

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
1.8.15

DRAFT

LLS NO. 15-0239.01 Jennifer Berman x3286

SUNSET BILL

Sunset Process - Senate Agriculture,
Natural Resources, and Energy Committee

BILL TOPIC: "Sunset Review Utility Consumers' Board"
DEADLINES: Finalize by: 21 JAN 2015 File by: 23 JAN 2015

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE UTILITY CONSUMERS'
102 BOARD, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE
103 RECOMMENDATIONS OF THE 2014 SUNSET REPORT BY THE
104 DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

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

Sunset Process - Senate Agriculture, Natural Resources, and Energy Committee. The bill implements the recommendations contained in the department of regulatory agencies' sunset report on the utility

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

consumers' board by:

- Continuing the utility consumers' board; and
- Limiting the number of terms that a board member of the utility consumers' board may serve to two consecutive terms.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (46) (h) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (46) The following agencies, functions, or both shall terminate on July
7 1, 2015:

8 (h) ~~The utility consumers' board, created in article 6.5 of title 40,~~
9 ~~C.R.S.;~~

10 **SECTION 2.** In Colorado Revised Statutes, 40-6.5-102, **amend**
11 (3) (b) as follows:

12 **40-6.5-102. Office of consumer counsel - creation -**
13 **appointment - attorney general to represent.** (3) (b) (I) The board

14 ~~shall consist~~ CONSISTS of eleven members appointed by the governor.

15 ~~Such~~ THE GOVERNOR SHALL APPOINT members ~~shall be appointed~~ to
16 represent residential, small business, and agricultural utility consumers.

17 ~~Such~~ THE GOVERNOR SHALL APPOINT members, ~~shall~~, to the extent
18 possible, ~~be persons~~ with expertise or experience in consumer related

19 utility matters, utilities management, economics, accounting, financing,
20 engineering, planning, or utilities law. In making appointments to the

21 board, the governor shall ensure that the membership of the board
22 represents the different geographic areas of the state.

23 (II) Of the members of the board appointed for terms beginning

1 July 1, 1993, five of ~~such~~ THE members shall ~~be appointed for~~ SERVE
2 TWO-YEAR terms, ~~of two years~~ and six OF THE MEMBERS shall ~~be~~
3 ~~appointed for~~ SERVE INITIAL FOUR-YEAR terms. ~~of four years~~. Thereafter,
4 members of the board ~~shall be~~ ARE appointed for FOUR-YEAR terms of
5 ~~four years~~ OFFICE. A MEMBER OF THE BOARD SHALL NOT SERVE MORE
6 THAN TWO CONSECUTIVE TERMS.

7 (III) The governor shall not appoint any ~~member of~~ PERSON TO
8 SERVE ON the board if ~~such~~ THE person has any conflict of interest with
9 ~~such~~ THE person's duties as a member of the board. The governor may
10 remove any board member for misconduct, incompetence, or neglect of
11 duty.

12 (IV) Board members ~~shall~~ serve without compensation, but
13 members who reside outside the counties of Denver, Jefferson, Adams,
14 Arapahoe, Boulder, and Douglas ~~shall be~~ ARE entitled to reimbursement
15 for reasonable actual expenses to attend board meetings in Denver. The
16 board shall meet at least six times per year.

17 **SECTION 3.** In Colorado Revised Statutes, 40-6.5-108, **amend**
18 (2); and **repeal** (1) (b.5) as follows:

19 **40-6.5-108. Office of consumer counsel subject to termination.**

20 (1) Unless continued by the general assembly:

21 (b.5) ~~The utility consumers' board shall terminate on July 1, 2015.~~

22 (2) The provisions of section 24-34-104, C.R.S., concerning the
23 termination schedule for regulatory bodies of the state unless extended as
24 provided in that section, are applicable to the office of consumer counsel.
25 ~~and the utility consumers' board.~~

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.