

HOUSE COMMITTEE OF REFERENCE REPORT

	March 20, 2025
Chair of Committee	Date

Committee on Energy & Environment.

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

HB25-1268 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** part 6 to article  
4 38.5 of title 24 as follows:

5 PART 6  
6 UTILITY ON-BILL PROGRAM

7 **24-38.5-601. Legislative declaration.** (1) THE GENERAL  
8 ASSEMBLY FINDS THAT COLORADO CONSUMERS HAVE THE POTENTIAL TO  
9 SAVE ENERGY, REDUCE GREENHOUSE GAS EMISSIONS, AND TRANSITION  
10 AWAY FROM FOSSIL FUEL INFRASTRUCTURE THROUGH ENERGY SOLUTIONS,  
11 INCLUDING ENERGY EFFICIENCY MEASURES, ELECTRIFICATION MEASURES,  
12 AND ENERGY UPGRADES.

13 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

14 (a) UTILITY CUSTOMERS WOULD BENEFIT FROM HAVING ACCESS TO  
15 SIGNIFICANT AMOUNTS OF PUBLIC AND PRIVATE CAPITAL FOR LOW-COST  
16 FINANCING SOLUTIONS FOR ENERGY-RELATED IMPROVEMENTS, INCLUDING  
17 END-OF-LIFE EQUIPMENT REPLACEMENT;

18 (b) UTILITY ON-BILL PROGRAMS THAT ALLOW REPAYMENTS  
19 THROUGH UTILITY BILL PAYMENTS COULD EXPAND THE OPPORTUNITIES  
20 FOR ELIGIBLE RETAIL UTILITY CUSTOMERS TO PURSUE ENERGY EFFICIENCY  
21 MEASURES, ELECTRIFICATION MEASURES, AND ENERGY UPGRADES BY  
22 ENABLING UTILITY CUSTOMERS TO PAY BACK THE UP-FRONT COSTS OF THE  
23 UPGRADES AND MEASURES OVER TIME THROUGH THEIR UTILITY BILL  
24 PAYMENTS AT OR BELOW INTEREST RATES THAT MAY BE AVAILABLE FROM  
25 OTHER SOURCES; AND

26 (c) A PROGRAM ESTABLISHED TO PROVIDE SUCH ON-BILL  
27 REPAYMENT COULD INCLUDE UTILITY-ADMINISTERED REPAYMENT OF

1 COSTS FOR WHICH THE REPAYMENT OBLIGATION REMAINS WITH THE  
2 ASSOCIATED ENERGY METER AND SERVICE ADDRESS, INSTEAD OF  
3 TRANSFERRING TO A CUSTOMER'S NEW LOCATION.

4 **24-38.5-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE  
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION  
7 CREATED IN SECTION 40-2-101.

8 (2) "COOPERATIVE ELECTRIC ASSOCIATION" HAS THE MEANING SET  
9 FORTH IN SECTION 40-9.5-102 (1).

10 (3)(a) "ELECTRIFICATION" MEANS "BENEFICIAL ELECTRIFICATION",  
11 AS DEFINED IN SECTION 40-1-102 (1.2).

12 (b) "ELECTRIFICATION" INCLUDES:

13 (I) A GROUND-SOURCE OR AIR-SOURCE HEAT PUMP SYSTEM; AND  
14 (II) A HEAT PUMP WATER HEATER.

15 (4) (a) "ENERGY EFFICIENCY MEASURE" MEANS ANY  
16 PERMANENTLY INSTALLED IMPROVEMENT, ADDITION, OR EQUIPMENT THAT  
17 ALIGNS WITH THE STATE'S GREENHOUSE GAS REDUCTION TARGETS AND  
18 THAT:

19 (I) REDUCES THE CONSUMPTION OF ENERGY AT A PROGRAM  
20 PARTICIPANT'S PREMISES; OR

21 (II) ENABLES A PROGRAM PARTICIPANT TO REDUCE OR SHIFT  
22 ENERGY CONSUMPTION AT THE PREMISES.

23 (b) "ENERGY EFFICIENCY MEASURE" INCLUDES:

24 (I) A BUILDING SHELL MEASURE, SUCH AS AIR SEALING, WINDOW  
25 FILM, ROOF REPAIR, INSULATION, OR WINDOW AND DOOR MODIFICATIONS;  
26 (II) AN AUTOMATIC OR INTERNET-CONNECTED ENERGY CONTROL  
27 SYSTEM; AND

28 (III) ANY OTHER MEASURE OR UPGRADE AUTHORIZED BY THE  
29 OFFICE OR APPROVED BY THE COMMISSION AS PART OF A UTILITY'S  
30 APPLICATION TO ESTABLISH AN ON-BILL PROGRAM OR TO USE MONEY FROM  
31 THE FUND.

32 (5) "ENERGY UPGRADE" MEANS THE INSTALLATION,  
33 IMPROVEMENT, OR ADDITION OF APPURTENANCE EQUIPMENT AT A  
34 PROGRAM PARTICIPANT'S PREMISES TO:

35 (a) UPGRADE THE PROGRAM PARTICIPANT'S ELECTRIC PANEL TO  
36 ENABLE THE INSTALLATION OF ENERGY EFFICIENCY MEASURES OR  
37 ELECTRIFICATION MEASURES;

38 (b) ENABLE THE PROGRAM PARTICIPANT TO INSTALL ENERGY  
39 STORAGE; OR

40 (c) MAKE ANY OTHER ENERGY UPGRADE AUTHORIZED BY THE  
41 OFFICE OR APPROVED BY THE COMMISSION AS PART OF A UTILITY'S  
42 APPLICATION TO ESTABLISH AN ON-BILL PROGRAM.

43 (6) "OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN

1 SECTION 24-38.5-101 (1).

2 (7) "ON-BILL CASH FUND" OR "FUND" MEANS THE ON-BILL CASH  
3 FUND CREATED IN SECTION 24-38.5-607.

4 (8) "ON-BILL PROGRAM" MEANS A UTILITY'S PROGRAM THAT  
5 RECEIVES MONEY FROM THE ON-BILL CASH FUND PURSUANT TO THIS PART  
6 6 AND THROUGH WHICH PROGRAM THE COSTS OF ENERGY EFFICIENCY  
7 MEASURES, ELECTRIFICATION MEASURES, AND ENERGY UPGRADES  
8 INSTALLED AT A PROGRAM PARTICIPANT'S PREMISES ARE ASSOCIATED  
9 WITH THE UTILITY METER AND ARE REPAID THROUGH MONTHLY UTILITY  
10 BILL PAYMENTS.

11 (9) "PARTICIPATING UTILITY" MEANS A UTILITY THAT RECEIVES  
12 MONEY THROUGH THE PROGRAM, EITHER DIRECTLY THROUGH A LOAN  
13 FROM THE OFFICE OR THROUGH PARTICIPATION IN A PROGRAM  
14 ADMINISTERED BY THE PROGRAM ADMINISTRATOR.

15 (10) "PROGRAM ADMINISTRATOR" MEANS A THIRD-PARTY ENTITY  
16 THAT THE OFFICE MAY CONTRACT WITH TO PLAN, ADMINISTER, OPERATE,  
17 AND MANAGE A UTILITY ON-BILL PROGRAM FOR PARTICIPATING UTILITIES  
18 THAT VOLUNTARILY CHOOSE TO CONTRACT WITH THE PROGRAM  
19 ADMINISTRATOR AS THEIR UTILITY-DESIGNATED ADMINISTRATOR.

20 (11) "PROGRAM PARTICIPANT" MEANS A PARTICIPATING UTILITY  
21 CUSTOMER THAT HAS REQUESTED TO PARTICIPATE IN A PARTICIPATING  
22 UTILITY'S ON-BILL PROGRAM AND THAT THE PARTICIPATING UTILITY,  
23 EITHER DIRECTLY OR THROUGH ITS UTILITY-DESIGNATED ADMINISTRATOR,  
24 HAS DETERMINED IS ELIGIBLE FOR PROGRAM PARTICIPATION.

25 (12) "UNCLAIMED PROPERTY TRUST FUND" MEANS THE  
26 UNCLAIMED PROPERTY TRUST FUND CREATED IN SECTION 38-13-801.

27 (13) "UTILITY" MEANS AN ELECTRIC UTILITY, A GAS UTILITY, OR A  
28 COMBINED FUEL UTILITY AND INCLUDES:

29 (a) AN INVESTOR-OWNED UTILITY;  
30 (b) A COOPERATIVE ELECTRIC ASSOCIATION; AND  
31 (c) A MUNICIPALLY OWNED UTILITY.

32 (14) (a) "UTILITY-DESIGNATED ADMINISTRATOR" MEANS A  
33 THIRD-PARTY ENTITY THAT A UTILITY MAY CONTRACT WITH TO PLAN,  
34 ADMINISTER, OPERATE, AND MANAGE THE UTILITY'S ON-BILL PROGRAM.

35 (b) "UTILITY-DESIGNATED ADMINISTRATOR" INCLUDES THE  
36 PROGRAM ADMINISTRATOR, AS APPLICABLE.

37 **24-38.5-603. On-bill programs - participation process -**  
38 **reporting.** (1) FOR THE PURPOSE OF ALLOCATING MONEY TO PROVIDE  
39 CAPITAL FOR PARTICIPATING UTILITIES' ON-BILL PROGRAMS, THE OFFICE  
40 SHALL ESTABLISH A PROCESS THROUGH WHICH A UTILITY MAY REQUEST TO  
41 BECOME A PARTICIPATING UTILITY. THE OFFICE MAY DESIGN REQUEST  
42 FORMS OR GUIDANCE DOCUMENTS FOR THE PROCESS AND SHALL POST ANY  
43 SUCH FORMS AND GUIDANCE DOCUMENTS ON ITS PUBLIC WEBSITE.

1           (2) PURSUANT TO AN AGREEMENT BETWEEN THE OFFICE AND A  
2 PARTICIPATING UTILITY, THE PROGRAM ADMINISTRATOR, OR A  
3 UTILITY-DESIGNATED ADMINISTRATOR, MONEY PROVIDED TO THE UTILITY  
4 TO HELP ESTABLISH OR CONTINUE THE UTILITY'S ON-BILL PROGRAM MAY  
5 BE USED TO SUPPORT ENERGY EFFICIENCY MEASURES, ELECTRIFICATION  
6 MEASURES, AND ENERGY UPGRADES AT A PROGRAM PARTICIPANT'S  
7 PREMISES THAT ARE LOCATED AND REMAIN IN THE UTILITY'S SERVICE  
8 TERRITORY.

9           (3) (a) THE OFFICE MAY ISSUE GUIDANCE ON PROGRAM  
10 REQUIREMENTS OR PLACE CONTRACT LIMITATIONS ON THE USE OF LOANS  
11 FROM THE FUND, AS APPROPRIATE, FOR DEVELOPMENT, IMPLEMENTATION,  
12 AND UPDATES OF CONSUMER PROTECTION AND EQUITY REQUIREMENTS TO  
13 ENSURE THE SUCCESS OF THE PROGRAM, WHILE BALANCING:

14           (I) RISK TO LENDERS, UTILITIES, AND CUSTOMERS;  
15           (II) EQUITY;  
16           (III) REPAYMENT TERMS; AND  
17           (IV) UTILITY BILL IMPACTS FOR PROGRAM PARTICIPANTS.

18           (b) THE OFFICE SHALL CONSULT WITH A PARTICIPATING UTILITY'S  
19 UTILITY-DESIGNATED ADMINISTRATOR OR A PROGRAM ADMINISTRATOR  
20 SELECTED BY THE OFFICE PURSUANT TO SECTION 24-38.5-604, AS  
21 APPROPRIATE, IN DEVELOPING GUIDANCE ON PROGRAM REQUIREMENTS,  
22 INCLUDING CONSUMER PROTECTION AND EQUITY REQUIREMENTS, WHICH  
23 REQUIREMENTS MAY INCLUDE:

24           (I) THE RATE CLASSES OF UTILITY CUSTOMERS THAT MAY  
25 PARTICIPATE IN THE UTILITY'S ON-BILL PROGRAM, WHICH RATE CLASSES  
26 MUST, AT A MINIMUM, INCLUDE RESIDENTIAL CUSTOMERS;  
27           (II) THE ENERGY EFFICIENCY MEASURES, ELECTRIFICATION  
28 MEASURES, AND ENERGY UPGRADES THAT THE UTILITY MAY AUTHORIZE  
29 A PROGRAM PARTICIPANT TO FINANCE THROUGH AN ON-BILL PROGRAM;  
30           (III) A CAP ON THE TOTAL FINANCING THAT MAY BE MADE  
31 AVAILABLE TO A RESIDENTIAL UTILITY CUSTOMER, NOT TO EXCEED FIFTY  
32 THOUSAND DOLLARS;  
33           (IV) FOR UTILITIES THAT ARE NOT REGULATED BY THE  
34 COMMISSION, THE METHOD THAT A PARTICIPATING UTILITY MAY USE TO  
35 RECOVER PROGRAM ADMINISTRATION COSTS;  
36           (V) A REQUIREMENT THAT, FOR CONTRACTS WITH REGULATED  
37 UTILITIES, THE FINAL CONTRACT CONFORMS WITH ANY FINAL APPROVAL  
38 FROM THE COMMISSION; AND  
39           (VI) REQUIREMENTS REGARDING TRANSFERS OF FINANCIAL  
40 RESPONSIBILITY WHEN AN OWNER OR TENANT VACATES A BUILDING  
41 SUBJECT TO A UTILITY'S ON-BILL PROGRAM, INCLUDING:

42           (A) REQUIREMENTS REGARDING THE RECORDING OF A LIEN AND  
43 THE CLEARING OF TITLE UPON REPAYMENT;

1 (B) A REQUIREMENT THAT A PROPERTY OWNER THAT IS A  
2 PROGRAM PARTICIPANT SHALL AGREE TO NOTIFY A PROSPECTIVE  
3 PURCHASER OF THE PROPERTY SUBJECT TO AN ON-BILL PROGRAM OF ANY  
4 REPAYMENT OBLIGATIONS ON THE UTILITY BILL RELATED TO THE  
5 PARTICIPATION IN THE PROGRAM; AND

6 (C) A REQUIREMENT THAT A PROPERTY OWNER THAT IS A  
7 PARTICIPATING CUSTOMER OR IS THE OWNER OF A PROPERTY FOR WHICH  
8 THERE IS AN EXISTING REPAYMENT OBLIGATION ON THE UTILITY BILL  
9 RELATED TO PARTICIPATION IN A PROGRAM SHALL AGREE TO NOTIFY A  
10 PROSPECTIVE TENANT OF THE ON-BILL REPAYMENT OBLIGATION.

11 (4) THE OFFICE MAY PLACE CONTRACT LIMITATIONS ON THE USE  
12 OF LOANS FROM THE FUND, AS APPROPRIATE, FOR THE DEVELOPMENT,  
13 IMPLEMENTATION, AND UPDATES OF CONSUMER PROTECTION AND EQUITY  
14 REQUIREMENTS TO ENSURE THE SUCCESS OF THE PROGRAM, WHILE  
15 BALANCING RISK TO LENDERS, UTILITIES, AND CUSTOMERS; EQUITY;  
16 REPAYMENT TERMS; AND UTILITY BILL IMPACTS FOR PROGRAM  
17 PARTICIPANTS. THE OFFICE SHALL CONSULT WITH THE PARTICIPATING  
18 UTILITY, THE PARTICIPATING UTILITY'S UTILITY-DESIGNATED  
19 ADMINISTRATOR, OR A PROGRAM ADMINISTRATOR SELECTED BY THE  
20 OFFICE PURSUANT TO SECTION 24-38.5-604, AS APPROPRIATE, IN  
21 DEVELOPING THE CONSUMER PROTECTION AND EQUITY REQUIREMENTS,  
22 WHICH REQUIREMENTS MAY INCLUDE:

23 (a) QUALITY INSTALLATION VERIFICATION, INCLUDING THE  
24 CERTIFICATIONS AND RELATED ENFORCEMENT MECHANISMS NEEDED TO  
25 ENSURE AND VERIFY QUALITY INSTALLATIONS;

26 (b) PROCEDURES FOR ADDRESSING FAILING EQUIPMENT;

27 (c) VENDOR OR CONTRACTOR SELECTION AND APPROVAL  
28 PROCESSES, INCLUDING LABOR STANDARDS AND A PROCESS FOR  
29 ENFORCEMENT OF THE LABOR STANDARDS;

30 (d) ELIGIBILITY REQUIREMENTS FOR PROGRAM PARTICIPANTS;

31 (e) PROTECTIONS FOR TENANTS WHOSE LANDLORDS FINANCE  
32 ENERGY EFFICIENCY MEASURES THROUGH A PROGRAM, INCLUDING:

33 (I) REQUIREMENTS TO NOTIFY TENANTS OF REPAYMENT  
34 OBLIGATIONS IN LEASE AGREEMENTS;

35 (II) PROCESSES FOR PROPERTY OWNERS TO INSTALL MEASURES AT  
36 TENANT-OCCUPIED LOCATIONS; AND

37 (III) OTHER MEASURES AS APPROPRIATE;

38 (f) PROGRAM DESIGN TO MINIMIZE THE RISK OF UTILITY  
39 DISCONNECTION;

40 (g) THE FINANCING TERMS AVAILABLE FOR DIFFERENT TYPES OF  
41 ENERGY EFFICIENCY MEASURES AND ENERGY UPGRADES; AND

42 (h) THE TREATMENT OF TRANSFER OF PROPERTY OWNERSHIP,  
43 TREATMENT OF DEBTS TO A UTILITY, AND PROPERTY TREATMENT AT

1 TRANSFER.

2 (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS  
3 SECTION, ON OR BEFORE THE FIRST JANUARY 31 FOLLOWING THE FIFTH  
4 COMPLETED YEAR OF PROGRAM IMPLEMENTATION, OR ONCE A UTILITY HAS  
5 FINANCED AT LEAST TEN MILLION DOLLARS IN ENERGY EFFICIENCY  
6 MEASURES, ELECTRIFICATION MEASURES, OR ENERGY UPGRADES WITH  
7 FUNDING FROM THE ON-BILL CASH FUND, WHICHEVER OCCURS FIRST, AND  
8 ON OR BEFORE JANUARY 31 OF EACH OF THE THREE YEARS THEREAFTER,  
9 A PARTICIPATING UTILITY OR ITS UTILITY-DESIGNATED ADMINISTRATOR  
10 SHALL PREPARE AND SUBMIT TO THE OFFICE A REPORT THAT TRACKS THE  
11 TOTAL AMOUNT OF ENERGY EFFICIENCY MEASURES, ELECTRIFICATION  
12 MEASURES, AND ENERGY UPGRADES FINANCED; THE NUMBER OF  
13 PARTICIPATING CUSTOMERS BROKEN DOWN BY INTEREST RATE, AS  
14 APPLICABLE; AND CUMULATIVE PROGRAM PARTICIPATION DEFAULT RATES,  
15 UTILITY DISCONNECTIONS, COMPLIANCE WITH LABOR STANDARDS, AND  
16 OTHER METRICS THAT THE OFFICE DEEMS RELEVANT TO THE CONSUMER  
17 PROTECTION AND EQUITY REQUIREMENTS FOR THE PROGRAM. THE OFFICE  
18 SHALL MAKE THE REPORTS PUBLICLY AVAILABLE ON ITS PUBLIC WEBSITE.

19 (b) A REGULATED UTILITY THAT IS REQUIRED TO FILE A REPORT  
20 WITH THE COMMISSION REGARDING AN ON-BILL PROGRAM NEED NOT  
21 PREPARE AND SUBMIT TO THE OFFICE A REPORT PURSUANT TO SUBSECTION  
22 (5)(a) OF THIS SECTION.

23 **24-38.5-604. Authority to contract with program**  
24 **administrators - selection criteria - program design requirements.**

25 (1) IN ACCORDANCE WITH THE REQUIREMENTS OF THE "PROCUREMENT  
26 CODE", ARTICLES 101 TO 112 OF THIS TITLE 24, THE OFFICE MAY  
27 CONTRACT WITH ONE OR MORE INDEPENDENT THIRD-PARTY ENTITIES TO  
28 SERVE AS PROGRAM ADMINISTRATORS TO FACILITATE AND HELP  
29 ADMINISTER UTILITY ON-BILL PROGRAMS FOR PARTICIPATING UTILITIES.  
30 THE OFFICE SHALL CONTRACT ONLY WITH ONE OR MORE OF THE  
31 FOLLOWING ENTITIES TO SERVE AS PROGRAM ADMINISTRATORS:

32 (a) A BANK;

33 (b) A NONDEPOSITORY COMMUNITY DEVELOPMENT FINANCIAL  
34 INSTITUTION;

35 (c) A BUSINESS DEVELOPMENT CORPORATION; OR

36 (d) A NONPROFIT ORGANIZATION.

37 (2) IN SELECTING A PROGRAM ADMINISTRATOR PURSUANT TO THIS  
38 SECTION, THE OFFICE SHALL CONSIDER THE ABILITY OF A POTENTIAL  
39 PROGRAM ADMINISTRATOR TO EXPAND THE PROGRAM, INCLUDING BY  
40 EXPANDING THE CAPITAL AVAILABLE FOR USE IN THE PROGRAM THROUGH  
41 PUBLIC AND PRIVATE CAPITAL SOURCES.

42 (3) THE OFFICE, IN CONSULTATION WITH A SELECTED PROGRAM  
43 ADMINISTRATOR, MAY DETERMINE THE DESIGN REQUIREMENTS FOR THE

1 PROGRAM, WITH THE GOAL OF OFFERING CUSTOMERS THE LOWEST  
2 POSSIBLE INTEREST RATES, INCLUDING:

3 (a) A REQUIREMENT THAT A PARTICIPATING UTILITY'S ON-BILL  
4 PROGRAM PROVIDE FOR STANDARDIZATION OF ASPECTS OF THE UTILITY'S  
5 PROGRAM, SUCH AS FORMS USED TO APPLY FOR PARTICIPATION IN THE  
6 UTILITY'S PROGRAM, BUT OTHERWISE ALLOW FOR FLEXIBILITY IN  
7 IMPLEMENTING THE UTILITY'S PROGRAM TO ALLOW FOR DIFFERENT  
8 REQUIREMENTS BASED ON WHICH ENERGY EFFICIENCY MEASURES,  
9 ELECTRIFICATION MEASURES, AND ENERGY UPGRADES A PROGRAM  
10 PARTICIPANT CHOOSES;

11 (b) A REQUIREMENT THAT THE ENERGY EFFICIENCY MEASURES,  
12 ELECTRIFICATION MEASURES, AND ENERGY UPGRADES AUTHORIZED FOR  
13 A PARTICIPATING UTILITY'S ON-BILL PROGRAM COMPLY WITH PROGRAM  
14 REQUIREMENTS;

15 (c) A REQUIREMENT THAT A PROGRAM ADMINISTRATOR PURSUE  
16 OTHER SOURCES OF PUBLIC AND PRIVATE CAPITAL, WITH A GOAL OF  
17 INCREASING AVAILABLE STATEWIDE FUNDING FOR ON-BILL PROGRAMS TO  
18 ONE BILLION DOLLARS BY 2030;

19 (d) A REQUIREMENT TO REDUCE CUSTOMER INTEREST RATES TO  
20 THE LOWEST RATES POSSIBLE AND TO REDUCE RISK OF DEFAULT; AND

21 (e) REQUIREMENTS REGARDING HOW AVAILABLE REBATES MAY BE  
22 APPLIED TO AN ENERGY EFFICIENCY MEASURE, ELECTRIFICATION  
23 MEASURE, OR ENERGY UPGRADE PROJECT BEFORE FINANCING.

24 **24-38.5-605. Transfers of financial responsibility - notification**  
25 **required - property seller's obligation - utility's obligation.**

26 (1) PARTICIPATION IN A UTILITY'S ON-BILL PROGRAM IS TIED TO THE  
27 LOCATION OF THE UTILITY METER ASSOCIATED WITH A UTILITY  
28 CUSTOMER'S ACCOUNT WHERE THE ENERGY EFFICIENCY MEASURES,  
29 ELECTRIFICATION MEASURES, OR ENERGY UPGRADES ARE INSTALLED. IF A  
30 PROGRAM PARTICIPANT MOVES TO A NEW LOCATION, THE PROGRAM  
31 PARTICIPANT'S PARTICIPATION IN THE ON-BILL PROGRAM DOES NOT  
32 TRANSFER TO THE PROGRAM PARTICIPANT'S NEW LOCATION. A PROGRAM  
33 MAY BE STRUCTURED SUCH THAT, FOR REAL PROPERTY THAT IS THE SITE  
34 OF A UTILITY METER THAT IS ASSOCIATED WITH PARTICIPATION IN THE  
35 PROGRAM, THE FINANCIAL RESPONSIBILITY TO MAKE ANY REMAINING  
36 REPAYMENTS UNDER THE ON-BILL PROGRAM TRANSFERS TO THE  
37 SUCCESSOR PROGRAM PARTICIPANT.

38 (2) FINANCIAL RESPONSIBILITY DESCRIBED IN SUBSECTION (1) OF  
39 THIS SECTION APPLIES ONLY TO THE PROGRAM PARTICIPANT RESPONSIBLE  
40 FOR THE UTILITY METER, AND NOT TO ALL OF THE REAL PROPERTY.

41 (3) IF A PROGRAM PARTICIPANT THAT IS AN OWNER OF REAL  
42 PROPERTY AT WHICH ENERGY EFFICIENCY MEASURES, ELECTRIFICATION  
43 MEASURES, OR ENERGY UPGRADES HAVE BEEN IMPLEMENTED PURSUANT

1 TO PARTICIPATION IN THE PROGRAM INTENDS TO SELL THE REAL PROPERTY,  
2 AND THE FULL COST OF THE ENERGY EFFICIENCY MEASURES,  
3 ELECTRIFICATION MEASURES, OR ENERGY UPGRADES HAVE NOT BEEN  
4 FULLY REPAID, THE OWNER SHALL:

5 (a) PROVIDE A PROSPECTIVE PURCHASER OF THE REAL PROPERTY  
6 WRITTEN NOTICE OF THE REMAINING PAYMENTS UNDER THE ON-BILL  
7 PROGRAM UPON PURCHASING THE REAL PROPERTY. THE WRITTEN NOTICE  
8 MUST BE PROVIDED BEFORE THE PROSPECTIVE PURCHASER MAKES AN  
9 OFFER TO PURCHASE THE REAL PROPERTY AND MUST INCLUDE:

10 (I) INFORMATION THAT THE REAL PROPERTY IS SUBJECT TO UTILITY  
11 ON-BILL REPAYMENTS;

12 (II) CONTACT INFORMATION FOR A PERSON INVOLVED IN THE  
13 UTILITY'S ON-BILL PROGRAM; AND

14 (III) INFORMATION REGARDING THE UTILITY ON-BILL REPAYMENTS,  
15 INCLUDING:

16 (A) THE TOTAL AMOUNT OF THE ORIGINAL COSTS FOR WHICH  
17 UTILITY ON-BILL REPAYMENTS WERE ESTABLISHED;

18 (B) THE APPROXIMATE REMAINING BALANCE OF THE COSTS;

19 (C) THE ON-BILL REPAYMENT SCHEDULE, INCLUDING THE  
20 MONTHLY REPAYMENT OBLIGATION;

21 (D) THE PRODUCTS AND SERVICES PROVIDING ENERGY EFFICIENCY  
22 MEASURES, ELECTRIFICATION MEASURES, OR ENERGY UPGRADES THAT  
23 WERE INSTALLED THROUGH THE UTILITY'S ON-BILL PROGRAM; AND

24 (E) ANY RISKS ASSOCIATED WITH NONPAYMENT OF THE ON-BILL  
25 REPAYMENTS, INCLUDING DEBT WORKOUT PROCESSES AVAILABLE AND THE  
26 POTENTIAL DISCONNECTION OF UTILITY SERVICE;

27 (b) NOTIFY THE UTILITY TO WHICH THE OWNER IS MAKING ON-BILL  
28 REPAYMENTS UNDER THE ON-BILL PROGRAM IN THE EVENT THAT THE REAL  
29 PROPERTY HAS BEEN LISTED FOR SALE; AND

30 (c) CONTINUE MAKING THE ON-BILL REPAYMENTS UNTIL  
31 OWNERSHIP OF THE REAL PROPERTY HAS OFFICIALLY TRANSFERRED TO A  
32 PURCHASER OF THE REAL PROPERTY.

33 (4) (a) UPON ACCEPTING AN OFFER TO PURCHASE REAL PROPERTY  
34 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE OWNER OF THE REAL  
35 PROPERTY SHALL NOTIFY THE UTILITY TO WHICH THE OWNER IS MAKING  
36 ON-BILL REPAYMENTS OF:

37 (I) THE PURCHASER'S NAME AND CONTACT INFORMATION;

38 (II) THE NAME AND CONTACT INFORMATION FOR ANY REAL ESTATE  
39 AGENT REPRESENTING THE PURCHASER OF THE REAL PROPERTY; AND

40 (III) THE NAME AND CONTACT INFORMATION FOR THE TITLE AGENT  
41 OR COMPANY THAT PROVIDES CLOSING AND SETTLEMENT SERVICES IN  
42 RELATION TO THE REAL ESTATE TRANSACTION.

43 (b) THE UTILITY OR ITS DESIGNEE SHALL, UPON REQUEST, MAKE



1 INFORMATION AVAILABLE TO THE PURCHASER OR ANY REAL ESTATE  
2 AGENT REPRESENTING THE PURCHASER AND THE TITLE AGENT OR  
3 COMPANY TO INFORM THE PURCHASER AND TITLE AGENT OR COMPANY OF  
4 THE TERMS AND CONDITIONS OF THE ON-BILL REPAYMENTS OWED TO THE  
5 UTILITY UNDER THE UTILITY'S ON-BILL PROGRAM.

6 (5) IF AN OWNER OF A PROPERTY WITH AN OUTSTANDING BALANCE  
7 FOR AN ON-BILL REPAYMENT OBLIGATION BEGINS TO RENT OR LEASE THE  
8 PROPERTY, THE OWNER SHALL NOTIFY THE UTILITY AND SHALL FOLLOW  
9 ALL REQUIREMENTS REGARDING TENANT CONSUMER PROTECTIONS THAT  
10 THE UTILITY OR PROGRAM ADMINISTRATOR ESTABLISHES AND THAT WERE  
11 INCLUDED IN THE FINANCIAL DOCUMENTS THAT THE OWNER SIGNED.

12 (6) THIS SECTION APPLIES ONLY TO A UTILITY'S ON-BILL PROGRAM  
13 THAT RECEIVES FINANCING FROM THE ON-BILL CASH FUND EITHER  
14 DIRECTLY OR THROUGH A UTILITY-DESIGNATED ADMINISTRATOR.

15 **24-38.5-606. Participation by utilities - program**  
16 **administration.** (1) A UTILITY MAY SEEK MONEY FROM THE ON-BILL  
17 CASH FUND USING A PROCESS APPROVED BY THE OFFICE TO ESTABLISH ITS  
18 OWN ON-BILL PROGRAM OR SUPPORT AN EXISTING ON-BILL PROGRAM.

19 (2) A UTILITY PARTICIPATING IN THE PROGRAM PURSUANT TO THIS  
20 SECTION MAY DESIGNATE AN ADMINISTRATOR WITH WRITTEN APPROVAL  
21 FROM THE OFFICE OR MAY CHOOSE TO DESIGNATE THE PROGRAM  
22 ADMINISTRATOR SELECTED BY THE OFFICE AS ITS UTILITY-DESIGNATED  
23 ADMINISTRATOR.

24 (3) IF THE OFFICE CONTRACTS WITH A PROGRAM ADMINISTRATOR  
25 PURSUANT TO SECTION 24-38.5-604, A UTILITY THAT, ON THE EFFECTIVE  
26 DATE OF THIS SECTION, HAS AN EXISTING ON-BILL PROGRAM MAY SEEK  
27 WRITTEN APPROVAL FROM THE OFFICE TO TRANSFER THE ADMINISTRATION  
28 OF ITS ON-BILL PROGRAM TO THE PROGRAM ADMINISTRATOR.

29 **24-38.5-607. On-bill cash fund - creation.** (1) THE ON-BILL  
30 CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF  
31 MONEY CREDITED TO THE FUND PURSUANT TO SECTION 38-13-801 (3.3)  
32 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE  
33 OR TRANSFER TO THE FUND.

34 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
35 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
36 ON-BILL CASH FUND TO THE FUND.

37 (3) MONEY IN THE ON-BILL CASH FUND IS CONTINUOUSLY  
38 APPROPRIATED TO THE OFFICE TO DEFRAY THE COSTS INCURRED BY THE  
39 OFFICE IN ADMINISTERING THE PROGRAM AND IN SUPPORTING UTILITY AND  
40 BUILDING DECARBONIZATION.

41 (4) (a) A LOAN MADE FROM THE UNCLAIMED PROPERTY TRUST  
42 FUND TO A SEPARATE FUND ASSOCIATED WITH A STATE OFFICE IS AN  
43 INTERFUND LOAN ACCORDING TO GOVERNMENTAL ACCOUNTING

1 STANDARDS BOARD CODIFICATION 1800.102, MEANING THAT THE LOAN IS  
2 NOT CLASSIFIED AS REVENUE AND IS BOOKED AS AN INTERFUND  
3 RECEIVABLE OR PAYABLE.

4 (b) A LOAN MADE FROM THE UNCLAIMED PROPERTY TRUST FUND  
5 TO A SEPARATE FUND ASSOCIATED WITH A STATE OFFICE IS NOT STATE  
6 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE  
7 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT  
8 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED  
9 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS  
10 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

11 **SECTION 2.** In Colorado Revised Statutes, **add** 38-35.7-113 as  
12 follows:

13 **38-35.7-113. Disclosure - utility on-bill program obligations.**

14 (1) FOR ANY REAL PROPERTY FOR WHICH THE OWNER OF THE PROPERTY  
15 IS SUBJECT TO REPAYMENT OBLIGATIONS UNDER AN ON-BILL PROGRAM  
16 DESCRIBED IN PART 6 OF ARTICLE 38.5 OF TITLE 24, THE OWNER OF THE  
17 REAL PROPERTY SHALL PROVIDE A PROSPECTIVE PURCHASER OF THE  
18 PROPERTY WRITTEN NOTICE IN COMPLIANCE WITH SECTION 24-38.5-605.  
19 BEFORE ACCEPTING A PROSPECTIVE PURCHASER'S OFFER TO PURCHASE THE  
20 REAL PROPERTY, THE SELLER SHALL PROVIDE THE PROSPECTIVE  
21 PURCHASER THE WRITTEN NOTICE AND OBTAIN FROM THE PROSPECTIVE  
22 PURCHASER A SIGNED COPY OF THE WRITTEN NOTICE ACKNOWLEDGING  
23 RECEIPT OF THE NOTICE. THE PROSPECTIVE PURCHASER MAY SIGN THE  
24 WRITTEN NOTICE ELECTRONICALLY.

25 (2) THIS SECTION APPLIES ONLY TO A UTILITY'S ON-BILL PROGRAM  
26 THAT RECEIVES FINANCING FROM THE ON-BILL CASH FUND CREATED IN  
27 SECTION 24-38.5-607 DIRECTLY OR THROUGH A UTILITY-DESIGNATED  
28 ADMINISTRATOR.

29 **SECTION 3.** In Colorado Revised Statutes, **add** 40-2-140 as  
30 follows:

31 **40-2-140. Utility on-bill program - review by commission -**  
32 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
33 OTHERWISE REQUIRES:

34 (a) "COMBINED FUEL CUSTOMER" MEANS A RESIDENTIAL UTILITY  
35 CUSTOMER THAT TAKES BOTH ELECTRIC AND GAS SERVICE FROM THE  
36 UTILITY.

37 (b) "ON-BILL CASH FUND" HAS THE MEANING SET FORTH IN  
38 SECTION 24-38.5-602 (7).

39 (c) "ON-BILL PROGRAM" HAS THE MEANING SET FORTH IN SECTION  
40 24-38.5-602 (8).

41 (2) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(a)(II) OF THIS  
42 SECTION, ON OR BEFORE DECEMBER 31, 2027, A GAS, ELECTRIC, OR  
43 COMBINED FUEL UTILITY WITH MORE THAN FIVE HUNDRED THOUSAND

1 CUSTOMERS IN THE STATE SHALL FILE WITH THE COMMISSION AN  
2 APPLICATION THAT EITHER PROPOSES TO USE FUNDING FROM THE ON-BILL  
3 CASH FUND TO ESTABLISH OR MODIFY AN EXISTING ON-BILL PROGRAM OR  
4 PROPOSES NOT TO USE FUNDING FROM THE ON-BILL CASH FUND.

5 (II) IF THE UTILITY PROPOSES NOT TO USE FUNDING FROM THE  
6 ON-BILL CASH FUND, THE UTILITY'S FILING MUST DEMONSTRATE WHY THE  
7 UTILITY'S CUSTOMERS WOULD NOT BENEFIT FROM THE UTILITY'S USE OF  
8 THE FUNDING.

9 (b) UNLESS OTHERWISE PART OF A UTILITY ON-BILL PROGRAM  
10 APPROVED BY THE COMMISSION AND NOT IN CONFLICT WITH ANY  
11 COMMISSION-APPROVED ON-BILL PROGRAM OR OTHER COMMISSION  
12 DECISION, A UTILITY'S FILING SUBMITTED PURSUANT TO SUBSECTION  
13 (2)(a)(I) OF THIS SECTION MUST:

14 (I) PROPOSE TO MAKE THE UTILITY'S ON-BILL PROGRAM AVAILABLE  
15 TO ELECTRIC-ONLY RETAIL CUSTOMERS, GAS-ONLY RETAIL CUSTOMERS,  
16 AND COMBINED FUEL RETAIL CUSTOMERS;

17 (II) DESCRIBE HOW THE UTILITY WOULD USE MONEY FROM THE  
18 ON-BILL CASH FUND TO IMPLEMENT OR MODIFY AN ON-BILL PROGRAM;

19 (III) DESCRIBE HOW THE UTILITY WILL OFFER THE ON-BILL  
20 PROGRAM TO ITS RESIDENTIAL CUSTOMERS;

21 (IV) INCLUDE INFORMATION CONCERNING HOW THE UTILITY WILL  
22 ALLOW NONPROFIT ORGANIZATIONS, STATE AND LOCAL GOVERNMENTS,  
23 MULTIFAMILY DWELLINGS, AND HOMEOWNERS' ASSOCIATIONS TO  
24 PARTICIPATE IN THE ON-BILL PROGRAM; AND

25 (V) DESCRIBE HOW THE UTILITY MAY USE FUNDING FROM THE  
26 ON-BILL CASH FUND OR OTHER SOURCES OF FUNDING TO REDUCE INTEREST  
27 RATES, ESPECIALLY FOR CUSTOMERS IN LOW- AND MODERATE-INCOME  
28 HOUSEHOLDS.

29 (3) A UTILITY WITH MORE THAN FIVE HUNDRED THOUSAND  
30 CUSTOMERS IN THE STATE MAY RECOVER ON-BILL PROGRAM COSTS IN  
31 ACCORDANCE WITH PART 6 OF ARTICLE 38.5 OF TITLE 24. THE UTILITY  
32 SHALL NOT RECOVER ADMINISTRATIVE COSTS THROUGH THE INTEREST  
33 RATE ESTABLISHED FOR MONEY MADE AVAILABLE THROUGH THE ON-BILL  
34 PROGRAM. A UTILITY MAY RECOVER ADMINISTRATIVE COSTS APPROVED  
35 BY THE COMMISSION. A UTILITY MAY PROPOSE OR MAY MAINTAIN A  
36 METHOD TO RECOVER APPROVED ADMINISTRATIVE COSTS, INCLUDING THE  
37 USE OF AN EXISTING RIDER, AS APPROVED BY THE COMMISSION.

38 (4) A UTILITY WITH MORE THAN FIVE HUNDRED THOUSAND  
39 CUSTOMERS IN THE STATE THAT, BY APRIL 1, 2026, DOES NOT HAVE AN  
40 EXISTING ON-BILL PROGRAM THAT HAS BEEN APPROVED BY THE  
41 COMMISSION SHALL FILE THE APPLICATION DESCRIBED IN SUBSECTION  
42 (2)(a) OF THIS SECTION ON OR BEFORE DECEMBER 31, 2026.

43 (5) (a) THE COMMISSION SHALL REVIEW AND APPROVE,

1 DISAPPROVE, OR APPROVE WITH MODIFICATIONS A UTILITY'S APPLICATION  
2 SUBMITTED PURSUANT TO SUBSECTION (2) OF THIS SECTION. IN REVIEWING  
3 AN APPLICATION, THE COMMISSION SHALL DETERMINE WHETHER THE  
4 UTILITY'S PROPOSED PLAN FOR PARTICIPATION IN A UTILITY ON-BILL  
5 PROGRAM IS IN THE PUBLIC INTEREST, AND, IF THE COMMISSION  
6 DETERMINES THAT THE PROPOSED PLAN IS NOT IN THE PUBLIC INTEREST,  
7 THE COMMISSION MAY MODIFY SPECIFIC PORTIONS OF THE PROPOSED PLAN  
8 TO BRING THE PROPOSED PLAN INTO ALIGNMENT WITH THE PUBLIC  
9 INTEREST.

10 (b) IF THE COMMISSION, PURSUANT TO THIS SECTION OR THROUGH  
11 A COMMISSION DECISION, APPROVES PARTICIPATION IN A UTILITY ON-BILL  
12 PROGRAM FOR NONPROFIT ORGANIZATIONS OR NONRESIDENTIAL  
13 CUSTOMERS, THE REQUIREMENTS OF SECTIONS 40-3.2-105.5 AND  
14 40-3.2-105.6 APPLY TO ANY WORK UNDERTAKEN AS PART OF THE ON-BILL  
15 PROGRAM.

16 **SECTION 4.** In Colorado Revised Statutes, 38-13-801, **amend**  
17 (1)(b); and **add** (3.3) as follows:

18 **38-13-801. Unclaimed property trust fund - creation -**  
19 **payments - interest - appropriations - records - rules - legislative**  
20 **declaration.** (1) (b) Except as provided in subsections (2), (3), (3.3), and  
21 (3.5) of this section, the principal of the trust fund shall not be expended  
22 except to pay claims made pursuant to this article 13. Money constituting  
23 the principal of the trust fund is not fiscal year spending of the state for  
24 purposes of section 20 of article X of the state constitution and is not  
25 subject to appropriation by the general assembly.

26 (3.3) (a) AFTER RESERVING THE AMOUNTS DESCRIBED IN  
27 SUBSECTION (3)(b) OF THIS SECTION AND TRANSMITTING THE MONEY  
28 NECESSARY FOR THE PURPOSES DESCRIBED IN SUBSECTION (3)(a) OF THIS  
29 SECTION, THE STATE TREASURER SHALL CREDIT TO THE ON-BILL CASH  
30 FUND CREATED IN SECTION 24-38.5-607 AN AMOUNT OF PRINCIPAL AND  
31 INTEREST IN THE UNCLAIMED PROPERTY TRUST FUND THAT IS SUFFICIENT,  
32 AS DETERMINED BY THE COLORADO ENERGY OFFICE PURSUANT TO  
33 SECTION 24-38.5-603 (2), TO IMPLEMENT PART 6 OF ARTICLE 38.5 OF TITLE  
34 24.

35 (b) ON JANUARY 1, 2026, THE STATE TREASURER SHALL MAKE AN  
36 INTEREST-FREE LOAN IN THE AMOUNT OF ONE HUNDRED MILLION DOLLARS  
37 FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE ON-BILL CASH FUND  
38 CREATED IN SECTION 24-38.5-607. THE COLORADO ENERGY OFFICE SHALL:

39 (I) USE THE LOAN TO SUPPORT UTILITY ON-BILL PROGRAMS, AS  
40 DESCRIBED IN SECTION 24-38.5-603; AND

41 (II) PAY THE LOAN BACK TO THE UNCLAIMED PROPERTY TRUST  
42 FUND BY JANUARY 1, 2046. THE LOAN REPAYMENT IS SUBJECT TO FUTURE  
43 APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL NOT BE DEEMED

1 OR CONSTRUED AS CREATING INDEBTEDNESS OF THE STATE WITHIN THE  
2 MEANING OF THE STATE CONSTITUTION OR THE LAWS OF THE STATE  
3 CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE.  
4 (c) A LOAN MADE FROM THE UNCLAIMED PROPERTY TRUST FUND  
5 TO ANOTHER STATE FUND SHALL BE REPAID WITHIN TWENTY YEARS.  
6 **SECTION 5.** In Colorado Revised Statutes, **add** 24-38.5-123 as  
7 follows:  
8 **24-38.5-123. Building decarbonization enterprise - creation -**  
9 **membership - powers and duties - building decarbonization**  
10 **enterprise cash fund - on-bill program administration cash fund -**  
11 **legislative declaration - definitions - rules - report - repeal.**  
12 (1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS THAT:  
13 (I) REDUCING GREENHOUSE GAS EMISSIONS FROM COMBUSTION  
14 DEVICES IN RESIDENTIAL AND COMMERCIAL BUILDINGS:  
15 (A) IS NECESSARY TO HELP THE STATE ACHIEVE ITS STATEWIDE  
16 GREENHOUSE GAS EMISSION REDUCTION GOALS SET FORTH IN SECTION  
17 25-7-102 (2)(g), INCLUDING THE GOAL TO REACH NET-ZERO GREENHOUSE  
18 GAS EMISSIONS BY 2050; AND  
19 (B) PRESENTS SIGNIFICANT OPPORTUNITIES TO LOWER AND  
20 STABILIZE ENERGY BILLS, PROVIDE FOR MORE COMFORTABLE LIVING AND  
21 WORKING SPACES, AND REDUCE LOCAL AIR POLLUTION THAT CONTRIBUTES  
22 TO GROUND-LEVEL OZONE;  
23 (II) COVERED BUILDING OWNERS ARE REQUIRED TO COMPLY WITH  
24 BENCHMARKING REQUIREMENTS AND PERFORMANCE STANDARD  
25 REQUIREMENTS AND WOULD BENEFIT FROM ADDITIONAL FINANCIAL AND  
26 TECHNICAL ASSISTANCE TO MEET OR EXCEED THOSE REQUIREMENTS;  
27 (III) WITH ADDITIONAL FINANCING AND TECHNICAL ASSISTANCE,  
28 COVERED BUILDING OWNERS MAY MORE EFFECTIVELY AND EFFICIENTLY  
29 IMPLEMENT BUILDING DECARBONIZATION MEASURES, INCLUDING, BUT NOT  
30 LIMITED TO, PROGRAMS THAT:  
31 (A) HELP FINANCE ENERGY EFFICIENCY MEASURES,  
32 ELECTRIFICATION MEASURES, AND OTHER ENERGY UPGRADES; AND  
33 (B) PROVIDE ASSISTANCE FOR CONDUCTING BUILDING ENERGY  
34 AUDITS, DEVELOPING ANALYSES TO HELP BUILDING OWNERS EVALUATE  
35 THE BEST STRATEGIES FOR ACHIEVING FUTURE PERFORMANCE STANDARD  
36 TARGETS, EMPLOYING OR CONSULTING WITH BUILDING ENGINEERS,  
37 PURCHASING ENERGY USE TRACKING SOFTWARE FOR COVERED BUILDING  
38 OWNERS TO MORE EFFECTIVELY TRACK ENERGY USE, AND PROVIDING  
39 TRAINING ON SUCH SOFTWARE;  
40 (IV) UTILITY CUSTOMERS WOULD BENEFIT FROM HAVING ACCESS  
41 TO SIGNIFICANT AMOUNTS OF PUBLIC AND PRIVATE CAPITAL FOR  
42 LOW-COST FINANCING SOLUTIONS FOR ENERGY-RELATED IMPROVEMENTS,  
43 INCLUDING END-OF-LIFE EQUIPMENT REPLACEMENT; AND

1 (V) UTILITIES SERVING COLORADANS HAVE VARYING LEVELS OF  
2 EXPERIENCE, AVAILABLE CAPITAL, AND AVAILABLE STAFF TO SUPPORT THE  
3 ESTABLISHMENT AND ADMINISTRATION OF ON-BILL PROGRAMS.

4 (b) NOW, THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

5 (I) IT IS IN THE PUBLIC INTEREST TO CREATE AN ENTERPRISE  
6 WITHIN THE OFFICE THAT IS COMMITTED TO FINANCING AND PROVIDING  
7 TECHNICAL AND OTHER SUPPORT FOR THE IMPLEMENTATION OF BUILDING  
8 DECARBONIZATION MEASURES AND FOR THE ESTABLISHMENT OF UTILITY  
9 ON-BILL PROGRAMS;

10 (II) THE ACTIVITIES OF THE ENTERPRISE SHALL BE FUNDED BY  
11 REVENUE GENERATED FROM A BUILDING DECARBONIZATION FEE PAID BY  
12 COVERED BUILDING OWNERS AND ANY GIFTS, GRANTS, AND DONATIONS  
13 RECEIVED;

14 (III) IT IS APPROPRIATE THAT COVERED BUILDING OWNERS SHOULD  
15 PAY A BUILDING DECARBONIZATION FEE, AS COVERED BUILDING OWNERS  
16 ARE THE DIRECT BENEFICIARIES OF SERVICES PROVIDED BY THE  
17 ENTERPRISE, WHICH SERVICES INCLUDE THE FINANCING AND TECHNICAL  
18 ASSISTANCE PROVIDED FOR THE BUILDING DECARBONIZATION MEASURES  
19 DESCRIBED IN SUBSECTION (1)(a)(III) OF THIS SECTION;

20 (IV) COVERED BUILDING OWNERS BENEFIT FROM THE  
21 IMPLEMENTATION OF BUILDING DECARBONIZATION MEASURES BECAUSE  
22 SUCH MEASURES CAN:

23 (A) REDUCE COVERED BUILDING OWNERS' LONG-TERM COSTS  
24 RELATED TO ENERGY USE;

25 (B) IMPROVE BUILDING COMFORT; AND

26 (C) INCREASE THE MARKET VALUE AND DESIRABILITY OF COVERED  
27 BUILDINGS TO TENANTS;

28 (V) IT IS IN THE PUBLIC INTEREST TO CREATE A BUILDING  
29 DECARBONIZATION ENTERPRISE CASH FUND WITHIN THE BUILDING  
30 DECARBONIZATION ENTERPRISE, THE USE OF WHICH IS DEDICATED TO  
31 FINANCING THE PROVISION OF TECHNICAL SUPPORT FOR UTILITIES SEEKING  
32 TO ESTABLISH OR EXPAND ON-BILL PROGRAMS PURSUANT TO THIS SECTION  
33 AND SECTION 25-7-142;

34 (VI) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
35 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
36 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
37 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
38 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES  
39 THAT THE BUILDING DECARBONIZATION FEE IS A FEE, NOT A TAX, AND THE  
40 ENTERPRISE OPERATES AS A BUSINESS BECAUSE THE BUILDING  
41 DECARBONIZATION FEE AND ON-BILL PROGRAM ADMINISTRATION FEE ARE:

42 (A) IN THE CASE OF THE BUILDING DECARBONIZATION FEE,  
43 IMPOSED FOR THE SPECIFIC BUSINESS PURPOSES OF PROVIDING FINANCING

1 AND TECHNICAL ASSISTANCE TO COVERED BUILDING OWNERS TO MORE  
2 EFFECTIVELY AND EFFICIENTLY IMPLEMENT BUILDING DECARBONIZATION  
3 MEASURES, INCLUDING FEASIBILITY ANALYSES AND IMPROVEMENTS THAT  
4 WILL REDUCE ENERGY USE AND EMISSIONS, AND COLLECTED AT A RATE  
5 THAT IS REASONABLY RELATED TO THE OVERALL COST OF THE BUSINESS  
6 SERVICES BEING PROVIDED; AND

7 (B) IN THE CASE OF THE ON-BILL PROGRAM ADMINISTRATION FEE,  
8 IMPOSED FOR THE SPECIFIC PURPOSE OF PROVIDING TECHNICAL  
9 ASSISTANCE TO A UTILITY THAT INTENDS TO ESTABLISH OR EXPAND  
10 ON-BILL PROGRAMS FOR ITS RETAIL CUSTOMERS; AND

11 (VII) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE  
12 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION,  
13 THE REVENUE FROM THE BUILDING DECARBONIZATION FEE AND THE  
14 ON-BILL PROGRAM ADMINISTRATION FEE IMPOSED, COLLECTED, AND  
15 ADMINISTERED BY THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING,  
16 AS DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED  
17 IN SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER  
18 THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF  
19 ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES  
20 CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

21 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
22 OTHERWISE REQUIRES:

23 (a) "BENCHMARKING REQUIREMENTS" MEANS THE ENERGY  
24 BENCHMARKING REQUIREMENTS SET FORTH IN SECTION 25-7-142 (3) WITH  
25 WHICH AN OWNER OR OPERATOR OF A COVERED BUILDING IS REQUIRED TO  
26 COMPLY.

27 (b) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE ENTERPRISE  
28 APPOINTED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.

29 (c) "BUILDING DECARBONIZATION ENTERPRISE CASH FUND" OR  
30 "BUILDING DECARBONIZATION FUND" MEANS THE BUILDING  
31 DECARBONIZATION ENTERPRISE CASH FUND CREATED IN SUBSECTION  
32 (6)(a) OF THIS SECTION.

33 (d) "BUILDING DECARBONIZATION FEE" OR "FEE" MEANS THE FEE  
34 PAID BY THE OWNER OF A COVERED BUILDING PURSUANT TO SUBSECTION  
35 (5)(b) OF THIS SECTION.

36 (e) "COVERED BUILDING" HAS THE MEANING SET FORTH IN SECTION  
37 25-7-142 (2)(j).

38 (f) "COVERED BUILDING OWNER" MEANS AN "OWNER", AS DEFINED  
39 IN SECTION 25-7-142 (2)(r), OF A COVERED BUILDING.

40 (g) "ELECTRIFICATION" HAS THE MEANING SET FORTH IN SECTION  
41 24-38.5-602 (3).

42 (h) "ENERGY EFFICIENCY MEASURE" HAS THE MEANING SET FORTH  
43 IN SECTION 24-38.5-602 (4).

1 (i) "ENERGY UPGRADE" HAS THE MEANING SET FORTH IN SECTION  
2 24-38.5-602 (5).

3 (j) "ENTERPRISE" MEANS THE BUILDING DECARBONIZATION  
4 ENTERPRISE CREATED IN SUBSECTION (3) OF THIS SECTION.

5 (k) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE  
6 IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR  
7 STATISTICS CONSUMER PRICE INDEX, OR A SUCCESSOR INDEX, FOR  
8 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID FOR BY URBAN  
9 CONSUMERS.

10 (l) "OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN  
11 SECTION 24-38.5-101.

12 (m) "ON-BILL CASH FUND" HAS THE MEANING SET FORTH IN  
13 SECTION 24-38.5-602 (7).

14 (n) "ON-BILL PROGRAM" MEANS A UTILITY'S ON-BILL PROGRAM  
15 THROUGH WHICH ENERGY EFFICIENCY MEASURES, ELECTRIFICATION  
16 MEASURES, AND ENERGY UPGRADES INSTALLED AT A PARTICIPATING  
17 CUSTOMER'S PREMISES THAT IS ASSOCIATED WITH THE UTILITY METER ARE  
18 FINANCED THROUGH LOANS THAT ARE REPAID THROUGH MONTHLY  
19 UTILITY BILL PAYMENTS.

20 (o) "ON-BILL PROGRAM ADMINISTRATION CASH FUND" OR  
21 "ADMINISTRATION FUND" MEANS THE ON-BILL PROGRAM ADMINISTRATION  
22 CASH FUND CREATED IN SUBSECTION (8) OF THIS SECTION.

23 (p) "ON-BILL PROGRAM ADMINISTRATION FEE" OR  
24 "ADMINISTRATION FEE" MEANS THE FEE PAID BY A UTILITY SEEKING TO  
25 ESTABLISH OR EXPAND ITS ON-BILL PROGRAM PURSUANT TO SECTION  
26 24-38.5-606.

27 (q) "PARTICIPATING UTILITY" HAS THE MEANING SET FORTH IN  
28 SECTION 24-38.5-602 (9).

29 (r) "PERFORMANCE STANDARDS" HAS THE MEANING SET FORTH IN  
30 SECTION 25-7-142 (2)(s).

31 (s) "UTILITY" HAS THE MEANING SET FORTH IN SECTION  
32 24-38.5-602 (13).

33 (3) **Enterprise created - loan from the office - repayment.**

34 (a) THE BUILDING DECARBONIZATION ENTERPRISE IS CREATED IN THE  
35 OFFICE AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND  
36 FUNCTIONS AS A GOVERNMENT-OWNED BUSINESS IN THE OFFICE TO  
37 EXECUTE ITS BUSINESS PURPOSES SET FORTH IN THIS SUBSECTION (3). THE  
38 ENTERPRISE IS CREATED FOR THE PURPOSES OF:

39 (I) IMPOSING AND ASSESSING A BUILDING DECARBONIZATION FEE  
40 ON OWNERS OF COVERED BUILDINGS;

41 (II) PROVIDING TECHNICAL ASSISTANCE, FINANCING, AND OTHER  
42 PROGRAMMATIC SUPPORT FOR COVERED BUILDING OWNERS' BUILDING  
43 DECARBONIZATION MEASURES, INCLUDING, BUT NOT LIMITED TO,



1 CONDUCTING BUILDING ENERGY AUDITS, DEVELOPING ANALYSES TO HELP  
2 BUILDING OWNERS EVALUATE THE BEST STRATEGIES FOR ACHIEVING  
3 FUTURE PERFORMANCE STANDARD TARGETS, CONSULTING BUILDING  
4 ENGINEERS, PURCHASING ENERGY USE TRACKING SOFTWARE, AND  
5 PROVIDING TRAINING ON SUCH SOFTWARE;

6 (III) HAVING AND EXERCISING ALL RIGHTS AND POWERS  
7 NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS  
8 AND DUTIES GRANTED UNDER THIS SECTION;

9 (IV) ENSURING THAT THE BUILDING DECARBONIZATION FEE PAID  
10 BY COVERED BUILDING OWNERS IS USED SOLELY TO SUPPORT PROGRAMS,  
11 TECHNICAL ASSISTANCE, AND FINANCIAL ASSISTANCE FOR THE COVERED  
12 BUILDING OWNERS THAT PAY THE BUILDING DECARBONIZATION FEE;

13 (V) IMPOSING AND ASSESSING AN ON-BILL PROGRAM  
14 ADMINISTRATION FEE ON UTILITIES THAT SEEK FINANCING FROM THE  
15 ON-BILL CASH FUND TO DEVELOP OR EXPAND THEIR ON-BILL PROGRAMS;

16 (VI) PROVIDING TECHNICAL ASSISTANCE AND OTHER  
17 PROGRAMMATIC SUPPORT TO PARTICIPATING UTILITIES SEEKING TO  
18 ESTABLISH OR EXPAND AN ON-BILL PROGRAM. THE AMOUNT OF TECHNICAL  
19 ASSISTANCE AND OTHER PROGRAMMATIC SUPPORT PROVIDED IS  
20 COMMENSURATE WITH THE AMOUNT OF FINANCIAL SUPPORT LOANED TO  
21 A PARTICIPATING UTILITY FROM THE ON-BILL CASH FUND AND INCLUDES:

22 (A) DEVELOPING A FULL SET OF ON-BILL PROGRAM MODELS,  
23 INCLUDING MODELS THAT ARE RUN BY THIRD-PARTY OPT-IN PROGRAMS  
24 THAT PARTICIPATING UTILITIES ADOPT;

25 (B) ASSISTING UTILITIES IN MEETING REPORTING OBLIGATIONS;  
26 AND

27 (C) PROVIDING TECHNICAL ASSISTANCE FOR THE IMPLEMENTATION  
28 AND ADMINISTRATION OF ON-BILL PROGRAMS; AND

29 (VII) ENSURING THAT THE ON-BILL PROGRAM ADMINISTRATION  
30 FEE THAT A UTILITY PAYS IS USED SOLELY TO SUPPORT ON-BILL PROGRAM  
31 DESIGNS, TECHNICAL ASSISTANCE, AND FINANCIAL ASSISTANCE FOR THE  
32 PARTICIPATING UTILITIES THAT PAY THE ADMINISTRATION FEE.

33 (b) THE BOARD, IN CONSULTATION WITH THE OFFICE, SHALL  
34 ADMINISTER THE ENTERPRISE IN ACCORDANCE WITH THIS SECTION.

35 (c) (I) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR  
36 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO  
37 LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND  
38 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS, AS  
39 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
40 LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN  
41 ENTERPRISE, THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE  
42 X OF THE STATE CONSTITUTION.

43 (II) THE ENTERPRISE IS AUTHORIZED TO ISSUE REVENUE BONDS FOR

1 THE EXPENSES OF THE ENTERPRISE, SECURED BY REVENUE OF THE  
2 ENTERPRISE.

3 (d) (I) THE OFFICE MAY TRANSFER MONEY FROM ANY LEGALLY  
4 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
5 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
6 REVENUE. THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO  
7 TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR  
8 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE  
9 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A  
10 TRANSFER IS A LOAN FROM THE OFFICE TO THE ENTERPRISE THAT IS  
11 REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION  
12 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN  
13 SECTION 24-77-102 (7).

14 (II) AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS  
15 OF ITS EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE OFFICE FOR THE  
16 PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE OFFICE, PLUS INTEREST AT  
17 A RATE AGREED UPON BY THE OFFICE AND THE ENTERPRISE.

18 (4) **Enterprise board of directors created - membership -**  
19 **duties - repeal.** (a) THE ENTERPRISE BOARD OF DIRECTORS IS CREATED TO  
20 ADMINISTER THE ENTERPRISE. THE BOARD CONSISTS OF THE FOLLOWING  
21 SEVEN MEMBERS:

22 (I) THE FOLLOWING FOUR MEMBERS APPOINTED BY THE GOVERNOR  
23 AND CONFIRMED BY THE SENATE:

24 (A) A REPRESENTATIVE OF COVERED BUILDING OWNERS;  
25 (B) AN EXPERT IN BUILDING ENERGY EFFICIENCY AND  
26 DECARBONIZATION;  
27 (C) A LOCAL GOVERNMENT REPRESENTATIVE WITH EXPERTISE IN  
28 PLANNING OR ENERGY CODES; AND  
29 (D) A UTILITY REPRESENTATIVE;

30 (II) THE DIRECTOR OF THE OFFICE OR THE DIRECTOR'S DESIGNEE;  
31 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
32 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;  
33 AND  
34 (IV) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION OR THE  
35 DIRECTOR'S DESIGNEE.

36 (b) (I) THE GOVERNOR SHALL APPOINT INITIAL MEMBERS TO THE  
37 BOARD PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION ON OR  
38 BEFORE SEPTEMBER 1, 2025.

39 (II) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE JULY 1, 2026.

40 (c) (I) BOARD MEMBERS APPOINTED PURSUANT TO SUBSECTION  
41 (4)(a)(I) OF THIS SECTION SERVE THREE-YEAR TERMS. A BOARD MEMBER  
42 MAY SERVE AN UNLIMITED NUMBER OF TERMS.

43 (II) NOTWITHSTANDING SUBSECTION (4)(c)(I) OF THIS SECTION,

1 THE GOVERNOR SHALL MAKE THE INITIAL TERMS OF TWO OF THE BOARD  
2 MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION (4)(a)(I) OF  
3 THIS SECTION TWO YEARS.

4 (d) BOARD MEMBERS SERVING PURSUANT TO SUBSECTION (4)(a)(I)  
5 OF THIS SECTION MAY RECEIVE COMPENSATION FROM THE ENTERPRISE ON  
6 A PER DIEM BASIS FOR REASONABLE EXPENSES ACTUALLY INCURRED IN  
7 THE PERFORMANCE OF THEIR DUTIES.

8 (e) (I) THE CHAIR AND VICE-CHAIR OF THE BOARD ARE SELECTED  
9 BY THE MEMBERS OF THE BOARD IN ACCORDANCE WITH THE BOARD'S  
10 BYLAWS.

11 (II) (A) THE DIRECTOR OF THE OFFICE OR THE DIRECTOR'S  
12 DESIGNEE SHALL CALL THE FIRST MEETING OF THE BOARD, AND THE BOARD  
13 SHALL SELECT THE CHAIR AND VICE-CHAIR AT THAT MEETING IN  
14 ACCORDANCE WITH SUBSECTION (4)(e)(I) OF THIS SECTION.

15 (B) THIS SUBSECTION (4)(e)(II) IS REPEALED, EFFECTIVE JULY 1,  
16 2026.

17 **(5) Powers and duties - building decarbonization fee - on-bill**  
18 **program administration fee - rules.** (a) IN ADDITION TO ANY OTHER  
19 POWERS AND DUTIES SPECIFIED IN THIS SECTION, THE BOARD HAS THE  
20 FOLLOWING POWERS AND DUTIES ON BEHALF OF THE ENTERPRISE:

21 (I) TO ADOPT PROCEDURES FOR CONDUCTING THE BOARD'S  
22 AFFAIRS;

23 (II) TO ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS,  
24 THE DIVISION OF ADMINISTRATION DESCRIBED IN SECTION 25-1-102 (2)(a),  
25 AND THE STAFF OF THE OFFICE FOR PROFESSIONAL AND TECHNICAL  
26 ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO  
27 THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE WITHOUT REGARD TO  
28 THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE  
29 ENTERPRISE SHALL ENGAGE THE ATTORNEY GENERAL'S OFFICE FOR LEGAL  
30 SERVICES. THE ENTERPRISE MAY CONTRACT WITH THE OFFICE FOR THE  
31 PROVISION OF OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE  
32 ENTERPRISE AT A FAIR MARKET RATE.

33 (III) TO ESTABLISH AND ADMINISTER A PROGRAM THROUGH WHICH  
34 OWNERS OF COVERED BUILDINGS MAY APPLY FOR, AND THE BOARD MAY  
35 REVIEW AND APPROVE APPLICATIONS FOR, FINANCING OR TECHNICAL  
36 ASSISTANCE FOR BUILDING DECARBONIZATION MEASURES, INCLUDING, BUT  
37 NOT LIMITED TO, PARTICIPATING IN PROGRAMS THAT HELP FINANCE  
38 ENERGY EFFICIENCY MEASURES, ELECTRIFICATION MEASURES, AND OTHER  
39 ENERGY UPGRADES; CONDUCTING BUILDING ENERGY AUDITS; EMPLOYING  
40 OR CONSULTING WITH BUILDING ENGINEERS; AND PURCHASING ENERGY  
41 USE TRACKING SOFTWARE AND PROVIDING TRAINING ON SUCH SOFTWARE;

42 (IV) TO IMPOSE THE BUILDING DECARBONIZATION FEE DESCRIBED  
43 IN SUBSECTION (5)(b) OF THIS SECTION;

1 (V) IN ACCORDANCE WITH SUBSECTION (5)(c) OF THIS SECTION, TO  
2 IMPOSE THE ON-BILL PROGRAM ADMINISTRATION FEE ON UTILITIES THAT  
3 SEEK FINANCING FROM THE ON-BILL CASH FUND TO DEVELOP OR EXPAND  
4 THEIR ON-BILL PROGRAMS;

5 (VI) TO ESTABLISH AND ADMINISTER A PROGRAM THROUGH WHICH  
6 PARTICIPATING UTILITIES MAY RECEIVE ASSISTANCE FOR ESTABLISHING OR  
7 EXPANDING AN ON-BILL PROGRAM, WHICH PROGRAM INCLUDES  
8 DEVELOPING EFFECTIVE PROGRAM DESIGNS, TECHNICAL ASSISTANCE FOR  
9 PARTICIPATING UTILITIES TO IMPLEMENT AN ON-BILL PROGRAM, AND  
10 CONSUMER EDUCATION AND MARKETING SUPPORT; AND

11 (VII) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS  
12 NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS  
13 AND DUTIES GRANTED BY THIS SECTION.

14 (b) (I) BEGINNING IN STATE FISCAL YEAR 2026-27 AND IN  
15 FURTHERANCE OF THE ENTERPRISE'S BUSINESS PURPOSES, THE BOARD  
16 SHALL ADOPT RULES FOR THE PURPOSE OF SETTING THE AMOUNT OF THE  
17 BUILDING DECARBONIZATION FEE AT THE MAXIMUM AMOUNT AUTHORIZED  
18 IN THIS SECTION TO BE IMPOSED UPON ALL COVERED BUILDING OWNERS;  
19 EXCEPT THAT THE FEE SHALL NOT BE IMPOSED ON THE OWNER OF A PUBLIC  
20 BUILDING, AS DEFINED IN SECTION 25-7-142 (2)(t). THE BOARD SHALL  
21 ONLY ADOPT RULES PURSUANT TO THIS SUBSECTION (5)(b)(I) AND  
22 SUBSECTION (5)(c)(I) OF THIS SECTION.

23 (II) ON OR BEFORE NOVEMBER 1, 2025, AND ON OR BEFORE  
24 NOVEMBER 1 OF EACH YEAR THEREAFTER, AND EXCEPT AS PROVIDED IN  
25 SUBSECTION (5)(b)(III) OF THIS SECTION, EACH OWNER OF A COVERED  
26 BUILDING SHALL PAY A BUILDING DECARBONIZATION FEE IN AN AMOUNT  
27 OF FOUR HUNDRED DOLLARS TO THE OFFICE, WHICH SHALL COLLECT THE  
28 BUILDING DECARBONIZATION FEE ON BEHALF OF THE ENTERPRISE.

29 (III) BEGINNING IN STATE FISCAL YEAR 2027-28, THE BOARD MAY  
30 INCREASE THE BUILDING DECARBONIZATION FEE FROM THE PREVIOUS  
31 YEAR'S BUILDING DECARBONIZATION FEE AMOUNT, AS ADJUSTED FOR  
32 INFLATION AND, ON OR BEFORE MARCH 15 OF EACH OF THE STATE FISCAL  
33 YEARS THEREAFTER, SHALL NOTIFY THE OFFICE OF THE ADJUSTED AMOUNT  
34 OF THE BUILDING DECARBONIZATION FEE, IF THE BUILDING  
35 DECARBONIZATION FEE HAS BEEN ADJUSTED. ON OR BEFORE APRIL 15 OF  
36 EACH OF THE STATE FISCAL YEARS THEREAFTER, THE OFFICE SHALL  
37 PUBLISH THE UPDATED AMOUNT OF THE BUILDING DECARBONIZATION FEE  
38 ON THE ENTERPRISE'S WEBSITE.

39 (IV) MONEY COLLECTED AS A BUILDING DECARBONIZATION FEE  
40 SHALL BE CREDITED TO THE BUILDING DECARBONIZATION ENTERPRISE  
41 CASH FUND.

42 (V) MONEY COLLECTED BY THE OFFICE FOR TRANSFER TO THE  
43 BUILDING DECARBONIZATION FUND PURSUANT TO SUBSECTION (5)(b)(IV)

1 OF THIS SECTION:

2 (A) IS COLLECTED FOR THE ENTERPRISE;

3 (B) IS CUSTODIAL MONEY INTENDED FOR THE ENTERPRISE AND  
4 HELD TEMPORARILY BY THE OFFICE AND THE STATE TREASURER SOLELY  
5 FOR THE PURPOSE OF TRANSFERRING THE MONEY TO THE BUILDING  
6 DECARBONIZATION FUND FOR USE BY THE ENTERPRISE; AND

7 (C) BASED ON THE ENTERPRISE'S STATUS AS AN ENTERPRISE, IS  
8 NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION  
9 AT ANY TIME DURING THE MONEY'S COLLECTION, TRANSFER, AND USE.

10 (c) (I) BEGINNING IN STATE FISCAL YEAR 2025-26, AND IN  
11 FURTHERANCE OF THE ENTERPRISE'S BUSINESS PURPOSES, THE BOARD  
12 SHALL ADOPT RULES FOR THE PURPOSE OF SETTING THE AMOUNT OF THE  
13 ON-BILL PROGRAM ADMINISTRATION FEE AT OR BELOW THE MAXIMUM  
14 AMOUNT AUTHORIZED IN THIS SUBSECTION (5)(c) TO BE IMPOSED ON  
15 PARTICIPATING UTILITIES.

16 (II) EXCEPT AS PROVIDED IN SUBSECTION (5)(c)(III) OF THIS  
17 SECTION, A PARTICIPATING UTILITY SHALL PAY THE ON-BILL PROGRAM  
18 ADMINISTRATION FEE TO THE ENTERPRISE ON OR BEFORE NOVEMBER 1,  
19 2025, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, UNTIL  
20 THE PARTICIPATING UTILITY HAS PAID BACK THE AMOUNT OF THE LOAN  
21 RECEIVED FROM THE ON-BILL CASH FUND, BASED ON THE AMOUNT OF THE  
22 MONEY LOANED TO THE PARTICIPATING UTILITY FROM THE ON-BILL CASH  
23 FUND, AS FOLLOWS:

24 (A) IF THE PARTICIPATING UTILITY BORROWS TEN MILLION  
25 DOLLARS OR LESS FROM THE ON-BILL CASH FUND, THE ADMINISTRATION  
26 FEE SHALL BE IMPOSED IN AN AMOUNT OF UP TO FIFTY THOUSAND  
27 DOLLARS;

28 (B) IF THE PARTICIPATING UTILITY BORROWS MORE THAN TEN  
29 MILLION DOLLARS BUT TWENTY MILLION DOLLARS OR LESS FROM THE  
30 ON-BILL CASH FUND, THE ADMINISTRATION FEE SHALL BE IMPOSED IN AN  
31 AMOUNT BETWEEN FIFTY THOUSAND DOLLARS AND SEVENTY-FIVE  
32 THOUSAND DOLLARS;

33 (C) IF THE PARTICIPATING UTILITY BORROWS MORE THAN TWENTY  
34 MILLION DOLLARS BUT FORTY MILLION DOLLARS OR LESS FROM THE  
35 ON-BILL CASH FUND, THE ADMINISTRATION FEE SHALL BE IMPOSED IN AN  
36 AMOUNT BETWEEN SEVENTY-FIVE THOUSAND DOLLARS AND ONE HUNDRED  
37 THOUSAND DOLLARS;

38 (D) IF THE PARTICIPATING UTILITY BORROWS MORE THAN FORTY  
39 MILLION DOLLARS BUT SIXTY MILLION DOLLARS OR LESS FROM THE  
40 ON-BILL CASH FUND, THE ADMINISTRATION FEE SHALL BE IMPOSED IN AN  
41 AMOUNT BETWEEN ONE HUNDRED THOUSAND DOLLARS AND TWO  
42 HUNDRED THOUSAND DOLLARS;

43 (E) IF A PARTICIPATING UTILITY BORROWS MORE THAN SIXTY

1 MILLION DOLLARS BUT EIGHTY MILLION DOLLARS OR LESS FROM THE  
2 ON-BILL CASH FUND, THE ADMINISTRATION FEE SHALL BE IMPOSED IN AN  
3 AMOUNT BETWEEN TWO HUNDRED THOUSAND DOLLARS AND THREE  
4 HUNDRED THOUSAND DOLLARS; AND

5 (F) IF A PARTICIPATING UTILITY BORROWS MORE THAN EIGHTY  
6 MILLION DOLLARS FROM THE ON-BILL CASH FUND, THE ADMINISTRATION  
7 FEE SHALL BE IMPOSED IN AN AMOUNT BETWEEN THREE HUNDRED  
8 THOUSAND DOLLARS AND FOUR HUNDRED THOUSAND DOLLARS.

9 (III) A PARTICIPATING UTILITY SHALL BEGIN PAYING THE  
10 APPLICABLE ADMINISTRATION FEE TO THE ENTERPRISE ON OR BEFORE THE  
11 FIRST NOVEMBER 1 THAT FOLLOWS THE UTILITY'S EXECUTION OF A LOAN  
12 AGREEMENT WITH THE OFFICE.

13 (IV) BEGINNING IN STATE FISCAL YEAR 2026-27, THE BOARD MAY  
14 INCREASE THE ADMINISTRATION FEE FROM THE PREVIOUS YEAR'S  
15 ADMINISTRATION FEE IN AN AMOUNT ADJUSTED FOR INFLATION. ON OR  
16 BEFORE MARCH 15, 2026, AND ON OR BEFORE MARCH 15 OF EACH YEAR  
17 THEREAFTER, THE BOARD SHALL NOTIFY THE OFFICE OF THE ADJUSTED  
18 AMOUNT OF THE ADMINISTRATION FEE IF THE ADMINISTRATION FEE HAS  
19 BEEN ADJUSTED FOR INFLATION, AND, ON OR BEFORE APRIL 15, 2026, AND  
20 ON OR BEFORE APRIL 15 OF EACH YEAR THEREAFTER, THE BOARD SHALL  
21 PUBLISH THE UPDATED AMOUNT OF THE ADMINISTRATION FEE ON THE  
22 ENTERPRISE'S WEBSITE.

23 (V) MONEY COLLECTED AS AN ON-BILL PROGRAM  
24 ADMINISTRATION FEE SHALL BE CREDITED TO THE ON-BILL PROGRAM  
25 ADMINISTRATION CASH FUND.

26 **(6) Building decarbonization enterprise cash fund - creation**  
27 **- repeal.** (a) THE BUILDING DECARBONIZATION ENTERPRISE CASH FUND  
28 IS CREATED IN THE STATE TREASURY. THE BUILDING DECARBONIZATION  
29 FUND CONSISTS OF:

30 (I) MONEY RECEIVED FROM A BUILDING DECARBONIZATION FEE  
31 IMPOSED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION;

32 (II) ANY MONEY RECEIVED FROM THE ISSUANCE OF REVENUE  
33 BONDS, AS DESCRIBED IN SUBSECTION (3)(c)(II) OF THIS SECTION; AND

34 (III) ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
35 APPROPRIATE OR TRANSFER TO THE FUND.

36 (b) (I) SECTION 24-77-108 DOES NOT APPLY TO THE ENTERPRISE  
37 BECAUSE THE TOTAL AMOUNT OF MONEY CREDITED OR APPROPRIATED TO  
38 THE BUILDING DECARBONIZATION FUND AND THE ON-BILL PROGRAM  
39 ADMINISTRATION CASH FUND AS A FEE SHALL NOT EXCEED ONE HUNDRED  
40 MILLION DOLLARS IN THE FIRST FIVE FISCAL YEARS OF THE ENTERPRISE'S  
41 EXISTENCE.

42 (II) THIS SUBSECTION (6)(b) IS REPEALED, EFFECTIVE JULY 1, 2031.

43 (c) MONEY CREDITED TO THE BUILDING DECARBONIZATION FUND

1 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES  
2 SET FORTH IN THIS SECTION AND TO PAY THE ENTERPRISE'S REASONABLE  
3 AND NECESSARY OPERATING EXPENSES. THE STATE TREASURER SHALL  
4 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
5 INVESTMENT OF MONEY IN THE BUILDING DECARBONIZATION FUND TO THE  
6 BUILDING DECARBONIZATION FUND.

7 (d) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING  
8 IN THE BUILDING DECARBONIZATION FUND AT THE END OF A FISCAL YEAR  
9 REMAINS IN THE BUILDING DECARBONIZATION FUND AND IS NOT CREDITED  
10 OR TRANSFERRED TO THE GENERAL FUND.

11 (7) **Legislative review of building decarbonization enterprise.**  
12 ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE ENTERPRISE SHALL  
13 SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING THE  
14 ENTERPRISE'S EXPENDITURES AND PROGRAM OUTCOMES FROM THE  
15 PRECEDING YEAR AND THE ENTERPRISE'S FINANCIAL PROJECTIONS FOR THE  
16 FOLLOWING YEAR.

17 (8) **On-bill program administration cash fund - creation -**  
18 **repeal.** (a) THE ON-BILL PROGRAM ADMINISTRATION CASH FUND IS  
19 CREATED IN THE STATE TREASURY. THE ADMINISTRATION FUND CONSISTS  
20 OF:

21 (I) MONEY RECEIVED FROM AN ON-BILL PROGRAM  
22 ADMINISTRATION FEE IMPOSED PURSUANT TO SUBSECTION (5)(c) OF THIS  
23 SECTION;

24 (II) ANY MONEY RECEIVED FROM THE ISSUANCE OF REVENUE  
25 BONDS AS DESCRIBED IN SUBSECTION (3)(c)(II) OF THIS SECTION; AND

26 (III) ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
27 APPROPRIATE OR TRANSFER TO THE ADMINISTRATION FUND.

28 (b) (I) SECTION 24-77-108 DOES NOT APPLY TO THE ENTERPRISE  
29 BECAUSE THE TOTAL AMOUNT OF MONEY CREDITED OR APPROPRIATED TO  
30 THE ON-BILL PROGRAM ADMINISTRATION CASH FUND AND THE BUILDING  
31 DECARBONIZATION ENTERPRISE CASH FUND SHALL NOT EXCEED ONE  
32 HUNDRED MILLION DOLLARS IN THE FIRST FIVE YEARS OF THE ENTERPRISE'S  
33 EXISTENCE.

34 (II) THIS SUBSECTION (8)(b) IS REPEALED, EFFECTIVE JULY 1, 2031.

35 (c) MONEY CREDITED TO THE ON-BILL PROGRAM ADMINISTRATION  
36 CASH FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE  
37 PURPOSES SET FORTH IN THIS SECTION AND TO PAY THE ENTERPRISE'S  
38 REASONABLE AND NECESSARY OPERATING EXPENSES. THE STATE  
39 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
40 DEPOSIT AND INVESTMENT OF MONEY IN THE ON-BILL PROGRAM  
41 ADMINISTRATION CASH FUND TO THE ON-BILL PROGRAM ADMINISTRATION  
42 FUND.

43 (d) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING

1 IN THE ON-BILL PROGRAM ADMINISTRATION CASH FUND AT THE END OF A  
2 FISCAL YEAR REMAINS IN THE ON-BILL PROGRAM ADMINISTRATION FUND  
3 AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND.

4 **SECTION 6. Effective date.** This act takes effect upon passage;  
5 except that section 5 of this act takes effect only if House Bill 25-1269  
6 becomes law, in which case section 5 takes effect upon the effective date  
7 of this act or House Bill 25-1269, whichever is later.

8 **SECTION 7. Safety clause.** The general assembly finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, or safety or for appropriations for  
11 the support and maintenance of the departments of the state and state  
12 institutions."

13 Page 1, line 101, strike "REPAYMENT".

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