNTIES,  
9 INCORPORATED, OR ITS SUCCESSOR ORGANIZATION, THE COMMISSION  
10 SHALL ASSESS THE STRENGTHS AND WEAKNESSES OF THE CURRENT  
11 SERVICE DELIVERY SYSTEMS WITHIN THE STATE AND SHALL REVIEW  
12 EFFECTIVE SERVICE DELIVERY SYSTEMS AND MODELS OF OTHER STATES  
13 THAT MAY BE APPROPRIATE FOR UTILIZATION IN THIS STATE. THE  
14 COMMISSION'S RECOMMENDATIONS SHALL BUILD UPON THE POSITIVE  
15 ASPECTS OF THE CURRENT SERVICE DELIVERY SYSTEM, INCLUDING, BUT  
16 NOT LIMITED TO, THE EFFECTIVE AND EFFICIENT MANAGEMENT OF  
17 CURRENT FUNDING TO MAXIMIZE ASSISTANCE TO THE STATE'S  
18 LOW-INCOME POPULATION, INFRASTRUCTURE THAT IS ALREADY IN PLACE  
19 TO EFFICIENTLY DISTRIBUTE BENEFITS TO ELIGIBLE CLIENTS IN A TIMELY  
20 MANNER, AND COORDINATION ALREADY ESTABLISHED BETWEEN ENERGY  
21 CONSERVATION MEASURES AND DIRECT ASSISTANCE. THE COMMISSION'S  
22 RECOMMENDATIONS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

23 (I) HOW BEST TO TARGET THE STATE'S LOW-INCOME ENERGY  
24 ASSISTANCE RESOURCES TOWARD THE IDENTIFIED NEEDS;

25 (II) HOW BEST TO COORDINATE PUBLIC AND PRIVATE ENERGY  
26 ASSISTANCE ACTIVITIES WITH THE OBJECTIVE OF MINIMIZING THE  
27 FINANCIAL BURDEN OF ENERGY COSTS FOR THE STATE'S MOST NEEDY;

1 (III) HOW BEST TO STREAMLINE ADMINISTRATIVE PROCESSES; AND

2 (IV) SUGGESTED CHANGES TO STATE STATUTES, RULES, OR

3 POLICIES RELATED TO LOW-INCOME ENERGY CONSUMERS IN THE STATE.

4 (b) THE COMMISSION MAY SEEK AND RECEIVE PUBLIC AND PRIVATE

5 FUNDING TO ASSIST IN THE CONDUCT OF THE ASSESSMENT AND REVIEW

6 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (4), INCLUDING BUT

7 NOT LIMITED TO ASSISTANCE FROM THE EXISTING RESOURCES OF THE

8 DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 24-1-120, C.R.S.,

9 THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101,

10 C.R.S., AND ENERGY OUTREACH COLORADO, A COLORADO NONPROFIT

11 CORPORATION, AS DESCRIBED IN SECTION 40-8.7-103 (4).

12 **SECTION 6.** 24-75-1201 (1), Colorado Revised Statutes, is

13 amended to read:

14 **24-75-1201. Clean energy fund - creation - use of fund.**

15 (1) The clean energy fund is hereby created in the state treasury. The

16 principal of the fund shall consist of moneys transferred to the fund at the

17 end of the 2006-07 state fiscal year and at the end of each succeeding

18 state fiscal year from the limited gaming fund created in section

19 12-47.1-701 (1), C.R.S., in accordance with section 12-47.1-701 (5),

20 C.R.S., and from moneys received by the governor's energy office, or any

21 successor office, pursuant to section 39-29-109 (1.5), C.R.S., in

22 accordance with ~~section 39-29-109 (1.5) (h) (VII)~~ SECTION 40-8.7-112 (3)

23 (g), C.R.S. Interest and income earned on the deposit and investment of

24 moneys in the clean energy fund shall be credited to the fund. Moneys in

25 the fund at the end of any state fiscal year shall remain in the fund and

26 shall not be credited to the state general fund or any other fund.

27 **SECTION 7.** 39-29-109 (1) (I) (IV), (7) (a), (8) (a), and (8.5) (a),

1 Colorado Revised Statutes, are amended to read:

2 **39-29-109. Severance tax trust fund - created - administration**  
3 **- use of moneys - definitions - repeal.** (1) (I) (IV) If the national  
4 science foundation has not awarded the DUSEL to the Henderson mine  
5 near Empire by the end of any fiscal year specified in subparagraph (III)  
6 of this paragraph (I), the state treasurer shall transfer the moneys that  
7 were appropriated pursuant to this paragraph (I) for such fiscal year by  
8 July 1 of the succeeding fiscal year to the species conservation trust fund  
9 created in section 24-33-111, C.R.S., and such moneys shall be subject to  
10 appropriation for purposes specified in section 24-33-111, C.R.S. In  
11 addition, the general assembly shall appropriate and the state treasurer  
12 shall transfer moneys pursuant to this paragraph (I) for a given state fiscal  
13 year only if, based on the preceding March revenue forecast from the  
14 legislative council, there will be sufficient revenue in the operational  
15 account of the severance tax trust fund after all the appropriations  
16 authorized or required by law as of the March revenue forecast to meet  
17 the year end balance for the given state fiscal year that is required  
18 pursuant to subparagraph (III) of paragraph (c) of THIS subsection (1) ~~of~~  
19 ~~this section~~ and required pursuant to subparagraph (I) of ~~paragraph (f)~~  
20 PARAGRAPH (e) of subsection (1.5) of this section.

21 (7) (a) ~~Subject to the maintenance of the end balance requirement~~  
22 ~~of paragraph (f) of subsection (1.5) of this section and a two-year reserve~~  
23 ~~pursuant to sub-subparagraph (A) of subparagraph (III) of paragraph (c)~~  
24 ~~of subsection (1) of this section, five hundred thousand dollars from the~~  
25 ~~operational account of the severance tax trust fund shall be appropriated~~  
26 ~~for fiscal year 2006-07 and one hundred fifty thousand dollars from the~~  
27 ~~operational account of the severance tax trust fund shall be appropriated~~

1 ~~for fiscal year 2007-08 for purposes specified in article 35 of title 23,~~  
2 ~~C.R.S.~~

3 (8) (a) Subject to the end balance requirement of ~~paragraph (f)~~  
4 PARAGRAPH (e) of subsection (1.5) of this section and the maintenance of  
5 a two-year reserve pursuant to sub-subparagraph (A) of subparagraph  
6 (III) of paragraph (c) of subsection (1) of this section, for three state fiscal  
7 years beginning with the state fiscal year commencing on July 1, 2006, a  
8 portion of the operational account of the severance tax trust fund shall be  
9 appropriated to the governor's office of energy management and  
10 conservation, or analogous successor office, for distribution to the  
11 Colorado renewable energy authority created in section 24-47.5-101,  
12 C.R.S., for the purposes stated in section 24-47.5-102 (2), C.R.S. The  
13 amount appropriated shall be two million dollars per year, subject to the  
14 limitations stated in ~~section 24-47.5-102~~ SECTION 24-47.5-103, C.R.S.,  
15 and in this paragraph (a). If there are insufficient moneys in the  
16 operational account to make all appropriations and transfers at the highest  
17 level authorized by law, the appropriations authorized by this subsection  
18 (8) and subsection (8.5) of this section shall be reduced pro rata as  
19 necessary to accommodate all appropriations and transfers at the highest  
20 level authorized by law other than this subsection (8) and subsection (8.5)  
21 of this section.

22 (8.5) (a) Subject to the end balance requirement of ~~paragraph (f)~~  
23 PARAGRAPH (e) of subsection (1.5) of this section and the maintenance of  
24 a two-year reserve pursuant to sub-subparagraph (A) of subparagraph  
25 (III) of paragraph (c) of ~~subsection (1.5)~~ SUBSECTION (1) of this section,  
26 for three state fiscal years beginning with the state fiscal year  
27 commencing on July 1, 2006, the state treasurer shall transfer a portion

1 of the operational account of the severance tax trust fund to the  
2 agriculture value-added cash fund created in section 35-75-205 (1),  
3 C.R.S., to promote agricultural energy-related projects and research. The  
4 amount appropriated shall be five hundred thousand dollars per year. If  
5 there are insufficient moneys in the operational account to make all  
6 appropriations and transfers at the highest level authorized by law, the  
7 transfers authorized by this subsection (8.5) and subsection (8) of this  
8 section shall be reduced pro rata as necessary to accommodate all  
9 appropriations and transfers at the highest level authorized by law other  
10 than this subsection (8.5) and subsection (8) of this section.

11 **SECTION 8.** 40-8.7-110 (1.5), Colorado Revised Statutes, is  
12 amended to read:

13 **40-8.7-110. Reports.** (1.5) To the extent applicable, the  
14 organization shall include in the report the information required by  
15 paragraphs (b) and (c) of subsection (1) of this section for moneys  
16 received from the GOVERNOR'S ENERGY office of the governor pursuant  
17 to ~~section 39-29-109 (1.5), C.R.S.~~ SECTION 40-8.7-112 (2) (a).

18 **SECTION 9.** 24-38.5-102 (1) (l), Colorado Revised Statutes, as  
19 enacted by House Bill 08-1025, enacted at the Second Regular Session of  
20 the Sixty-sixth General Assembly, is amended to read:

21 **24-38.5-102. Governor's energy office - duties and powers.**

22 (1) The governor's energy office shall:

23 (l) Provide home energy efficiency improvements for low-income  
24 households as specified in ~~section 39-29-109 (1.5)~~ SECTION 40-8.7-112  
25 (3) (b), C.R.S., and prepare and submit to the general assembly an annual  
26 report as specified in ~~section 39-29-109 (1.5) (h) (v)~~ SECTION 40-8.7-112  
27 (3) (f), C.R.S.;

1           **SECTION 10.** The introductory portion to 39-29-109.3 (4) (a),  
2           Colorado Revised Statutes, as enacted by House Bill 08-1398, enacted at  
3           the Second Regular Session of the Sixty-sixth General Assembly, is  
4           amended, and the said 39-29-109.3 (4) is further amended BY THE  
5           ADDITION OF A NEW PARAGRAPH, to read:

6           **39-29-109.3. Operational account of the severance tax trust**  
7           **fund - repeal.** (4) (a) Except as provided in ~~paragraph~~ PARAGRAPHS (b)  
8           AND (c) of this subsection (4), all transfers specified in subsection (2) of  
9           this section shall be made by the state treasurer in three installments, as  
10          follows:

11           (c) (I) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
12          SUBSECTION (4), THE STATE TREASURER SHALL MAKE THE TRANSFERS  
13          SPECIFIED IN PARAGRAPH (f) OF SUBSECTION (2) OF THIS SECTION AS  
14          FOLLOWS:

15           (A) THE TRANSFERS TO THE GOVERNOR'S ENERGY OFFICE  
16          LOW-INCOME ENERGY ASSISTANCE FUND SHALL BE MADE ON JULY 1;

17           (B) THE TRANSFERS TO THE DEPARTMENT OF HUMAN SERVICES  
18          LOW-INCOME ENERGY ASSISTANCE FUND SHALL BE MADE ON JANUARY 4;

19           (C) THE TRANSFERS TO THE ENERGY OUTREACH COLORADO  
20          LOW-INCOME ENERGY ASSISTANCE FUND SHALL BE MADE ON APRIL 1.

21           (II) IF THERE ARE PROPORTIONAL REDUCTIONS MADE TO THE  
22          TRANSFERS SPECIFIED IN THIS PARAGRAPH (c) PURSUANT TO PARAGRAPH  
23          (b) OF THIS SUBSECTION (4), THE TREASURER SHALL TRANSFER ON JULY 1  
24          OF THE FOLLOWING FISCAL YEAR THE AMOUNT OF THE PROPORTIONAL  
25          REDUCTION TO THE FUND THAT SHOULD HAVE RECEIVED THAT MONEY  
26          FROM THE FUNDING FOR THE FOLLOWING FISCAL YEAR AS SPECIFIED IN  
27          PARAGRAPH (f) OF SUBSECTION (2) OF THIS SECTION AND SHALL THEN

1 DISTRIBUTE THE REMAINING FUNDING FOR THE FOLLOWING FISCAL YEAR  
2 PURSUANT TO THE PERCENTAGES SPECIFIED IN SAID PARAGRAPH (f).

3 **SECTION 11.** 39-29-109 (1), Colorado Revised Statutes, as  
4 enacted by House Bill 08-1398, enacted at the Second Regular Session of  
5 the Sixty-sixth General Assembly, is amended as follows:

6 **39-29-109. Severance tax trust fund - created - administration**  
7 **- distribution of moneys.** (1) There is hereby created in the office of the  
8 state treasurer the severance tax trust fund, also referred to in this section  
9 as the "fund". The fund is to be perpetual and held in trust as a  
10 replacement for depleted natural resources, for the development and  
11 conservation of the state's water resources pursuant to sections 37-60-106  
12 (1) (j) and (1) (l), 37-60-119, and 37-60-122, C.R.S., and for THE use in  
13 funding programs that promote and encourage sound natural resource  
14 planning, management, and development related to minerals, energy,  
15 geology, and water AND FOR THE USE IN FUNDING PROGRAMS TO REDUCE  
16 THE BURDEN OF INCREASING HOME ENERGY COSTS ON LOW-INCOME  
17 HOUSEHOLDS.

18 **SECTION 12.** 40-8.7-112 (3) (c), Colorado Revised Statutes, as  
19 enacted by House Bill 08-1398, enacted at the Second Regular Session of  
20 the Sixty-sixth General Assembly, is amended as follows:

21 **40-8.7-112. Department of human services low-income energy**  
22 **assistance fund - creation - energy outreach Colorado low-income**  
23 **energy assistance fund - creation - governor's energy office**  
24 **low-income energy assistance fund - creation - definitions.**  
25 (3) (c) Only persons eligible to receive assistance under the low-income  
26 energy assistance program administered by the department of human  
27 services shall be HOUSEHOLDS eligible for the home energy efficiency

1 program described in paragraph (b) of this subsection (3) SHALL BE AT OR  
2 BELOW ONE HUNDRED PERCENT OF THE AREA MEDIAN INCOME GUIDELINES  
3 ADJUSTED FOR FAMILY SIZE BASED ON THE MOST RECENTLY PUBLISHED  
4 AREA MEDIAN INCOME LIMITS ESTABLISHED BY THE UNITED STATES  
5 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

6 **SECTION 13. Adjustments to the 2008 long bill.** For the  
7 implementation of this act, appropriations made in the annual general  
8 appropriation act for the fiscal year beginning July 1, 2008, shall be  
9 adjusted as follows:

10 (1) The appropriation to the governor - lieutenant governor - state  
11 planing and budgeting, office of the governor, governor's energy office,  
12 for low-income energy assistance is decreased by seven million fifty  
13 thousand dollars (\$7,050,000) cash funds from the operational account of  
14 the severance tax trust fund created in section 39-29-109 (1) (a), Colorado  
15 Revised Statutes.

16 (2) The appropriation to the department of human services, office  
17 of self-sufficiency, special purpose welfare programs for the low-income  
18 energy assistance program is decreased by five million nine hundred fifty  
19 thousand dollars (\$5,950,000) cash funds from the operational account of  
20 the severance tax trust fund created in section 39-29-109 (1) (a), Colorado  
21 Revised Statutes.

22 **SECTION 14. Adjustments to the 2008 long bill.** For the  
23 implementation of this act, appropriations made in the annual general  
24 appropriation act for the fiscal year beginning July 1, 2008, shall be  
25 adjusted as follows:

26 (1) The appropriation to the governor - lieutenant governor - state  
27 planing and budgeting, office of the governor, governor's energy office,

1 for low-income energy assistance is decreased by seven million fifty  
2 thousand dollars (\$7,050,000) cash funds from the operational account of  
3 the severance tax trust fund created in section 39-29-109 (2) (b),  
4 Colorado Revised Statutes.

5 (2) The appropriation to the department of human services, office  
6 of self-sufficiency, special purpose welfare programs for the low-income  
7 energy assistance program is decreased by five million nine hundred fifty  
8 thousand dollars (\$5,950,000) cash funds from the operational account of  
9 the severance tax trust fund created in section 39-29-109 (2) (b),  
10 Colorado Revised Statutes.

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12 ==

13 **SECTION 15. Effective date.** (1) This act shall take effect upon  
14 passage; except that:

15 (a) Sections 1, 2, 4, 6, 7, 8, 9, and 13 of this act shall not take  
16 effect if House Bill 08-1398 is enacted at the Second Regular Session of  
17 the Sixty-sixth General Assembly and becomes law;

18 (b) Sections 3, 10, 11, 12, and 14 of this act shall take effect only  
19 if House Bill 08-1398 is enacted at the Second Regular Session of the  
20 Sixty-sixth General Assembly and becomes law.

21 **SECTION 16. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, and safety.