

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 25, 2023
Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB23-292 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 10, line 6, strike "ENERGY CREDITS,".
- 2 Page 10, line 21, strike "INCLUDES:" and substitute "INCLUDES THE
- 3 FOLLOWING PROJECT TYPES, SO LONG AS THEY SATISFY THE CRITERIA IN
- 4 SUBSECTION (5)(a)(I) OR (5)(a)(II) OF THIS SECTION:".
- 5 Page 11, line 3, strike "GAS" and substitute "UTILITY GAS".
- 6 Page 11, line 8, strike "AND".
- 7 Page 15, line 11, after "BUILDING" insert "ENERGY".
- 8 Page 18, line 9, strike "CERTIFICATIONS AND" and substitute
- 9 "CERTIFICATIONS. THE PUBLIC UTILITY, COOPERATIVE ELECTRIC
- 10 ASSOCIATION, INDEPENDENT POWER PRODUCER, OR OTHER OWNER OF AN
- 11 ENERGY SECTOR PUBLIC WORKS PROJECT".
- 12 Page 18, strike lines 13 through 25 and substitute:
- 13 "(5) NO LATER THAN JANUARY 1, 2029, AND AT LEAST FIVE YEARS
- 14 THEREAFTER, THE STATE AUDITOR'S OFFICE SHALL CONDUCT AN AUDIT OF
- 15 THE COMMISSION'S APPROVAL OF ENERGY SECTOR PUBLIC WORKS
- 16 PROJECTS. THE PURPOSE OF THE AUDIT IS TO ESTABLISH OVERSIGHT AND
- 17 ACCOUNTABILITY FOR COMPLIANCE WITH SECTION 40-2-129, AND TO
- 18 DETERMINE WHETHER A SAMPLE OF PROJECTS THAT HAVE BEEN APPROVED
- 19 BY THE COMMISSION ARE FULLY COMPLIANT WITH ALL EMPLOYMENT,
- 20 TRAINING, WAGE, AND APPRENTICESHIP REQUIREMENTS OF SECTION
- 21 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. THE AUDIT MUST
- 22 CONSIDER INFORMATION AND RECORDS RELATED TO THE CRAFT LABOR

- 1 CERTIFICATIONS THAT ARE COLLECTED AND MAINTAINED BY THE
2 DEPARTMENT OF LABOR AND EMPLOYMENT. THE DEPARTMENT OF LABOR
3 AND EMPLOYMENT SHALL PROVIDE ANY INFORMATION NEEDED TO
4 PERFORM THE AUDIT AS REQUESTED BY THE STATE AUDITOR'S OFFICE.
- 5 (a) THE AUDIT PROCESS MUST SELECT A SAMPLE OF PROJECTS FOR
6 REVIEW AND ENSURE THAT THE SCOPE OF THE AUDIT ENCOMPASSES THE
7 BROAD TYPES OF ENERGY SECTOR PUBLIC WORKS PROJECTS.
- 8 (b) UPON RELEASE OF THE AUDIT REPORT BY THE LEGISLATIVE
9 AUDIT COMMITTEE, THE STATE AUDITOR MUST MAKE THE RESULTS OF THE
10 AUDIT AVAILABLE TO THE PUBLIC.
- 11 (c) AFTER CONDUCTING TWO AUDITS UNDER THIS SUBSECTION (5),
12 THE STATE AUDITOR MAY CONDUCT ADDITIONAL AUDITS IN THE STATE
13 AUDITOR'S DISCRETION."
- 14 Page 20, line 8, strike "OF AN ENERGY SECTOR PUBLIC".
- 15 Page 20, line 9, strike "WORKS PROJECT".
- 16 Page 21, lines 5 and 6, strike "IN THE AMOUNT OF ONE MILLION DOLLARS
17 OR MORE,".
- 18 Page 21, line 17, strike "COUNCILS" and substitute "AGENCIES".
- 19 Page 22, line 3, strike "COUNCIL" and substitute "AGENCY".
- 20 Page 22, line 6, strike "ARE SUBJECT TO" and substitute "SATISFY".
- 21 Page 22, line 7, strike "SECTION;" and substitute "SECTION AT THE TIME
22 THE CONTRACT OR SUBCONTRACT WAS EXECUTED;".
- 23 Page 24, line 20, strike "councils" and substitute "~~councils~~ AGENCIES".
- 24 Page 25, line 2, strike "MATERIALS;" and substitute "MATERIALS,
25 INCLUDING CONSIDERATION OF THE POTENTIAL FOR DOMESTICALLY
26 MANUFACTURED MATERIALS BEING UNAVAILABLE IN THE MARKETPLACE;".
- 27 Page 27, line 18, strike "COUNCILS" and substitute "AGENCIES".
- 28 Page 29, strike lines 11 through 16 and substitute:
- 29 "(7) (a) THE UTILITY THAT OFFERS THE REBATE OR INCENTIVE
30 PURSUANT TO THIS SECTION MUST ESTABLISH PERIODIC AUDITS OF THE
31 QUALIFYING REBATES THAT REPRESENT THE HIGHEST TWO PERCENT OF

1 REBATES ISSUED BY DOLLAR AMOUNT AT LEAST EVERY THREE YEARS TO
2 ENSURE THAT THE CONTRACTORS OR SUBCONTRACTORS MAINTAIN
3 COMPLIANCE WITH THIS SECTION."

4 Page 30, line 14, strike "COUNCILS" and substitute "AGENCIES".

5 Page 32, strike lines 7 through 12 and substitute:

6 "(7) (a) THE UTILITY THAT OFFERS THE REBATE OR INCENTIVE
7 PURSUANT TO THIS SECTION MUST ESTABLISH PERIODIC AUDITS OF THE
8 QUALIFYING REBATES THAT REPRESENT THE HIGHEST TWO PERCENT OF
9 REBATES ISSUED BY DOLLAR AMOUNT AT LEAST EVERY THREE YEARS TO
10 ENSURE THAT THE CONTRACTORS OR SUBCONTRACTORS MAINTAIN
11 COMPLIANCE WITH THIS SECTION."

12 Page 33, line 27, after "act" insert "only".

13 Page 34, strike line 1 and substitute "which a public utility or cooperative
14 electric association invitation for bids or proposals is issued on or after
15 January 1,".

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