

HB1238\_L.006

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB21-1238 be amended as follows:

1 Amend printed bill, page 4, line 1, strike "PROCESSES," and substitute  
2 "PROCESSES."

3 Page 4, strike lines 2 through 6.

4 Page 6, line 18, after "(2)(b)," insert "(2)(c)(I),".

5 Page 7, after line 27 insert:

6 "(c) (I) (A) Adopt procedures for allowing gas utilities to recover  
7 their prudently incurred costs of DSM programs without having to file a  
8 rate case. Such costs shall include, but are not limited to, facility  
9 investments; rebates; interest rate buy-downs; incremental labor costs,  
10 employee benefits, carrying costs, and employee-related administrative  
11 costs; and other administrative costs. All such costs shall be recovered  
12 through a cost adjustment mechanism that is set on an annual basis, or  
13 more frequently if deemed appropriate.

14 (B) LABOR COSTS SHALL REFLECT, AND THE COMMISSION SHALL  
15 REQUIRE, COMPLIANCE WITH ALL APPLICABLE LABOR STANDARDS SET  
16 FORTH IN SECTION 40-3.2-105.5."

17 Page 9, line 22, after "(3.5)" insert "(a)".

18 Page 10, after line 1 insert:

19 "(b) THE COMMISSION SHALL NOT REQUIRE THE REMOVAL OF  
20 GAS-FUELED APPLIANCES OR EQUIPMENT FROM AN EXISTING STRUCTURE  
21 NOR BAN THE INSTALLATION OF GAS SERVICE LINES TO ANY NEW  
22 STRUCTURE.

23 **SECTION 5.** In Colorado Revised Statutes, **add** 40-3.2-105.5 as  
24 follows:

25 **40-3.2-105.5. Labor standards for DSM projects.** (1) THIS  
26 SECTION APPLIES TO ALL NECESSARY PLUMBING, MECHANICAL, AND  
27 ELECTRICAL WORK PERFORMED IN CONNECTION WITH A PROJECT  
28 UNDERTAKEN PURSUANT TO A GAS DSM PROGRAM UNDER THIS ARTICLE  
29 3.2 AND FOR WHICH A CUSTOMER OF AN INVESTOR-OWNED UTILITY  
30 APPLIES FOR A REBATE DIRECTLY FROM THE UTILITY.

31 (2) WHEN PRACTICABLE, THE UTILITY MAY ASSIGN ITS OWN  
32 EMPLOYEES TO PERFORM THE WORK, SUBJECT TO STATE LICENSING  
33 REQUIREMENTS AND ALL APPLICABLE STATE AND LOCAL RULES, CODES,  
34 AND STANDARDS.

1 (3) (a) THE UTILITY SHALL OBTAIN FROM THE COLORADO  
2 DEPARTMENT OF LABOR AND EMPLOYMENT AND SHALL MAKE USE OF A  
3 LIST, REFERRED TO IN THIS SECTION AS THE "CERTIFIED CONTRACTOR  
4 LIST", CONTAINING THE NAMES AND CONTACT INFORMATION OF:

5 (I) QUALIFIED CONTRACTORS THAT PARTICIPATE IN  
6 APPRENTICESHIP PROGRAMS THAT:

7 (A) ARE REGISTERED WITH THE UNITED STATES DEPARTMENT OF  
8 LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION OR WITH A STATE  
9 APPRENTICESHIP COUNCIL RECOGNIZED BY THE UNITED STATES  
10 DEPARTMENT OF LABOR; AND

11 (B) HAVE BEEN PROVIDING TRAINING FOR AT LEAST SIX MONTHS;  
12 AND

13 (II) QUALIFIED MECHANICAL, ELECTRICAL, AND PLUMBING  
14 CONTRACTORS THAT PARTICIPATE IN APPRENTICESHIP PROGRAMS MEETING  
15 THE STANDARDS SPECIFIED IN SECTION 24-92-115 (1)(a)(II).

16 (b) THE UTILITY SHALL PUBLISH THE CERTIFIED CONTRACTOR LIST  
17 ON ITS WEBSITE AND INCLUDE OR REFERENCE THE LIST IN ALL OF THE  
18 UTILITY'S RELEVANT MARKETING MATERIAL FOR GAS DSM PROGRAMS.

19 (c) IN ADDITION TO THE CERTIFIED CONTRACTOR LIST, EACH  
20 INVESTOR-OWNED GAS UTILITY SHALL REQUIRE ITS RESIDENTIAL  
21 CUSTOMERS TO USE LICENSED PLUMBING AND ELECTRICAL CONTRACTORS  
22 THAT PERFORM THE TYPE OF WORK APPROPRIATE TO RESIDENTIAL GAS  
23 DSM INSTALLATIONS FOR PARTICIPATION IN GAS DSM PROGRAMS WHERE  
24 A REBATE IS PAID DIRECTLY TO THE CUSTOMER AND THE CUSTOMER USES  
25 A CONTRACTOR.

26 (4) THE FOLLOWING REQUIREMENTS APPLY TO GAS DSM PROJECTS  
27 IN NEW OR EXISTING BUILDINGS:

28 (a) FOR PLUMBING, MECHANICAL, OR ELECTRICAL PROJECTS  
29 UNDERTAKEN BY A COMMERCIAL OR INDUSTRIAL CUSTOMER IN A BUILDING  
30 THAT CONTAINS TWENTY THOUSAND SQUARE FEET OR MORE OF  
31 CONDITIONED FLOOR SPACE AND FOR WHICH A REBATE IS TO BE PROVIDED  
32 DIRECTLY TO THE CUSTOMER AS PART OF A GAS DSM PROGRAM, THE  
33 UTILITY SHALL CONDITION PAYMENT OF THE REBATE ON THE CUSTOMER'S  
34 EXCLUSIVE USE OF CONTRACTORS FROM THE CERTIFIED CONTRACTOR LIST  
35 UNLESS THE WORK IS DONE BY EMPLOYEES OF THE UTILITY.

36 (b) (I) FOR PLUMBING, MECHANICAL, OR ELECTRICAL PROJECTS  
37 THAT INVOLVE ENERGY EFFICIENCY IMPROVEMENTS TO CENTRAL BUILDING  
38 SYSTEMS IN A MULTIFAMILY BUILDING THAT CONTAINS TWENTY  
39 THOUSAND SQUARE FEET OR MORE OF CONDITIONED FLOOR SPACE AND FOR  
40 WHICH A REBATE IS TO BE PROVIDED DIRECTLY TO THE BUILDING OWNER  
41 AS PART OF A GAS DSM PROGRAM, THE UTILITY SHALL CONDITION  
42 PAYMENT OF THE REBATE ON THE BUILDING OWNER'S EXCLUSIVE USE OF  
43 CONTRACTORS THAT PARTICIPATE IN APPRENTICESHIP PROGRAMS

1 REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S  
2 EMPLOYMENT AND TRAINING ADMINISTRATION OR WITH A STATE  
3 APPRENTICESHIP COUNCIL RECOGNIZED BY THE UNITED STATES  
4 DEPARTMENT OF LABOR FOR ANY NECESSARY PLUMBING OR ELECTRICAL  
5 WORK. IF THE CONTRACTOR CHOSEN BY THE CUSTOMER IS NOT ON THE  
6 CERTIFIED CONTRACTOR LIST, THE UTILITY SHALL REQUIRE ANOTHER  
7 METHOD OF VERIFYING COMPLIANCE WITH THIS SUBSECTION (4)(b).

8 (II) THIS SUBSECTION (4)(b) DOES NOT APPLY TO A GAS DSM  
9 PROJECT THAT IS LIMITED TO IN-UNIT WORK IN A MULTIFAMILY BUILDING,  
10 AS UNDERTAKEN BY THE OWNER OR TENANT OF THE MULTIFAMILY  
11 BUILDING OR UNIT."

12 Renumber succeeding sections accordingly.

13 Page 10, line 17, strike "government." and substitute "government USING  
14 A DISCOUNT RATE OF TWO AND ONE-HALF PERCENT OR LESS."

15 Page 10, line 19, strike "forty-six" and substitute "~~forty-six~~ SIXTY-EIGHT".

16 Page 10, line 21, strike "central value" and substitute "~~central value~~".

17 Page 11, line 26, after "GOVERNMENT," insert "USING A DISCOUNT RATE  
18 OF TWO AND ONE-HALF PERCENT OR LESS".

19 Page 12, line 3, strike "NINETY" and substitute "SEVEN HUNDRED  
20 FIFTY-SIX".

21 Page 12, lines 6 and 7, strike "CENTRAL VALUE".

22 Page 13, strike lines 25 through 27.

23 Strike page 14 and substitute:

24 **"SECTION 8. Act subject to petition - effective date -**  
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
26 the expiration of the ninety-day period after final adjournment of the  
27 general assembly; except that, if a referendum petition is filed pursuant  
28 to section 1 (3) of article V of the state constitution against this act or an  
29 item, section, or part of this act within such period, then the act, item,  
30 section, or part will not take effect unless approved by the people at the  
31 general election to be held in November 2022 and, in such case, will take  
32 effect on the date of the official declaration of the vote thereon by the  
33 governor.

1           (2) This act applies to plans, applications, or other documents  
2 reviewed by the public utilities commission on or after the applicable  
3 effective date of this act."

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