

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 21-0137.01 Jennifer Berman x3286

**HOUSE BILL 21-1105**

**HOUSE SPONSORSHIP**

**Kennedy**, Bacon, Bernett, Bird, Boesenecker, Cutter, Duran, Exum, Froelich, Hooton, Jackson, Jodeh, Kipp, McCluskie, McCormick, Michaelson Jenet, Mullica, Sullivan, Titone

**SENATE SPONSORSHIP**

**Hansen and Priola**, Bridges, Buckner, Ginal, Kolker, Lee, Moreno, Pettersen, Winter

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**House Committees**

Finance  
Appropriations

**Senate Committees**

Finance  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING UTILITY CUSTOMERS' FINANCIAL CONTRIBUTIONS FOR**  
102 **LOW-INCOME UTILITY ASSISTANCE.**

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**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://leg.colorado.gov>.)*

**Section 1** of the bill removes the low-income energy assistance program administered by Energy Outreach Colorado (EOC) from the grant program reserve funded by tier 2 severance tax operational fund money.

**Section 2** clarifies that the definition of a "low-income utility customer", with regard to the public utilities commission's (PUC)

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

SENATE  
3rd Reading Unamended  
June 1, 2021

SENATE  
Amended 2nd Reading  
May 28, 2021

HOUSE  
3rd Reading Unamended  
May 19, 2021

HOUSE  
Amended 2nd Reading  
May 18, 2021

consideration of a preference or advantage that a gas or electric utility grants a low-income utility customer, means a utility customer who meets the Colorado department of human services' income eligibility criteria.

**Sections 3 and 4** make modifications to the legislative commission on low-income energy assistance, wherein section 3 expands the commission's scope to include water utility assistance and section 4 reduces the composition of the commission from 11 members to 7 members. Section 4 also requires the commission to:

- Advise the Colorado energy office (office) on grants awarded from the federal department of energy regarding the office's weatherization assistance program;
- Advise water utilities that provide their customers with utility assistance and efficiency programs; and
- Review EOC's annual budget that it submits to the PUC regarding the use of funding for utility bill payment assistance.

**Sections 5, 6, and 8 to 10** concern the creation of an energy assistance system benefit charge, which is a mandatory monthly charge that investor-owned electric and gas utilities are required to collect from their customers. The initial amount of the charge per customer is \$1 for electric service provided and \$1 for natural gas service provided, but the PUC may adopt rules to modify the amount of the charge, so long as the charge is at least \$1 per service provided. Investor-owned utilities are required to remit the charges collected to EOC to help finance the direct utility bill payment assistance and energy retrofit programs that EOC administers for low-income households.

**Sections 7 and 11** concern voluntary, opt-in charges that a water utility may offer its customers to help finance the water utility bill payment assistance program that EOC administers. Alternatively, a water utility may implement its own water utility bill payment assistance program.

**Section 12** requires EOC and the office, when installing energy retrofits for low-income households, to prioritize customer savings, emission reductions, and improving indoor air quality.

**Section 13** governs reporting requirements for EOC regarding the mandatory monthly energy assistance system benefit charge and voluntary, opt-in monthly water utility bill payment assistance collections.

**Sections 14 to 17** make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-2-307 as  
3 follows:

1           **26-2-307. Fuel assistance payments - eligibility for federal**  
2 **standard utility allowance - supplemental utility assistance fund**  
3 **established - definitions - repeal.** (1) (a) ON AND AFTER JANUARY 1,  
4 2024, THE STATE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO MAKE  
5 FUEL ASSISTANCE PAYMENTS BY CREDITING THE FUEL ASSISTANCE  
6 PAYMENTS TO RECIPIENTS' ELECTRONIC BENEFITS TRANSFER SERVICE  
7 CARDS.

8           (b) EXCEPT AS PROVIDED IN SUBSECTIONS (1)(c) AND (1)(d) OF  
9 THIS SECTION:

10           (I) THE STATE DEPARTMENT SHALL MAKE THE FUEL ASSISTANCE  
11 PAYMENTS TO ELIGIBLE HOUSEHOLDS THAT RECEIVE SNAP BENEFITS BUT  
12 THAT DO NOT RECEIVE ASSISTANCE UNDER LEAP IN ORDER TO QUALIFY  
13 THOSE HOUSEHOLDS FOR THE STANDARD UTILITY ALLOWANCE TO  
14 MAXIMIZE THEIR SNAP BENEFITS;

15           (II) TO HELP THE STATE DEPARTMENT MAXIMIZE THE NUMBER OF  
16 HOUSEHOLDS THAT ARE RECEIVING BOTH THE SNAP AND LEAP BENEFITS  
17 AND FACILITATE THE IDENTIFICATION OF THOSE HOUSEHOLDS THAT  
18 RECEIVE SNAP BENEFITS AND QUALIFY FOR THE FUEL ASSISTANCE  
19 PAYMENTS, THE STATE DEPARTMENT SHALL DEVELOP A DATABASE  
20 CONNECTION BETWEEN THE LEAP ELIGIBILITY SYSTEM AND THE  
21 COLORADO BENEFITS MANAGEMENT SYSTEM;

22           (III) THE STATE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND  
23 OUTSIDE FUNDS TO FINANCE ITS WORK TO DEVELOP THE DATABASE  
24 CONNECTION. THE STATE DEPARTMENT SHALL TRANSMIT ANY OUTSIDE  
25 FUNDS RECEIVED PURSUANT TO THIS SUBSECTION (1)(b)(III) TO THE STATE  
26 TREASURER WHO SHALL CREDIT THE OUTSIDE FUNDS TO THE FUND.

27           (IV) THE STATE DEPARTMENT SHALL USE OUTSIDE FUNDS

1 RECEIVED TO PROCESS THE EBT CARD PAYMENTS AND FOR OTHER  
2 ADMINISTRATIVE COSTS INCURRED IN IMPLEMENTING THE PROGRAM. IF  
3 INSUFFICIENT FUNDS ARE AVAILABLE TO COVER THE ADMINISTRATIVE  
4 COSTS, THE STATE DEPARTMENT SHALL REQUEST THAT THE ORGANIZATION  
5 ALLOCATE, AS PART OF ITS BUDGET PREPARED PURSUANT TO SECTION  
6 40-8.7-108 (3), MONEY TO THE STATE DEPARTMENT FROM THE ENERGY  
7 ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION  
8 40-8.7-104 (2.5) FOR THIS PURPOSE.

9 (V) ON OR BEFORE APRIL 1, 2022, AND ON OR BEFORE APRIL 1 OF  
10 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT A  
11 BUDGET TO THE ORGANIZATION AND THE COMMISSION TO INCLUDE THE  
12 STATE DEPARTMENT'S ADMINISTRATIVE COSTS TO IMPLEMENT THE  
13 PROGRAM AND THE PROJECTED NUMBER OF ELIGIBLE HOUSEHOLDS THAT  
14 THE STATE DEPARTMENT IDENTIFIES AS RECEIVING SNAP BENEFITS BUT  
15 THAT ARE NOT RECEIVING ASSISTANCE UNDER LEAP INCLUDING AN  
16 ESTIMATED NUMBER OF NEW SNAP CASES THAT THE STATE DEPARTMENT  
17 WILL APPROVE DURING THE UPCOMING FEDERAL FISCAL YEAR. BASED ON  
18 THE BUDGET THAT THE STATE DEPARTMENT SUBMITS, THE ORGANIZATION  
19 SHALL:

20 (A) CALCULATE THE AMOUNT OF MONEY FROM THE ENERGY  
21 ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION  
22 40-8.7-104 (2.5) THAT IT ALLOCATES AS PART OF ITS BUDGET PREPARED  
23 PURSUANT TO SECTION 40-8.7-108 (3) FOR USE BY THE STATE  
24 DEPARTMENT TO MAKE FUEL ASSISTANCE PAYMENTS AND TO IMPLEMENT  
25 THE PROGRAM.

26 (B) TRANSMIT THE MONEY TO THE STATE DEPARTMENT ON OR  
27 BEFORE JULY 1, 2022, AND ON OR BEFORE JULY 1 OF EACH YEAR

1 THEREAFTER.

2 (c) IF, BY JANUARY 1, 2022, THE STATE DEPARTMENT DOES NOT  
3 RECEIVE OUTSIDE FUNDS PURSUANT TO SUBSECTION (1)(b)(III) OF THIS  
4 SECTION OR DOES NOT RECEIVE SUFFICIENT OUTSIDE FUNDS TO DEVELOP  
5 THE DATABASE CONNECTION, THE STATE DEPARTMENT SHALL NOTIFY THE  
6 JOINT TECHNOLOGY COMMITTEE CREATED IN SECTION 2-3-1702 THAT  
7 OUTSIDE FUNDS WERE NOT RECEIVED OR THAT INSUFFICIENT OUTSIDE  
8 FUNDS WERE RECEIVED.

9 (d) IF INSUFFICIENT OUTSIDE FUNDS TO DEVELOP THE DATABASE  
10 CONNECTION ARE RECEIVED BY JANUARY 1, 2022, THE STATE  
11 DEPARTMENT NEED NOT COMMENCE WORK ON DEVELOPING THE  
12 DATABASE CONNECTION PURSUANT TO SUBSECTION (1)(b)(II) OF THIS  
13 SECTION, BUT SHALL:

14 (I) MAKE THE FUEL ASSISTANCE PAYMENTS TO ALL HOUSEHOLDS  
15 THAT RECEIVE SNAP BENEFITS;

16 (II) USE ANY OUTSIDE FUNDS RECEIVED TO HELP COVER ITS COSTS  
17 TO PROCESS THE EBT CARD PAYMENTS; AND

18 (III) ON OR BEFORE APRIL 1, 2022, AND ON OR BEFORE APRIL 1 OF  
19 EACH YEAR THEREAFTER, SUBMIT A BUDGET TO THE ORGANIZATION AND  
20 THE COMMISSION TO INCLUDE THE STATE DEPARTMENT'S ANTICIPATED  
21 ADMINISTRATIVE COSTS TO IMPLEMENT THE PROGRAM AND THE  
22 PROJECTED NUMBER OF HOUSEHOLDS THAT THE STATE DEPARTMENT  
23 IDENTIFIES AS RECEIVING SNAP BENEFITS, INCLUDING AN ESTIMATED  
24 NUMBER OF NEW SNAP CASES THAT THE STATE DEPARTMENT WILL  
25 APPROVE DURING THE UPCOMING FEDERAL FISCAL YEAR. BASED ON THE  
26 BUDGET THAT THE STATE DEPARTMENT SUBMITS, THE ORGANIZATION  
27 SHALL CALCULATE AND, ON OR BEFORE JULY 1, 2022, TRANSMIT AND, ON

1 OR BEFORE JULY 1 OF EACH YEAR THEREAFTER, TRANSMIT THE AMOUNT  
2 OF MONEY FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE  
3 COLLECTED PURSUANT TO SECTION 40-8.7-104 (2.5) THAT IT ALLOCATES  
4 AS PART OF ITS BUDGET PREPARED PURSUANT TO SECTION 40-8.7-108 (3)  
5 FOR USE BY THE STATE DEPARTMENT:

6 (A) TO MAKE FUEL ASSISTANCE PAYMENTS; AND

7 (B) UNLESS THE STATE DEPARTMENT RECEIVED SUFFICIENT  
8 OUTSIDE FUNDS TO COVER ALL OF ITS ADMINISTRATIVE COSTS FOR  
9 IMPLEMENTING THE PROGRAM, TO COVER ITS COSTS TO PROCESS THE EBT  
10 CARD PAYMENTS AND OTHER ADMINISTRATIVE COSTS AND TO IMPLEMENT  
11 THE PROGRAM.

12 (e) IF, AFTER JANUARY 1, 2022, THE STATE DEPARTMENT RECEIVES  
13 SUFFICIENT OUTSIDE FUNDS FOR THE PURPOSE OF DEVELOPING THE  
14 DATABASE CONNECTION, THE STATE DEPARTMENT SHALL, AS SOON AS  
15 PRACTICABLE, DEVELOP THE DATABASE CONNECTION AND TRANSITION TO  
16 IMPLEMENTING THE PROGRAM IN ACCORDANCE WITH SUBSECTION (1)(b)  
17 OF THIS SECTION.

18 (f) ON OR BEFORE OCTOBER 1, 2021, THE STATE DEPARTMENT  
19 SHALL SUBMIT A BUDGET TO THE ORGANIZATION AND THE COMMISSION TO  
20 COVER THE STATE DEPARTMENT'S ADMINISTRATIVE COSTS TO SET UP THE  
21 PROGRAM. BASED ON THE BUDGET THAT THE STATE DEPARTMENT  
22 SUBMITS, THE ORGANIZATION SHALL:

23 (I) CALCULATE THE AMOUNT OF MONEY FROM THE ENERGY  
24 ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION  
25 40-8.7-104 (2.5) THAT IT ALLOCATES AS PART OF ITS BUDGET PREPARED  
26 PURSUANT TO SECTION 40-8.7-108 (3) FOR USE BY THE STATE  
27 DEPARTMENT TO SET UP THE PROGRAM; AND

1           (II) TRANSMIT THE MONEY TO THE STATE DEPARTMENT ON OR  
2 BEFORE JANUARY 1, 2022.

3           (2) (a) THE SUPPLEMENTAL UTILITY ASSISTANCE FUND, REFERRED  
4 TO IN THIS SUBSECTION (2) AS THE "FUND", IS HEREBY CREATED IN THE  
5 STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND  
6 PURSUANT TO SECTION 40-8.7-108 (2)(b) AND ANY OTHER MONEY THAT  
7 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

8           (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
9 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
10 FUND TO THE FUND.

11           (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
12 STATE DEPARTMENT FOR USE IN ACCORDANCE WITH SUBSECTION (1) OF  
13 THIS SECTION.

14           (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
15 REQUIRES:

16           (a) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON  
17 LOW-INCOME ENERGY AND WATER ASSISTANCE CREATED IN SECTION  
18 40-8.5-103.5 (1).

19           (b) "ELECTRONIC BENEFITS TRANSFER SERVICE" OR "EBT" MEANS  
20 THE SERVICE THAT THE STATE DEPARTMENT IMPLEMENTS PURSUANT TO  
21 SECTION 26-2-104 (2) TO ADMINISTER THE DELIVERY OF PUBLIC  
22 ASSISTANCE PAYMENTS AND FOOD STAMPS TO RECIPIENTS.

23           (c) "FUEL ASSISTANCE PAYMENT" MEANS AN ANNUAL PAYMENT  
24 THAT, WHEN MADE TO AN ELIGIBLE HOUSEHOLD IDENTIFIED PURSUANT TO  
25 SUBSECTION (1) OF THIS SECTION, MAKES THAT HOUSEHOLD ELIGIBLE TO  
26 RECEIVE THE STANDARD UTILITY ALLOWANCE.

27           (d) "LEAP" MEANS THE LOW-INCOME ENERGY ASSISTANCE

1 PROGRAM SPECIFIED IN SECTION 26-2-122.5.

2 (e) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION  
3 40-8.7-103 (4).

4 (f) "OUTSIDE FUNDS" MEANS:

5 (I) FEDERAL FUNDS; OR

6 (II) GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE  
7 SOURCES.

8 (g) "PROGRAM" MEANS THE FUEL ASSISTANCE PAYMENT PROGRAM  
9 IMPLEMENTED UNDER SUBSECTION (1)(a) OF THIS SECTION.

10 (h) "SNAP" MEANS THE SUPPLEMENTAL NUTRITION ASSISTANCE  
11 PROGRAM ESTABLISHED PURSUANT TO THIS PART 3.

12 (i) "STANDARD UTILITY ALLOWANCE" MEANS THE HEATING AND  
13 COOLING STANDARD UTILITY ALLOWANCE AUTHORIZED IN THE FEDERAL  
14 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM REGULATIONS  
15 PROMULGATED BY THE FOOD AND NUTRITION SERVICE IN THE UNITED  
16 STATES DEPARTMENT OF AGRICULTURE.

17 **SECTION 2.** In Colorado Revised Statutes, 39-29-109.3, **repeal**  
18 (2)(f) as follows:

19 **39-29-109.3. Severance tax operational fund - core reserve -**  
20 **grant program reserve - definitions - repeal.** (2) Subject to the  
21 requirements of subsections (3) and (3.5) of this section, if the general  
22 assembly chooses not to spend up to one hundred percent of the money  
23 in the operational fund on core departmental programs, the state treasurer  
24 shall transfer the following amounts:

25 ~~(f) For providing energy-related assistance to low-income~~  
26 ~~households as specified in section 40-8.7-112:~~

27 ~~(I) to (IV) Repealed.~~



1           ~~(V) (A) For the state fiscal year commencing July 1, 2012, and~~  
2           ~~each state fiscal year thereafter, through the state fiscal year commencing~~  
3           ~~July 1, 2023, thirteen million dollars as follows: Twenty-five percent to~~  
4           ~~the department of human services low-income energy assistance fund~~  
5           ~~created in section 40-8.7-112 (1); twenty-five percent to the energy~~  
6           ~~outreach Colorado low-income energy assistance fund created in section~~  
7           ~~40-8.7-112 (2)(a); and fifty percent to the Colorado energy office~~  
8           ~~low-income energy assistance fund created in section 40-8.7-112 (3)(a).~~

9           ~~(B) This subsection (2)(f)(V) is repealed, effective July 1, 2025.~~

10           **SECTION 3.** In Colorado Revised Statutes, 40-3-106, **amend**  
11           (1)(d)(II) as follows:

12           **40-3-106. Advantages prohibited - graduated schedules -**  
13           **consideration of household income and other factors - definitions.**

14           (1) (d) (II) As used in this ~~paragraph (d)~~ SUBSECTION (1)(d), a  
15           "low-income utility customer" means a utility customer who:

16           (A) Has a household income at or below one hundred eighty-five  
17           percent of the current federal poverty line; ~~and~~ OR

18           (B) Otherwise meets the INCOME eligibility criteria set forth in  
19           rules of the department of human services adopted pursuant to section  
20           40-8.5-105.

21           **SECTION 4.** In Colorado Revised Statutes, 40-8.5-103, **amend**  
22           the introductory portion and (1); and **add** (4.5) as follows:

23           **40-8.5-103. Definitions.** As used in this ~~article~~ ARTICLE 8.5,  
24           unless the context otherwise requires:

25           (1) "Commission" means the legislative commission on  
26           low-income energy AND WATER assistance, established in section  
27           40-8.5-103.5.

1 (4.5) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION  
2 40-8.7-103 (4).

3 **SECTION 5.** In Colorado Revised Statutes, **amend** 40-8.5-103.5  
4 as follows:

5 **40-8.5-103.5 Commission created - duties - repeal.**

6 (1) (a) (I) There is created the legislative commission on low-income  
7 energy AND WATER assistance.

8 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE MAY 1, 2022.

9 (b) COMMENCING MAY 1, 2022, THERE IS CREATED THE  
10 LEGISLATIVE COMMISSION ON LOW-INCOME ENERGY AND WATER  
11 ASSISTANCE IN THE COLORADO ENERGY OFFICE. THE COLORADO ENERGY  
12 OFFICE SHALL STAFF THE COMMISSION AS NEEDED.

13 (2) (a) THROUGH APRIL 30, 2022, the commission is composed of  
14 eleven members appointed by the governor, each to serve a term of two  
15 years; except that the governor shall select seven of the initially appointed  
16 members to serve for one-year terms. Of the eleven members, five  
17 members must be from private sector energy-related enterprises, one  
18 member must be the director of the low-income energy assistance  
19 program in the state department of human services, one member must be  
20 from the Colorado energy office, two members must be consumers who  
21 are low-income energy assistance recipients, and two members must be  
22 from the general public. Any interim appointment necessary to fill a  
23 vacancy that has occurred by any reason other than expiration of term is  
24 for the remainder of the term of the individual member whose office has  
25 become vacant.

26 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE MAY 1, 2022.

27 (3) (a) (I) BEGINNING MAY 1, 2022, THE COMMISSION IS COMPOSED

1 OF SEVEN MEMBERS INCLUDING:

2 (A) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES  
3 CREATED IN SECTION 26-1-105;

4 (B) A REPRESENTATIVE OF THE COLORADO ENERGY OFFICE  
5 CREATED IN SECTION 24-38.5-101;

6 (C) A REPRESENTATIVE OF THE ORGANIZATION; AND

7 (D) FOUR MEMBERS APPOINTED BY THE GOVERNOR, EACH TO  
8 SERVE A TERM OF FOUR YEARS; EXCEPT THAT THE GOVERNOR SHALL  
9 SELECT TWO OF THE INITIALLY APPOINTED MEMBERS TO SERVE A  
10 TWO-YEAR TERM.

11 (II) THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO THE  
12 COMMISSION PURSUANT TO THIS SUBSECTION (3)(a) ON OR BEFORE APRIL  
13 30, 2022, FOR TERMS STARTING ON MAY 1, 2022.

14 (b) OF THE FOUR MEMBERS APPOINTED BY THE GOVERNOR:

15 (I) ONE MEMBER MUST HAVE RECEIVED LOW-INCOME ENERGY  
16 ASSISTANCE OR REPRESENT AN ENTITY THAT SERVES A POPULATION  
17 ELIGIBLE FOR LOW-INCOME ENERGY ASSISTANCE;

18 (II) ONE MEMBER MUST REPRESENT AN ELECTRIC UTILITY OR A  
19 COMBINED ELECTRIC AND NATURAL GAS UTILITY;

20 (III) ONE MEMBER MUST REPRESENT A NATURAL GAS UTILITY OR  
21 A COMBINED ELECTRIC AND NATURAL GAS UTILITY; AND

22 (IV) ONE MEMBER MUST REPRESENT A WATER UTILITY.

23 (c) ANY INTERIM APPOINTMENT NECESSARY TO FILL A VACANCY  
24 THAT HAS OCCURRED BY ANY REASON OTHER THAN EXPIRATION OF TERM  
25 IS FOR THE REMAINDER OF THE TERM OF THE INDIVIDUAL MEMBER WHOSE  
26 OFFICE HAS BECOME VACANT.

27 (d) IN THE EVENT OF A TIE VOTE OF THE COMMISSION, THE MATTER

1 BEING VOTED UPON FAILS.

2 ~~(2)~~ (4) The governor may remove any APPOINTED commission  
3 member for cause, ~~which shall include but need not be limited to~~  
4 INCLUDING FOR misconduct, incompetence, or neglect of duty.

5 ~~(3)~~ (5) ~~Any~~ A commission member ~~shall be~~ IS immune from  
6 liability in any civil action brought against ~~such~~ THE member for acts  
7 occurring while acting in the capacity of a commission member if ~~such~~  
8 THE member was acting in good faith, made reasonable efforts to obtain  
9 the facts of the matter as to which action was taken, and acted in the  
10 reasonable belief that the action taken was warranted by the facts.

11 ~~(4) (a)~~ No later than December 15, 2008, the commission shall  
12 make recommendations to the governor, the speaker of the house of  
13 representatives, and the president of the senate regarding any necessary  
14 legislative changes to improve the effectiveness and efficiency of the  
15 state's low-income energy assistance services provided pursuant to article  
16 8.7 of this title and section 26-1-109, C.R.S. With assistance and  
17 consultation from representatives from two counties chosen by the  
18 executive director, or his or her designee, of Colorado counties,  
19 incorporated, or its successor organization, the commission shall assess  
20 the strengths and weaknesses of the current service delivery systems  
21 within the state and shall review effective service delivery systems and  
22 models of other states that may be appropriate for utilization in this state.  
23 The commission's recommendations shall build upon the positive aspects  
24 of the current service delivery system, including, but not limited to, the  
25 effective and efficient management of current funding to maximize  
26 assistance to the state's low-income population, infrastructure that is  
27 already in place to efficiently distribute benefits to eligible clients in a

1 ~~timely manner, and coordination already established between energy~~  
2 ~~conservation measures and direct assistance. The commission's~~  
3 ~~recommendations shall include, but shall not be limited to:~~

4 ~~(I) How best to target the state's low-income energy assistance~~  
5 ~~resources toward the identified needs;~~

6 ~~(II) How best to coordinate public and private energy assistance~~  
7 ~~activities with the objective of minimizing the financial burden of energy~~  
8 ~~costs for the state's most needy;~~

9 ~~(III) How best to streamline administrative processes; and~~

10 ~~(IV) Suggested changes to state statutes, rules, or policies related~~  
11 ~~to low-income energy consumers in the state.~~

12 ~~(b) The commission may seek and receive public and private~~  
13 ~~funding to assist in the conduct of the assessment and review required by~~  
14 ~~paragraph (a) of this subsection (4), including but not limited to assistance~~  
15 ~~from the existing resources of the department of human services created~~  
16 ~~in section 24-1-120, C.R.S., the Colorado energy office created in section~~  
17 ~~24-38.5-101, C.R.S., and energy outreach Colorado, a Colorado nonprofit~~  
18 ~~corporation, as described in section 40-8.7-103 (4).~~

19 (6) THE COMMISSION SHALL:

20 (a) WITH RESPECT TO ANY FEDERAL DEPARTMENT OF ENERGY  
21 GRANT AWARD FOR THE COLORADO ENERGY OFFICE WEATHERIZATION  
22 ASSISTANCE PROGRAM, SERVE AS THE POLICY ADVISORY COUNCIL TO THE  
23 COLORADO ENERGY OFFICE, IN ACCORDANCE WITH 10 CFR 440.17;

24 (b) SERVE AS AN ADVISORY COUNCIL TO ANY COLORADO WATER  
25 UTILITIES THAT PROVIDE OR SEEK TO PROVIDE WATER ASSISTANCE AND  
26 EFFICIENCY PROGRAMS TO THEIR CUSTOMERS; AND

27 (c) PURSUANT TO SECTION 40-8.7-108 (3), REVIEW THE ANNUAL

1 BUDGET ALLOCATIONS THAT THE ORGANIZATION DEVELOPS AND SUBMITS  
2 TO THE COMMISSION FOR REVIEW REGARDING THE ORGANIZATION'S USE OF  
3 THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT  
4 TO SECTION 40-8.7-104 (2.5). IF THE COMMISSION DOES NOT APPROVE THE  
5 ORGANIZATION'S ANNUAL BUDGET ALLOCATION, THE COMMISSION MAY  
6 REQUIRE THE ORGANIZATION TO MODIFY THE ALLOCATION. UNTIL THE  
7 COMMISSION APPROVES A BUDGET ALLOCATION SUBMITTED BY THE  
8 ORGANIZATION, THE MOST RECENTLY APPROVED BUDGET ALLOCATION  
9 REMAINS IN EFFECT.

10 **SECTION 6.** In Colorado Revised Statutes, 40-8.7-102, **add** (3)  
11 as follows:

12 **40-8.7-102. Legislative declaration.** (3) THE GENERAL  
13 ASSEMBLY FURTHER FINDS THAT, ALTHOUGH MUNICIPAL AND SPECIAL  
14 DISTRICT WATER UTILITIES ARE NOT REGULATED BY THE PUBLIC UTILITIES  
15 COMMISSION, ALLOWING ALL WATER UTILITIES TO PARTICIPATE IN A  
16 WATER ASSISTANCE PROGRAM ON A VOLUNTARY BASIS WILL PROVIDE AN  
17 EFFICIENT MEANS FOR SOME WATER UTILITIES TO PROVIDE FINANCIAL  
18 ASSISTANCE TO THEIR CUSTOMERS IN LOW-INCOME HOUSEHOLDS.

19 **SECTION 7.** In Colorado Revised Statutes, 40-8.7-103, **amend**  
20 the introductory portion and (2); and **add** (3.3), (4.7), and (7) as follows:

21 **40-8.7-103. Definitions.** As used in this ~~article~~ ARTICLE 8.7,  
22 unless the context otherwise requires:

23 (2) "Customer" means the named holder of an individually  
24 metered account upon which charges for electricity, ~~or~~ gas, OR WATER are  
25 paid to a utility OR WATER UTILITY. "Customer" ~~shall~~ DOES not include a  
26 customer that receives electricity or gas for the sole purpose of reselling  
27 the electricity or gas to others.

1 (3.3) "ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE" OR  
2 "CHARGE" MEANS THE CHARGE THAT INVESTOR-OWNED UTILITIES DOING  
3 BUSINESS IN COLORADO COLLECT FROM THEIR CUSTOMERS ON A MONTHLY  
4 BASIS PURSUANT TO SECTION 40-8.7-104 (2.5).

5 (4.7) "PUBLIC UTILITIES COMMISSION" OR "COMMISSION" MEANS  
6 THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

7 (7) "WATER UTILITY" MEANS A WATER CORPORATION OR  
8 MUNICIPAL WATER PROVIDER THAT PROVIDES RETAIL WATER OR  
9 WASTEWATER SERVICE TO CUSTOMERS IN COLORADO.

10 **SECTION 8.** In Colorado Revised Statutes, **amend** 40-8.7-104  
11 as follows:

12 **40-8.7-104. Energy assistance program - creation - energy**  
13 **assistance contribution - energy assistance system benefit charge.**

14 (1) There is hereby created the low-income energy assistance program to  
15 collect and disburse an optional energy assistance contribution AND AN  
16 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in Colorado in accordance  
17 with this ~~article~~ ARTICLE 8.7.

18 (2) Except as otherwise provided in this ~~article~~ ARTICLE 8.7, every  
19 utility doing business in Colorado shall participate in the energy  
20 assistance program and ~~shall~~ provide the opportunity for utility customers  
21 to make an optional energy assistance contribution on the monthly  
22 remittance device on their utility billing statement. ~~beginning September~~  
23 ~~1, 2006.~~ Each utility shall provide the opportunity for customers to donate  
24 the optional energy assistance contribution as provided in section  
25 40-8.7-105 (2).

26 (2.5) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (2.5)(b) AND  
27 (2.5)(c) OF THIS SECTION, COMMENCING WITH A CUSTOMER'S BILLING

1 STATEMENT COVERING ELECTRIC OR GAS USAGE IN THE MONTH OF  
2 OCTOBER 2021, EVERY INVESTOR-OWNED UTILITY DOING BUSINESS IN  
3 COLORADO SHALL COLLECT A MONTHLY ENERGY ASSISTANCE SYSTEM  
4 BENEFIT CHARGE FROM EACH OF ITS UTILITY CUSTOMERS PURSUANT TO  
5 SECTION 40-8.7-105.5 (1).

6 (b) (I) FOR EACH MONTH THAT AN INVESTOR-OWNED UTILITY  
7 COLLECTS THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE,  
8 THE UTILITY SHALL INCLUDE ON ITS CUSTOMERS' BILLING STATEMENTS A  
9 CONSPICUOUS NOTIFICATION IN BOTH ENGLISH AND SPANISH THAT  
10 SUBSTANTIALLY COMPLIES WITH THE FOLLOWING LANGUAGE:

11 **IF YOU'RE STRUGGLING TO PAY YOUR UTILITY BILLS, YOU**  
12 **MIGHT QUALIFY FOR EXEMPTION FROM A MONTHLY**  
13 **CHARGE RELATED TO ENERGY ASSISTANCE AND BE**  
14 **ELIGIBLE FOR UTILITY BILL PAYMENT ASSISTANCE.**  
15 **PLEASE CALL 1-866-HEAT-HELP TO SEE IF YOU**  
16 **QUALIFY.**

17 (II) THE ORGANIZATION SHALL NOTIFY EACH INVESTOR-OWNED  
18 UTILITY OF ANY CUSTOMER OF THE INVESTOR-OWNED UTILITY WHO IS  
19 EXEMPTED FROM PAYMENT OF THE CHARGE BY VIRTUE OF HAVING  
20 RECEIVED DIRECT UTILITY BILL PAYMENT ASSISTANCE FROM THE  
21 ORGANIZATION IN THE PREVIOUS TWELVE MONTHS.

22 (III) EACH INVESTOR-OWNED UTILITY SHALL REVIEW READILY  
23 AVAILABLE INFORMATION IT HAS RECEIVED FROM THE STATE DEPARTMENT  
24 OF HUMAN SERVICES AND THE ORGANIZATION TO DETERMINE WHICH  
25 CUSTOMERS HAVE RECEIVED ANY DIRECT UTILITY BILL PAYMENT  
26 ASSISTANCE FROM THE STATE DEPARTMENT OR THE ORGANIZATION IN THE  
27 PREVIOUS TWELVE MONTHS AND, AS A RESULT, ARE ELIGIBLE FOR



1 EXEMPTION FROM PAYMENT OF THE CHARGE.

2 (IV) UPON RECEIVING NOTIFICATION FROM THE ORGANIZATION  
3 PURSUANT TO SUBSECTION (2.5)(b)(II) OF THIS SECTION OR UPON ITS OWN  
4 DETERMINATION THAT A CUSTOMER IS ELIGIBLE FOR EXEMPTION FROM THE  
5 CHARGE, AN INVESTOR-OWNED UTILITY SHALL REMOVE THE CHARGE FROM  
6 THE CUSTOMER'S MONTHLY BILLING STATEMENTS FOR THE SUCCEEDING  
7 TWELVE MONTHS.

8 (c) FOR EACH MONTH THAT AN INVESTOR-OWNED UTILITY  
9 COLLECTS THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE,  
10 THE UTILITY SHALL INCLUDE ON ITS CUSTOMERS' BILLING STATEMENTS  
11 WITHIN ITS EXPLANATION OF CHARGES A PHONE NUMBER OR E-MAIL  
12 ADDRESS THROUGH WHICH A CUSTOMER MAY OPT OUT OF PAYING THE  
13 MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE.

14 (3) Any reasonable costs that a utility incurs in connection with  
15 the program, including the initial costs of setting up the collection  
16 mechanism and reformatting its billing systems to solicit the optional  
17 contribution AND TO IMPOSE AND COLLECT THE CHARGE, shall be  
18 reimbursed from the ~~moneys collected by~~ MONEY COLLECTED FOR the  
19 program. ~~and this amount shall be approved for each utility by~~ THE  
20 UTILITY MUST SUBMIT A CALCULATION OF THE AMOUNT OF MONEY TO BE  
21 REIMBURSED TO the public utilities commission FOR ITS APPROVAL OF  
22 PRUDENTLY INCURRED COSTS. The reimbursed amounts ~~shall~~ MUST be  
23 transmitted to the utilities before the remaining ~~moneys are~~ MONEY IS  
24 distributed to the organization.

25 **SECTION 9.** In Colorado Revised Statutes, **add** 40-8.7-104.3 as  
26 follows:

27 **40-8.7-104.3. Water assistance program - creation - water**

1 **assistance contribution.** (1) (a) ON AND AFTER THE EFFECTIVE DATE OF  
2 THIS SECTION, A WATER UTILITY DOING BUSINESS IN COLORADO MAY  
3 PARTICIPATE IN A WATER ASSISTANCE PROGRAM CREATED AND MANAGED  
4 BY THE ORGANIZATION TO PROVIDE WATER UTILITY BILL PAYMENT  
5 ASSISTANCE TO LOW-INCOME HOUSEHOLDS. A WATER UTILITY'S  
6 VOLUNTARY PARTICIPATION IN THE WATER ASSISTANCE PROGRAM WILL  
7 PROVIDE A WATER UTILITY CUSTOMER WITH AN OPPORTUNITY TO MAKE AN  
8 OPTIONAL CONTRIBUTION ON THE CUSTOMER'S MONTHLY OR QUARTERLY  
9 REMITTANCE DEVICE ON THE WATER UTILITY BILLING STATEMENT.

10 (b) (I) A WATER UTILITY PARTICIPATING IN THE WATER  
11 ASSISTANCE PROGRAM SHALL PROVIDE THE OPPORTUNITY FOR ITS  
12 CUSTOMERS TO DONATE THE CONTRIBUTION DESCRIBED IN SUBSECTION  
13 (1)(a) OF THIS SECTION IN ACCORDANCE WITH THE CHECK-OFF MECHANISM  
14 SET FORTH IN SECTION 40-8.7-105 (2).

15 (II) SECTION 40-8.7-105 (1), (3), (4), AND (5) DOES NOT APPLY TO  
16 A WATER UTILITY'S PARTICIPATION IN THE WATER ASSISTANCE PROGRAM.

17 (2) A WATER UTILITY MAY CREATE ITS OWN WATER ASSISTANCE  
18 PROGRAM TO MEET ITS CUSTOMERS' WATER ASSISTANCE NEEDS. IN  
19 DETERMINING ELIGIBILITY FOR ASSISTANCE, A WATER UTILITY MAY ADOPT  
20 THE CRITERIA SPECIFIED IN SECTION 40-3-106 (1)(d) OR ALTERNATIVE  
21 CRITERIA AS DETERMINED BY THE WATER UTILITY.

22 (3) A WATER UTILITY PARTICIPATING IN THE ORGANIZATION'S  
23 WATER ASSISTANCE PROGRAM PURSUANT TO SUBSECTION (1) OF THIS  
24 SECTION OR CREATING ITS OWN WATER ASSISTANCE PROGRAM PURSUANT  
25 TO SUBSECTION (2) OF THIS SECTION MAY SEEK REIMBURSEMENT FOR ANY  
26 REASONABLE COSTS THAT IT INCURS IN CONNECTION WITH THE PROGRAM,  
27 INCLUDING INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM

1 AND REFORMATTING ITS BILLING SYSTEMS TO SOLICIT AN OPTIONAL  
2 CONTRIBUTION.

3 (4) THE ORGANIZATION SHALL USE THE MONEY COLLECTED FROM  
4 EACH WATER UTILITY PURSUANT TO THIS SECTION TO HELP FINANCE  
5 DIRECT WATER UTILITY BILL PAYMENT ASSISTANCE TO LOW-INCOME  
6 HOUSEHOLDS SERVED BY THAT WATER UTILITY.

7 **SECTION 10.** In Colorado Revised Statutes, **add** 40-8.7-105.5  
8 as follows:

9 **40-8.7-105.5. Energy assistance system benefit charge - repeal.**

10 (1) (a) ON AND AFTER OCTOBER 1, 2021, AND EXCEPT AS PROVIDED IN  
11 SECTION 40-8.7-104 (2.5)(b), EACH INVESTOR-OWNED ENERGY UTILITY  
12 SHALL INCLUDE ON ITS CUSTOMERS' MONTHLY BILLS A FLAT ENERGY  
13 ASSISTANCE SYSTEM BENEFIT CHARGE THAT A CUSTOMER IS ASSESSED TO  
14 HELP FINANCE THE LOW-INCOME ENERGY ASSISTANCE PROGRAM.

15 (b) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (1)(b)(II) AND  
16 (1)(b)(III) OF THIS SECTION, THE MONTHLY ENERGY ASSISTANCE SYSTEM  
17 BENEFIT CHARGE IS SEVENTY-FIVE CENTS FOR ELECTRIC SERVICE  
18 PROVIDED AND SEVENTY-FIVE CENTS FOR NATURAL GAS SERVICE  
19 PROVIDED.

20 (II) (A) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS  
21 SECTION, FOR BILLING STATEMENTS COVERING ELECTRIC OR NATURAL GAS  
22 USAGE BETWEEN THE MONTHS OF OCTOBER 2021 AND SEPTEMBER 2022,  
23 THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE IS REDUCED  
24 TO FIFTY CENTS FOR ELECTRIC SERVICE PROVIDED AND FIFTY CENTS FOR  
25 NATURAL GAS SERVICE PROVIDED.

26 (B) THIS SUBSECTION (1)(b)(II) IS REPEALED, EFFECTIVE  
27 SEPTEMBER 1, 2023.

1 (III) COMMENCING OCTOBER 1, 2023, THE MONTHLY ENERGY  
2 ASSISTANCE SYSTEM BENEFIT CHARGE SHALL BE ADJUSTED IN  
3 ACCORDANCE WITH CHANGES IN THE UNITED STATES DEPARTMENT OF  
4 LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR  
5 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
6 CONSUMERS, OR ITS SUCCESSOR INDEX.

7 (2) EACH INVESTOR-OWNED UTILITY SHALL USE THE MOST  
8 COST-EFFECTIVE METHOD FOR IMPLEMENTING THE PROGRAM.

9 (4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2029.

10 **SECTION 11.** In Colorado Revised Statutes, 40-8.7-107, **amend**  
11 (1) introductory portion; and **add** (1.5) as follows:

12 **40-8.7-107. Disposition of contributions and charges.** (1) Each  
13 ~~gas and electric~~ utility COLLECTING OPTIONAL ENERGY ASSISTANCE  
14 CONTRIBUTIONS PURSUANT TO SECTION 40-8.7-104 (2) AND EACH WATER  
15 UTILITY COLLECTING OPTIONAL CONTRIBUTIONS PURSUANT TO SECTION  
16 40-8.7-104.3 (1) shall transfer the ~~moneys from the energy assistance~~  
17 ~~contributions~~ MONEY collected ~~under this article~~ to the organization on  
18 the following schedule:

19 (1.5) (a) AN INVESTOR-OWNED UTILITY COLLECTING THE ENERGY  
20 ASSISTANCE SYSTEM BENEFIT CHARGE PURSUANT TO SECTION 40-8.7-104  
21 (2.5) SHALL TRANSFER THE MONEY COLLECTED IN ACCORDANCE WITH THE  
22 SCHEDULE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

23 (b) EXCEPT AS PROVIDED IN SECTION 40-8.7-108 (2)(b), THE  
24 ORGANIZATION SHALL USE THE MONEY COLLECTED FROM EACH  
25 INVESTOR-OWNED UTILITY PURSUANT TO SECTION 40-8.7-104 (2.5) TO  
26 HELP FINANCE DIRECT UTILITY BILL PAYMENT ASSISTANCE AND ENERGY  
27 RETROFITS PROVIDED TO LOW-INCOME HOUSEHOLDS WITHIN THAT

1 INVESTOR-OWNED UTILITY'S SERVICE TERRITORY OR WITHIN THE SERVICE  
2 TERRITORY OF AN AFFILIATED INVESTOR-OWNED UTILITY.

3 (c) NOTWITHSTANDING SECTION 40-3-114, A UTILITY REGULATED  
4 BY THE PUBLIC UTILITIES COMMISSION MAY USE FUNDS COLLECTED FROM  
5 ITS CUSTOMERS FOR THE PURPOSE OF COMPLYING WITH A STATUTORY  
6 REQUIREMENT TO FINANCE LOW-INCOME ENERGY ASSISTANCE PROGRAMS.

7 **SECTION 12.** In Colorado Revised Statutes, **amend** 40-8.7-108  
8 as follows:

9 **40-8.7-108. Energy outreach Colorado - administration of**  
10 **energy assistance contributions and the system benefit charge.**

11 (1) The organization shall hold and administer all ~~moneys~~ MONEY  
12 collected FOR ENERGY ASSISTANCE pursuant to this ~~article~~ ARTICLE 8.7  
13 delivered to it by the utilities pursuant to section 40-8.7-107 in a  
14 separately identifiable account, which shall be restricted to the purposes  
15 set forth in this ~~article~~ ARTICLE 8.7. The organization shall maintain its  
16 books and records pertaining to the energy assistance contributions AND  
17 THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in accordance with  
18 generally accepted accounting principles and, in addition, shall maintain  
19 records adequate to identify the ~~moneys~~ MONEY collected by each utility.  
20 If the organization commingles the ~~moneys~~ MONEY collected and  
21 delivered with other assets of the organization for investment purposes,  
22 the organization shall maintain accurate accounts of the investment  
23 ~~moneys~~ MONEY and shall credit or charge a pro rata portion of all  
24 investment earnings, gains, or losses to the account that holds the  
25 OPTIONAL energy assistance COLLECTIONS AND ENERGY ASSISTANCE  
26 SYSTEM BENEFIT charges.

27 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS

1 SECTION, the organization shall use the MONEY COLLECTED FROM THE  
2 OPTIONAL energy assistance ~~contribution~~ CONTRIBUTIONS AND THE  
3 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE to provide low-income  
4 energy assistance and to improve energy efficiency. The ORGANIZATION  
5 SHALL PAY THE financial assistance ~~moneys shall be paid~~ MONEY to each  
6 utility as vendor payments. The ~~moneys~~ ORGANIZATION shall not ~~be used~~  
7 USE THE MONEY for propane, gas, or electric assistance for customers  
8 whose propane, gas, electric, or gas and electric companies or cooperative  
9 electric associations do not participate in the program. The organization  
10 may use up to five percent of the ~~moneys~~ MONEY collected for  
11 administration of the energy assistance program in accordance with  
12 generally accepted accounting principles; HOWEVER, THE ORGANIZATION  
13 SHALL NOT USE ANY MONEY COLLECTED FROM THE ENERGY ASSISTANCE  
14 SYSTEM BENEFIT CHARGE TO PAY EMPLOYEE SALARIES OR BONUSES.

15 (b) IN ACCORDANCE WITH THE PAYMENT AMOUNTS REFLECTED IN  
16 THE ORGANIZATION'S BUDGET PREPARED PURSUANT TO SUBSECTION (3)(b)  
17 OF THIS SECTION AND APPROVED BY THE LEGISLATIVE COMMISSION ON  
18 LOW-INCOME ENERGY AND WATER ASSISTANCE PURSUANT TO SECTION  
19 40-8.5-103.5 (6)(c), THE ORGANIZATION SHALL TRANSMIT A PORTION OF  
20 THE MONEY COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT  
21 CHARGE TO THE STATE TREASURER AND THE STATE TREASURER SHALL  
22 CREDIT THAT AMOUNT TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND  
23 CREATED IN SECTION 26-2-307 (2)(a) FOR USE BY THE DEPARTMENT OF  
24 HUMAN SERVICES IN ACCORDANCE WITH SECTION 26-2-307 (1).

25 (3)(a)(I) SUBJECT TO THE ALLOCATION REQUIREMENTS SET FORTH  
26 IN SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS SECTION, the  
27 organization shall, on an annual basis, develop a budget for the energy

1 assistance program to determine the allocation of THE MONEY COLLECTED  
2 FROM the OPTIONAL energy assistance contributions ~~collected under this~~  
3 ~~article~~ AND THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE, WITH NOT  
4 MORE THAN FIFTY PERCENT OF THE TOTAL AMOUNT ALLOCATED TO DIRECT  
5 UTILITY BILL PAYMENT ASSISTANCE. TO IMPROVE AND INCREASE  
6 ENROLLMENT IN THE UTILITY ASSISTANCE PROGRAMS, THE BUDGET MUST  
7 INCLUDE AN ALLOCATION OF AT LEAST TWO PERCENT OF THE MONEY  
8 COLLECTED FROM THE CHARGE TO BE USED TO ENGAGE THE ASSISTANCE  
9 OF COMMUNITY-BASED ORGANIZATIONS THAT ARE ACTIVE IN OUTREACH  
10 TO, ENGAGEMENT OF, AND EDUCATION FOR, INCOME-QUALIFIED  
11 COMMUNITIES, COMMUNITIES OF COLOR, AND IMMIGRANT COMMUNITIES  
12 TO HELP PROVIDE OUTREACH AND EDUCATION ABOUT THE UTILITY  
13 ASSISTANCE PROGRAMS. THE ORGANIZATION SHALL SUBMIT A COPY OF  
14 THE BUDGET TO THE COLORADO ENERGY OFFICE FOR ITS REVIEW.

15 (II) SUBJECT TO SUBSECTION (3)(a)(IV) OF THIS SECTION, BEFORE  
16 THE ORGANIZATION BEGINS ALLOCATING AN AMOUNT OF THE MONEY  
17 COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE TO  
18 BE CREDITED TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND CREATED  
19 IN SECTION 26-2-307 (2)(a), THE ORGANIZATION, AFTER ALLOCATING AT  
20 LEAST TWO PERCENT OF THE MONEY COLLECTED TO COMMUNITY  
21 OUTREACH AS DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS SECTION,  
22 SHALL:

23 (A) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL  
24 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL  
25 NOT EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY PERCENT TO THE  
26 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101 FOR ITS  
27 WEATHERIZATION ASSISTANCE PROGRAM AND RETAIN FORTY-FIVE

1 PERCENT FOR THE ORGANIZATION'S ENERGY ASSISTANCE PROGRAMS, WITH  
2 THE LEGISLATIVE COMMISSION ON LOW-INCOME ENERGY AND WATER  
3 ASSISTANCE, REFERRED TO IN THIS SUBSECTION (3)(a) AS THE  
4 "LEGISLATIVE COMMISSION", DETERMINING THE ALLOCATION OF THE  
5 REMAINING MONEY BETWEEN THE TWO ENTITIES PURSUANT TO ITS BUDGET  
6 APPROVAL AUTHORITY UNDER SECTION 40-8.5-103.5 (6)(c); AND

7 (B) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL  
8 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL  
9 EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY-FIVE PERCENT TO THE  
10 COLORADO ENERGY OFFICE FOR ITS WEATHERIZATION ASSISTANCE  
11 PROGRAM AND RETAIN FORTY-FIVE PERCENT FOR THE ORGANIZATION'S  
12 ENERGY ASSISTANCE PROGRAMS, WITH THE LEGISLATIVE COMMISSION  
13 DETERMINING THE ALLOCATION OF THE REMAINING MONEY BETWEEN THE  
14 TWO ENTITIES PURSUANT TO ITS BUDGET APPROVAL AUTHORITY.

15 (III) SUBJECT TO SUBSECTION (3)(a)(IV) OF THIS SECTION, ONCE  
16 THE ORGANIZATION BEGINS ALLOCATING AN AMOUNT OF THE MONEY  
17 COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE TO  
18 BE CREDITED TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND CREATED  
19 IN SECTION 26-2-307 (2)(a), THE ORGANIZATION, AFTER ALLOCATING  
20 MONEY FOR THE SUPPLEMENTAL UTILITY ASSISTANCE FUND AND FOR  
21 COMMUNITY OUTREACH AS DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS  
22 SECTION, SHALL:

23 (A) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL  
24 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL  
25 NOT EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY PERCENT TO THE  
26 COLORADO ENERGY OFFICE FOR ITS WEATHERIZATION ASSISTANCE  
27 PROGRAM AND RETAIN FORTY-FIVE PERCENT FOR THE ORGANIZATION'S



1 ENERGY ASSISTANCE PROGRAMS, WITH THE LEGISLATIVE COMMISSION  
2 DETERMINING THE ALLOCATION OF THE REMAINING MONEY BETWEEN THE  
3 TWO ENTITIES PURSUANT TO ITS BUDGET APPROVAL AUTHORITY UNDER  
4 SECTION 40-8.5-103.5 (6)(c); AND

5 (B) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL  
6 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL  
7 EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY-FIVE PERCENT TO THE  
8 COLORADO ENERGY OFFICE FOR ITS WEATHERIZATION ASSISTANCE  
9 PROGRAM AND RETAIN FORTY-FIVE PERCENT FOR THE ORGANIZATION'S  
10 ENERGY ASSISTANCE PROGRAMS, WITH THE LEGISLATIVE COMMISSION  
11 DETERMINING THE ALLOCATION OF THE REMAINING MONEY BETWEEN THE  
12 TWO ENTITIES PURSUANT TO ITS BUDGET APPROVAL AUTHORITY.

13 (IV) IF ANY MONEY ALLOCATED TO THE COLORADO ENERGY  
14 OFFICE OR RETAINED BY THE ORGANIZATION IS NOT EXPENDED IN THE  
15 YEAR FOR WHICH IT WAS ALLOCATED, THE LEGISLATIVE COMMISSION MAY  
16 TAKE THAT UNEXPENDED MONEY INTO CONSIDERATION IN ALLOCATING  
17 MONEY IN THE FOLLOWING YEAR'S BUDGET PURSUANT TO THIS  
18 SUBSECTION (3)(a).

19 (b) AS PART OF THE BUDGET DEVELOPED PURSUANT TO  
20 SUBSECTION (3)(a) OF THIS SECTION, THE ORGANIZATION SHALL  
21 CALCULATE THE AMOUNT OF MONEY FROM THE ENERGY ASSISTANCE  
22 SYSTEM BENEFIT CHARGE TO TRANSMIT TO THE STATE TREASURER  
23 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION AND THE AMOUNT OF  
24 THE FUEL ASSISTANCE PAYMENTS THAT THE DEPARTMENT OF HUMAN  
25 SERVICES MAKES IN ACCORDANCE WITH SECTION 26-2-307 (1).

26 **SECTION 13.** In Colorado Revised Statutes, **add** 40-8.7-108.5  
27 as follows:

1           **40-8.7-108.5. Energy outreach Colorado - administration of**

2           **the water assistance contributions.** (1) THE ORGANIZATION SHALL HOLD  
3           AND ADMINISTER ALL MONEY COLLECTED FOR WATER ASSISTANCE  
4           PURSUANT TO THIS ARTICLE 8.7 DELIVERED TO IT BY WATER UTILITIES  
5           PURSUANT TO SECTION 40-8.7-107 IN A SEPARATELY IDENTIFIABLE  
6           ACCOUNT, WHICH SHALL BE RESTRICTED TO THE PURPOSES SET FORTH IN  
7           THIS ARTICLE 8.7. THE ORGANIZATION SHALL MAINTAIN ITS BOOKS AND  
8           RECORDS PERTAINING TO THE WATER ASSISTANCE CONTRIBUTIONS IN  
9           ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND,  
10          IN ADDITION, SHALL MAINTAIN RECORDS ADEQUATE TO IDENTIFY THE  
11          MONEY COLLECTED BY EACH WATER UTILITY. IF THE ORGANIZATION  
12          COMMINGLES THE MONEY COLLECTED AND DELIVERED WITH OTHER  
13          ASSETS OF THE ORGANIZATION FOR INVESTMENT PURPOSES, THE  
14          ORGANIZATION SHALL MAINTAIN ACCURATE ACCOUNTS OF THE  
15          INVESTMENT MONEY AND SHALL CREDIT OR CHARGE A PRO RATA PORTION  
16          OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT  
17          HOLDS THE WATER ASSISTANCE COLLECTIONS.

18          (2) THE ORGANIZATION SHALL USE THE WATER ASSISTANCE  
19          CONTRIBUTIONS TO PROVIDE LOW-INCOME WATER ASSISTANCE. THE  
20          ORGANIZATION SHALL PAY THE FINANCIAL ASSISTANCE MONEY TO EACH  
21          PARTICIPATING WATER UTILITY AS VENDOR PAYMENTS. THE  
22          ORGANIZATION SHALL NOT USE THE MONEY FOR WATER ASSISTANCE FOR  
23          CUSTOMERS WHOSE WATER UTILITY DOES NOT PARTICIPATE IN THE  
24          PROGRAM. THE ORGANIZATION MAY USE UP TO FIVE PERCENT OF THE  
25          MONEY COLLECTED FOR ADMINISTRATION OF THE WATER ASSISTANCE  
26          PROGRAM IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING  
27          PRINCIPLES.

1 (3) THE ORGANIZATION SHALL, ON AN ANNUAL BASIS, DEVELOP A  
2 BUDGET FOR THE WATER ASSISTANCE PROGRAM TO DETERMINE THE  
3 ALLOCATION OF THE WATER ASSISTANCE CONTRIBUTIONS COLLECTED  
4 UNDER THIS ARTICLE 8.7.

5 **SECTION 14.** In Colorado Revised Statutes, 40-8.7-109, **add** (4)  
6 as follows:

7 **40-8.7-109. Low-income energy assistance program -**  
8 **eligibility.** (4) WHEN INSTALLING ENERGY RETROFITS AS PART OF  
9 PROVIDING LOW-INCOME ENERGY ASSISTANCE, THE ORGANIZATION AND  
10 THE COLORADO ENERGY OFFICE SHALL PRIORITIZE MAXIMIZING CUSTOMER  
11 SAVINGS, REDUCING EMISSIONS, AND IMPROVING INDOOR AIR QUALITY.

12 **SECTION 15.** In Colorado Revised Statutes, 40-8.7-110, **amend**  
13 (1), (1.5), and (2); and **add** (4) as follows:

14 **40-8.7-110. Reports - repeal.** (1) The organization shall submit  
15 a written report to the general assembly, the legislative audit committee,  
16 and the office of the state auditor on or before March 31 of each year  
17 ~~beginning in 2007, that covers~~ COVERING the immediately preceding  
18 calendar year. The report ~~shall~~ MUST include:

19 (a) An itemized account of ~~moneys~~ THE MONEY received by the  
20 organization from each utility FOR THE LOW-INCOME ENERGY ASSISTANCE  
21 PROGRAM, INCLUDING:

22 (I) THE MONEY RECEIVED FROM CUSTOMERS' OPTIONAL ENERGY  
23 ASSISTANCE CONTRIBUTIONS PURSUANT TO SECTION 40-8.7-104 (2); AND

24 (II) THE MONEY RECEIVED FROM CUSTOMERS' MONTHLY ENERGY  
25 ASSISTANCE SYSTEM BENEFIT CHARGES PURSUANT TO SECTION 40-8.7-104  
26 (2.5), INCLUDING INFORMATION REGARDING THE MONEY RECEIVED FROM  
27 EACH INVESTOR-OWNED UTILITY AND THE MONEY THE ORGANIZATION HAS

1 SPENT IN EACH INVESTOR-OWNED UTILITY'S SERVICE TERRITORY OR  
2 WITHIN THE SERVICE TERRITORY OF AN AFFILIATED INVESTOR-OWNED  
3 UTILITY;

4 (a.5) AN ITEMIZED ACCOUNT OF THE MONEY RECEIVED BY THE  
5 ORGANIZATION FROM EACH PARTICIPATING WATER UTILITY FOR THE  
6 ORGANIZATION'S WATER ASSISTANCE PROGRAM PURSUANT TO SECTION  
7 40-8.7-104.3;

8 (b) FOR THE LOW-INCOME ENERGY ASSISTANCE PROGRAM AND THE  
9 WATER ASSISTANCE PROGRAM:

10 ~~(b)~~ (I) The amount of ~~moneys~~ MONEY distributed, the type of  
11 assistance provided, the geographic area of the state served, and an  
12 itemization of the programs through which the ~~moneys are~~ MONEY IS  
13 expended;

14 ~~(c)~~ (II) The number of low-income households served, by utility  
15 OR WATER UTILITY and by type of assistance provided;

16 ~~(d)~~ (III) An audited financial statement from the organization; and

17 ~~(e)~~ (IV) A summary of how the ~~moneys~~ MONEY collected ~~were~~  
18 WAS generated, including the number of customers participating in the  
19 program.

20 (1.5) To the extent applicable, the organization shall include in the  
21 report the information required by ~~paragraphs (b) and (c) of subsection~~  
22 ~~(b)~~ SUBSECTIONS (1)(b)(I) AND (1)(b)(II) of this section for ~~moneys~~  
23 MONEY received from the Colorado energy office pursuant to section  
24 40-8.7-112 (2)(a).

25 (2) The ORGANIZATION SHALL POST THE report ~~shall be made~~ ON  
26 ITS PUBLIC WEBSITE SO THAT IT IS available to the public for review.

27 (4) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE

1 COLORADO ENERGY OFFICE SHALL SUBMIT A WRITTEN REPORT TO THE  
2 GENERAL ASSEMBLY, THE LEGISLATIVE AUDIT COMMITTEE, AND THE  
3 OFFICE OF THE STATE AUDITOR ON OR BEFORE MARCH 31 OF EACH YEAR  
4 COVERING THE IMMEDIATELY PRECEDING CALENDAR YEAR. THE REPORT  
5 MUST INCLUDE AN ITEMIZED ACCOUNT OF THE MONEY THAT THE OFFICE  
6 RECEIVED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE  
7 COLLECTED PURSUANT TO SECTION 40-8.7-104 (2.5) FOR USE FOR ITS  
8 WEATHERIZATION ASSISTANCE PROGRAM, INCLUDING INFORMATION ON  
9 THE AMOUNT OF MONEY DISTRIBUTED, THE TYPE OF ASSISTANCE  
10 PROVIDED, AND THE GEOGRAPHIC AREAS OF THE STATE SERVED. THE  
11 OFFICE SHALL POST THE REPORT ON ITS PUBLIC WEBSITE.

12 **SECTION 16.** In Colorado Revised Statutes, 40-1-103.5, **amend**  
13 (2) as follows:

14 **40-1-103.5. Limited exemption of master meter operators -**  
15 **conditions - rules.** (2) In passing on refunds, rebates, rate reductions, or  
16 similar adjustments to end users, the MMO shall notify its current end  
17 users, either by first-class mail with a certificate of mailing or by  
18 inclusion in any monthly or more frequent regular written  
19 communication, of ~~such~~ THE adjustments and inform the end users that  
20 they may claim the adjustments within ninety days after receipt of the  
21 notice. The MMO may retain any portion of ~~such~~ THE adjustments ~~which~~  
22 THAT rightfully belongs to the MMO. Upon the expiration of the  
23 ninety-day claims period, the MMO shall identify any such adjustments  
24 ~~which~~ THAT are unclaimed and, if the aggregate amount unclaimed  
25 exceeds one hundred dollars, the MMO shall contribute ~~such~~ THE  
26 unclaimed amount to the fund established by the LEGISLATIVE  
27 commission on low-income energy AND WATER assistance pursuant to

1 section 40-8.5-104.

2 **SECTION 17.** In Colorado Revised Statutes, 40-8-101, **amend**  
3 (2) as follows:

4 **40-8-101. Undistributed overcharges turned over to**  
5 **municipality.** (2) For gas, electric, and steam utilities, the public utilities  
6 commission may order that all or part of the undistributed balance of a  
7 refund be paid by the utility in an equitable manner to the general body  
8 of utility customers and the public utilities commission may order a gas  
9 or electric utility to pay up to ninety percent of the undistributed balance  
10 of a refund into the fund established by the ~~Colorado~~ LEGISLATIVE  
11 commission on low-income energy AND WATER assistance pursuant to  
12 section 40-8.5-104.

13 **SECTION 18.** In Colorado Revised Statutes, **amend** 40-8.5-101  
14 as follows:

15 **40-8.5-101. Legislative declaration.** In enacting this ~~article~~  
16 ARTICLE 8.5, the general assembly finds and declares that there is a need  
17 to make distributions of ~~moneys~~ MONEY to provide aid and assistance to  
18 the indigent, the elderly, and persons with disabilities, who do not  
19 otherwise have the financial resources to meet their heating and other  
20 energy needs. The general assembly further finds and declares that the  
21 low-income energy assistance program of the department of human  
22 services is the most appropriate entity to determine those most in need of  
23 such aid and assistance. Therefore, this ~~article shall authorize~~ ARTICLE 8.5  
24 AUTHORIZES the LEGISLATIVE commission on low-income energy AND  
25 WATER assistance to establish a fund from which to collect and distribute  
26 ~~moneys~~ MONEY to accomplish the goals set forth in this section. The  
27 ~~moneys~~ MONEY for ~~such~~ THE fund ~~shall~~ MUST be ~~based~~ FUNDED in part on

1 BY unclaimed utility deposits.

2 **SECTION 19.** In Colorado Revised Statutes, 40-8.7-112, **amend**  
3 **(1), (2)(a)(I), and (3)(a).** as follows:

4 **40-8.7-112. Department of human services low-income energy**  
5 **assistance fund - creation - energy outreach Colorado low-income**  
6 **energy assistance fund - creation - Colorado energy office low-income**  
7 **energy assistance fund - creation - definitions - repeal.** (1) There is  
8 hereby created in the state treasury the department of human services  
9 low-income energy assistance fund, which shall be administered by the  
10 department of human services. ~~and shall consist of all moneys transferred~~  
11 ~~by the treasurer as specified in section 39-29-109.3 (2)(f), C.R.S. All~~  
12 ~~moneys~~ ALL MONEY in the fund ~~are~~ IS continuously appropriated to the  
13 department of human services for the purpose of increasing available  
14 funds under the low-income energy assistance program specified in  
15 section 26-1-109. ~~C.R.S. All moneys~~ ALL MONEY in the fund at the end  
16 of each fiscal year ~~shall be retained~~ REMAINS in the fund and ~~shall~~ DOES  
17 not revert to the general fund or any other fund.

18 (2) (a) (I) There is hereby created in the state treasury the energy  
19 outreach Colorado low-income energy assistance fund, administered by  
20 the Colorado energy office. The fund consists of all money transferred by  
21 the state treasurer as specified in section 39-29-109.3 (2)(f) and any other  
22 money that the general assembly appropriates or transfers to the fund for  
23 the purposes set forth in this subsection (2). All money in the fund is  
24 continuously appropriated to the Colorado energy office for distribution  
25 to the organization to be used for the purposes set forth in this subsection  
26 (2). Except as provided in subsection (2)(a)(II) of this section, all money  
27 in the fund at the end of each fiscal year remains in the fund and does not

1 revert to the general fund or any other fund.

2 (3) (a) There is hereby created in the state treasury the Colorado  
3 energy office low-income energy assistance fund, which shall be  
4 administered by the Colorado energy office and shall consist of ~~all~~  
5 ~~moneys transferred by the treasurer as specified in section 39-29-109.3~~  
6 ~~(2)(f), C.R.S., all moneys~~ ALL MONEY transferred to the fund, ~~all moneys~~  
7 ALL MONEY received as a result of contracts entered into by the Colorado  
8 energy office for the office's program to improve the home energy  
9 efficiency of low-income households, and ~~all moneys~~ ALL MONEY  
10 received by the Colorado energy office from gifts, grants, and donations  
11 for the office's program to improve the home energy efficiency of  
12 low-income households. All ~~moneys~~ MONEY in the fund ~~are~~ IS  
13 continuously appropriated to the Colorado energy office to be used for the  
14 purposes set forth in this subsection (3). All ~~moneys~~ MONEY in the fund  
15 at the end of each fiscal year ~~shall be retained~~ REMAINS in the fund and  
16 ~~shall~~ DOES not revert to the general fund or any other fund.

17

18 SECTION 20. **Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly; except  
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
22 of the state constitution against this act or an item, section, or part of this  
23 act within such period, then the act, item, section, or part will not take  
24 effect unless approved by the people at the general election to be held in  
25 November 2022 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.