

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0137.01 Jennifer Berman x3286

HOUSE BILL 21-1105

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

Hansen,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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.

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.

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 **created - definitions.** (1) (a) ON OR BEFORE OCTOBER 1, 2023, THE
4 STATE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO ADMINISTER THE
5 SUPPLEMENTAL UTILITY ASSISTANCE FUND CREATED IN SUBSECTION (2)(a)
6 OF THIS SECTION FOR DISTRIBUTION OF FUEL ASSISTANCE PAYMENTS TO
7 HOUSEHOLDS RECEIVING SUPPLEMENTAL NUTRITION ASSISTANCE
8 PROGRAM BENEFITS.

9 (b) THE STATE DEPARTMENT SHALL MAKE FUEL ASSISTANCE
10 PAYMENTS TO ELIGIBLE HOUSEHOLDS IN THE STATE THAT RECEIVE
11 BENEFITS UNDER THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE
12 PROGRAM TO ENSURE THAT THOSE HOUSEHOLDS QUALIFY FOR THE
13 FEDERAL HEATING AND COOLING STANDARD UTILITY ALLOWANCE.

14 (c) THE STATE DEPARTMENT SHALL MAKE THE FUEL ASSISTANCE
15 PAYMENTS IN AMOUNTS REFLECTED IN THE BUDGET THAT THE
16 ORGANIZATION PREPARES PURSUANT TO SECTION 40-8.7-108 (3) AND THAT
17 THE COMMISSION APPROVES PURSUANT TO SECTION 40-8.5-103.5 (6)(c).

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

23 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
25 FUND TO THE FUND.

26 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
27 STATE DEPARTMENT FOR USE IN ACCORDANCE WITH SUBSECTION (1) OF

1 THIS SECTION.

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

4 (a) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON
5 LOW-INCOME ENERGY AND WATER ASSISTANCE CREATED IN SECTION
6 40-8.5-103.5 (1).

7 (b) "HEATING AND COOLING STANDARD UTILITY ALLOWANCE" IS
8 A STANDARD UTILITY ALLOWANCE AUTHORIZED IN THE FEDERAL
9 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM REGULATIONS
10 PROMULGATED BY THE FOOD AND NUTRITION SERVICE IN THE UNITED
11 STATES DEPARTMENT OF AGRICULTURE.

12 (c) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION
13 40-8.7-103 (4).

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

16 **39-29-109.3. Severance tax operational fund - core reserve -**
17 **grant program reserve - definitions - repeal.** (2) Subject to the
18 requirements of subsections (3) and (3.5) of this section, if the general
19 assembly chooses not to spend up to one hundred percent of the money
20 in the operational fund on core departmental programs, the state treasurer
21 shall transfer the following amounts:

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

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

25 ~~(V) (A) For the state fiscal year commencing July 1, 2012, and~~
26 ~~each state fiscal year thereafter, through the state fiscal year commencing~~
27 ~~July 1, 2023, thirteen million dollars as follows: Twenty-five percent to~~

1 ~~the department of human services low-income energy assistance fund~~
2 ~~created in section 40-8.7-112 (1); twenty-five percent to the energy~~
3 ~~outreach Colorado low-income energy assistance fund created in section~~
4 ~~40-8.7-112 (2)(a); and fifty percent to the Colorado energy office~~
5 ~~low-income energy assistance fund created in section 40-8.7-112 (3)(a).~~

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

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

9 **40-3-106. Advantages prohibited - graduated schedules -**
10 **consideration of household income and other factors - definitions.**

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

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

15 (B) Otherwise meets the INCOME eligibility criteria set forth in
16 rules of the department of human services adopted pursuant to section
17 40-8.5-105.

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

20 **40-8.5-103. Definitions.** As used in this ~~article~~ ARTICLE 8.5,
21 unless the context otherwise requires:

22 (1) "Commission" means the legislative commission on
23 low-income energy AND WATER assistance, established in section
24 40-8.5-103.5.

25 (4.5) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION
26 40-8.7-103 (4).

27 **SECTION 5.** In Colorado Revised Statutes, **amend** 40-8.5-103.5

1 as follows:

2 **40-8.5-103.5. Commission created - duties - repeal.** (1) There
3 is created the legislative commission on low-income energy AND WATER
4 assistance IN THE COLORADO ENERGY OFFICE. THE COLORADO ENERGY
5 OFFICE SHALL STAFF THE COMMISSION AS NEEDED.

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

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

20 (3) (a) (I) BEGINNING MAY 1, 2022, THE COMMISSION IS COMPOSED
21 OF SEVEN MEMBERS INCLUDING:

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

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

26 (C) A REPRESENTATIVE OF THE ORGANIZATION; AND

27 (D) FOUR MEMBERS APPOINTED BY THE GOVERNOR, EACH TO

1 SERVE A TERM OF FOUR YEARS; EXCEPT THAT THE GOVERNOR SHALL
2 SELECT TWO OF THE INITIALLY APPOINTED MEMBERS TO SERVE A
3 TWO-YEAR TERM.

4 (II) THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO THE
5 COMMISSION PURSUANT TO THIS SUBSECTION (3)(a) ON OR BEFORE APRIL
6 30, 2022, FOR TERMS STARTING ON MAY 1, 2022.

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

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

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

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

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

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

20 (d) IN THE EVENT OF A TIE VOTE OF THE COMMISSION, THE MATTER
21 BEING VOTED UPON FAILS.

22 ~~(2)~~ (4) The governor may remove any APPOINTED commission
23 member for cause, ~~which shall include but need not be limited to~~
24 INCLUDING FOR misconduct, incompetence, or neglect of duty.

25 ~~(3)~~ (5) ~~Any~~ A commission member ~~shall be~~ IS immune from
26 liability in any civil action brought against ~~such~~ THE member for acts
27 occurring while acting in the capacity of a commission member if ~~such~~

1 THE member was acting in good faith, made reasonable efforts to obtain
2 the facts of the matter as to which action was taken, and acted in the
3 reasonable belief that the action taken was warranted by the facts.

4 ~~(4) (a) No later than December 15, 2008, the commission shall~~
5 ~~make recommendations to the governor, the speaker of the house of~~
6 ~~representatives, and the president of the senate regarding any necessary~~
7 ~~legislative changes to improve the effectiveness and efficiency of the~~
8 ~~state's low-income energy assistance services provided pursuant to article~~
9 ~~8.7 of this title and section 26-1-109, C.R.S. With assistance and~~
10 ~~consultation from representatives from two counties chosen by the~~
11 ~~executive director, or his or her designee, of Colorado counties,~~
12 ~~incorporated, or its successor organization, the commission shall assess~~
13 ~~the strengths and weaknesses of the current service delivery systems~~
14 ~~within the state and shall review effective service delivery systems and~~
15 ~~models of other states that may be appropriate for utilization in this state.~~
16 ~~The commission's recommendations shall build upon the positive aspects~~
17 ~~of the current service delivery system, including, but not limited to, the~~
18 ~~effective and efficient management of current funding to maximize~~
19 ~~assistance to the state's low-income population, infrastructure that is~~
20 ~~already in place to efficiently distribute benefits to eligible clients in a~~
21 ~~timely manner, and coordination already established between energy~~
22 ~~conservation measures and direct assistance. The commission's~~
23 ~~recommendations shall include, but shall not be limited to:~~

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

26 ~~(II) How best to coordinate public and private energy assistance~~
27 ~~activities with the objective of minimizing the financial burden of energy~~

1 ~~costs for the state's most needy;~~
2 ~~(III) How best to streamline administrative processes; and~~
3 ~~(IV) Suggested changes to state statutes, rules, or policies related~~
4 ~~to low-income energy consumers in the state.~~
5 ~~(b) The commission may seek and receive public and private~~
6 ~~funding to assist in the conduct of the assessment and review required by~~
7 ~~paragraph (a) of this subsection (4), including but not limited to assistance~~
8 ~~from the existing resources of the department of human services created~~
9 ~~in section 24-1-120, C.R.S., the Colorado energy office created in section~~
10 ~~24-38.5-101, C.R.S., and energy outreach Colorado, a Colorado nonprofit~~
11 ~~corporation, as described in section 40-8.7-103 (4).~~
12 (6) THE COMMISSION SHALL:
13 (a) WITH RESPECT TO ANY FEDERAL DEPARTMENT OF ENERGY
14 GRANT AWARD FOR THE COLORADO ENERGY OFFICE WEATHERIZATION
15 ASSISTANCE PROGRAM, SERVE AS THE POLICY ADVISORY COUNCIL TO THE
16 COLORADO ENERGY OFFICE, IN ACCORDANCE WITH 10 CFR 440.17;
17 (b) SERVE AS AN ADVISORY COUNCIL TO ANY COLORADO WATER
18 UTILITIES THAT PROVIDE OR SEEK TO PROVIDE WATER ASSISTANCE AND
19 EFFICIENCY PROGRAMS TO THEIR CUSTOMERS; AND
20 (c) PURSUANT TO SECTION 40-8.7-108 (3), REVIEW THE ANNUAL
21 BUDGET ALLOCATIONS THAT THE ORGANIZATION DEVELOPS AND SUBMITS
22 TO THE COMMISSION FOR REVIEW REGARDING THE ORGANIZATION'S USE OF
23 THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT
24 TO SECTION 40-8.7-104 (2.5). IF THE COMMISSION DOES NOT APPROVE THE
25 ORGANIZATION'S ANNUAL BUDGET ALLOCATION, THE COMMISSION MAY
26 REQUIRE THE ORGANIZATION TO MODIFY THE ALLOCATION. UNTIL THE
27 COMMISSION APPROVES A BUDGET ALLOCATION SUBMITTED BY THE

1 ORGANIZATION, THE MOST RECENTLY APPROVED BUDGET ALLOCATION
2 REMAINS IN EFFECT.

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

5 **40-8.7-102. Legislative declaration.** (3) THE GENERAL
6 ASSEMBLY FURTHER FINDS THAT, ALTHOUGH WATER UTILITIES ARE NOT
7 REGULATED BY THE PUBLIC UTILITIES COMMISSION, ALLOWING WATER
8 UTILITIES TO PARTICIPATE IN A WATER ASSISTANCE PROGRAM ON A
9 VOLUNTARY BASIS WILL PROVIDE AN EFFICIENT MEANS FOR SOME WATER
10 UTILITIES TO PROVIDE FINANCIAL ASSISTANCE TO THEIR CUSTOMERS IN
11 LOW-INCOME HOUSEHOLDS.

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

14 **40-8.7-103. Definitions.** As used in this ~~article~~ ARTICLE 8.7,
15 unless the context otherwise requires:

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

21 (3.3) "ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE" OR
22 "CHARGE" MEANS THE CHARGE THAT INVESTOR-OWNED UTILITIES DOING
23 BUSINESS IN COLORADO COLLECT FROM THEIR CUSTOMERS ON A MONTHLY
24 BASIS PURSUANT TO SECTION 40-8.7-104 (2.5).

25 (4.7) "PUBLIC UTILITIES COMMISSION" OR "COMMISSION" MEANS
26 THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

27 (7) "WATER UTILITY" MEANS A WATER CORPORATION OR

1 MUNICIPAL WATER PROVIDER THAT PROVIDES RETAIL WATER OR
2 WASTEWATER SERVICE TO CUSTOMERS IN COLORADO.

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

5 **40-8.7-104. Energy assistance program - creation - energy**
6 **assistance contribution - energy assistance system benefit charge.**

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

11 (2) Except as otherwise provided in this ~~article~~ ARTICLE 8.7, every
12 utility doing business in Colorado shall participate in the energy
13 assistance program and ~~shall~~ provide the opportunity for utility customers
14 to make an optional energy assistance contribution on the monthly
15 remittance device on their utility billing statement. ~~beginning September~~
16 ~~1, 2006.~~ Each utility shall provide the opportunity for customers to donate
17 the optional energy assistance contribution as provided in section
18 40-8.7-105 (2).

19 (2.5) (a) EXCEPT AS PROVIDED IN SUBSECTION (2.5)(b) OF THIS
20 SECTION, COMMENCING WITH A CUSTOMER'S BILLING STATEMENT
21 COVERING ELECTRIC OR GAS USAGE IN THE MONTH OF OCTOBER 2021,
22 EVERY INVESTOR-OWNED UTILITY DOING BUSINESS IN COLORADO SHALL
23 COLLECT A MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE FROM
24 EACH OF ITS UTILITY CUSTOMERS PURSUANT TO SECTION 40-8.7-105.5 (1).

25 (b) (I) FOR EACH MONTH THAT AN INVESTOR-OWNED UTILITY
26 COLLECTS THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE,
27 THE UTILITY SHALL INCLUDE ON ITS CUSTOMERS' BILLING STATEMENTS A

1 CONSPICUOUS NOTIFICATION IN BOTH ENGLISH AND SPANISH THAT
2 SUBSTANTIALLY COMPLIES WITH THE FOLLOWING LANGUAGE:

3 **IF YOU'RE STRUGGLING TO PAY YOUR UTILITY BILLS, YOU**
4 **MIGHT QUALIFY FOR EXEMPTION FROM A MONTHLY**
5 **CHARGE RELATED TO ENERGY ASSISTANCE AND BE**
6 **ELIGIBLE FOR UTILITY BILL PAYMENT ASSISTANCE.**
7 **PLEASE CALL 1-866-HEAT-HELP TO SEE IF YOU**
8 **QUALIFY.**

9 (II) THE ORGANIZATION SHALL NOTIFY EACH INVESTOR-OWNED
10 UTILITY OF ANY CUSTOMER OF THE INVESTOR-OWNED UTILITY WHO IS
11 EXEMPTED FROM PAYMENT OF THE CHARGE BY VIRTUE OF HAVING
12 RECEIVED DIRECT UTILITY BILL PAYMENT ASSISTANCE FROM THE
13 ORGANIZATION IN THE PREVIOUS TWELVE MONTHS.

14 (III) EACH INVESTOR-OWNED UTILITY SHALL REVIEW READILY
15 AVAILABLE INFORMATION IT HAS RECEIVED FROM THE STATE DEPARTMENT
16 OF HUMAN SERVICES AND THE ORGANIZATION TO DETERMINE WHICH
17 CUSTOMERS HAVE RECEIVED ANY DIRECT UTILITY BILL PAYMENT
18 ASSISTANCE FROM THE STATE DEPARTMENT OR THE ORGANIZATION IN THE
19 PREVIOUS TWELVE MONTHS AND, AS A RESULT, ARE ELIGIBLE FOR
20 EXEMPTION FROM PAYMENT OF THE CHARGE.

21 (IV) UPON RECEIVING NOTIFICATION FROM THE ORGANIZATION
22 PURSUANT TO SUBSECTION (2.5)(b)(II) OF THIS SECTION OR UPON ITS OWN
23 DETERMINATION THAT A CUSTOMER IS ELIGIBLE FOR EXEMPTION FROM THE
24 CHARGE, AN INVESTOR-OWNED UTILITY SHALL REMOVE THE CHARGE FROM
25 THE CUSTOMER'S MONTHLY BILLING STATEMENTS FOR THE SUCCEEDING
26 TWELVE MONTHS.

27 (3) Any reasonable costs that a utility incurs in connection with

1 the program, including the initial costs of setting up the collection
2 mechanism and reformatting its billing systems to solicit the optional
3 contribution AND TO IMPOSE AND COLLECT THE CHARGE, shall be
4 reimbursed from the ~~moneys collected by~~ MONEY COLLECTED FOR the
5 program. ~~and this amount shall be approved for each utility by~~ THE
6 UTILITY MUST SUBMIT A CALCULATION OF THE AMOUNT OF MONEY TO BE
7 REIMBURSED TO the public utilities commission FOR ITS APPROVAL OF
8 PRUDENTLY INCURRED COSTS. The reimbursed amounts ~~shall~~ MUST be
9 transmitted to the utilities before the remaining ~~moneys are~~ MONEY IS
10 distributed to the organization.

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

13 **40-8.7-104.3. Water assistance program - creation - water**
14 **assistance contribution.** (1) (a) ON AND AFTER THE EFFECTIVE DATE OF
15 THIS SECTION, A WATER UTILITY DOING BUSINESS IN COLORADO MAY
16 PARTICIPATE IN A WATER ASSISTANCE PROGRAM CREATED AND MANAGED
17 BY THE ORGANIZATION TO PROVIDE WATER UTILITY BILL PAYMENT
18 ASSISTANCE TO LOW-INCOME HOUSEHOLDS. A WATER UTILITY'S
19 VOLUNTARY PARTICIPATION IN THE WATER ASSISTANCE PROGRAM WILL
20 PROVIDE A WATER UTILITY CUSTOMER WITH AN OPPORTUNITY TO MAKE AN
21 OPTIONAL CONTRIBUTION ON THE CUSTOMER'S MONTHLY OR QUARTERLY
22 REMITTANCE DEVICE ON THE WATER UTILITY BILLING STATEMENT.

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

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

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

8 (3) A WATER UTILITY PARTICIPATING IN THE ORGANIZATION'S
9 WATER ASSISTANCE PROGRAM PURSUANT TO SUBSECTION (1) OF THIS
10 SECTION OR CREATING ITS OWN WATER ASSISTANCE PROGRAM PURSUANT
11 TO SUBSECTION (2) OF THIS SECTION MAY SEEK REIMBURSEMENT FOR ANY
12 REASONABLE COSTS THAT IT INCURS IN CONNECTION WITH THE PROGRAM,
13 INCLUDING INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM
14 AND REFORMATTING ITS BILLING SYSTEMS TO SOLICIT AN OPTIONAL
15 CONTRIBUTION.

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

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

22 **40-8.7-105.5. Energy assistance system benefit charge - rules**
23 **- repeal.** (1) (a) ON AND AFTER OCTOBER 1, 2021, AND EXCEPT AS
24 PROVIDED IN SECTION 40-8.7-104 (2.5)(b), EACH INVESTOR-OWNED
25 ENERGY UTILITY SHALL INCLUDE ON ITS CUSTOMERS' MONTHLY BILLS A
26 FLAT ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE THAT A CUSTOMER IS
27 ASSESSED TO HELP FINANCE THE LOW-INCOME ENERGY ASSISTANCE

1 PROGRAM.

2 (b) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (1)(b)(II) AND
3 (1)(b)(III) OF THIS SECTION, THE MONTHLY ENERGY ASSISTANCE SYSTEM
4 BENEFIT CHARGE IS SEVENTY-FIVE CENTS FOR ELECTRIC SERVICE
5 PROVIDED AND SEVENTY-FIVE CENTS FOR NATURAL GAS SERVICE
6 PROVIDED.

7 (II) (A) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS
8 SECTION, FOR BILLING STATEMENTS COVERING ELECTRIC OR NATURAL GAS
9 USAGE BETWEEN THE MONTHS OF OCTOBER 2021 AND SEPTEMBER 2022,
10 THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE IS REDUCED
11 TO FIFTY CENTS FOR ELECTRIC SERVICE PROVIDED AND FIFTY CENTS FOR
12 NATURAL GAS SERVICE PROVIDED.

13 (B) THIS SUBSECTION (1)(b)(II) IS REPEALED, EFFECTIVE
14 SEPTEMBER 1, 2023.

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

21 (2) THE COMMISSION MAY INITIATE A RULE-MAKING PROCEEDING
22 TO REQUIRE EACH INVESTOR-OWNED UTILITY TO CONSIDER USING THE
23 MOST COST-EFFECTIVE METHOD FOR IMPLEMENTING THE PROGRAM.

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

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

27 **40-8.7-107. Disposition of contributions and charges.** (1) Each

1 ~~gas and electric~~ utility COLLECTING OPTIONAL ENERGY ASSISTANCE
2 CONTRIBUTIONS PURSUANT TO SECTION 40-8.7-104 (2) AND EACH WATER
3 UTILITY COLLECTING OPTIONAL CONTRIBUTIONS PURSUANT TO SECTION
4 40-8.7-104.3 (1) shall transfer the ~~moneys from the energy assistance~~
5 ~~contributions~~ MONEY collected ~~under this article~~ to the organization on
6 the following schedule:

7 (1.5) (a) AN INVESTOR-OWNED UTILITY COLLECTING THE ENERGY
8 ASSISTANCE SYSTEM BENEFIT CHARGE PURSUANT TO SECTION 40-8.7-104
9 (2.5) SHALL TRANSFER THE MONEY COLLECTED IN ACCORDANCE WITH THE
10 SCHEDULE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

11 (b) EXCEPT AS PROVIDED IN SECTION 40-8.7-108 (2)(b), THE
12 ORGANIZATION SHALL USE THE MONEY COLLECTED FROM EACH
13 INVESTOR-OWNED UTILITY PURSUANT TO SECTION 40-8.7-104 (2.5) TO
14 HELP FINANCE DIRECT UTILITY BILL PAYMENT ASSISTANCE AND ENERGY
15 RETROFITS PROVIDED TO LOW-INCOME HOUSEHOLDS WITHIN THAT
16 INVESTOR-OWNED UTILITY'S SERVICE TERRITORY OR WITHIN THE SERVICE
17 TERRITORY OF AN AFFILIATED INVESTOR-OWNED UTILITY.

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

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

24 **40-8.7-108. Energy outreach Colorado - administration of**
25 **energy assistance contributions and the system benefit charge.**

26 (1) The organization shall hold and administer all ~~moneys~~ MONEY
27 collected FOR ENERGY ASSISTANCE pursuant to this ~~article~~ ARTICLE 8.7

1 delivered to it by the utilities pursuant to section 40-8.7-107 in a
2 separately identifiable account, which shall be restricted to the purposes
3 set forth in this ~~article~~ ARTICLE 8.7. The organization shall maintain its
4 books and records pertaining to the energy assistance contributions AND
5 THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in accordance with
6 generally accepted accounting principles and, in addition, shall maintain
7 records adequate to identify the ~~moneys~~ MONEY collected by each utility.
8 If the organization commingles the ~~moneys~~ MONEY collected and
9 delivered with other assets of the organization for investment purposes,
10 the organization shall maintain accurate accounts of the investment
11 ~~moneys~~ MONEY and shall credit or charge a pro rata portion of all
12 investment earnings, gains, or losses to the account that holds the
13 OPTIONAL energy assistance COLLECTIONS AND ENERGY ASSISTANCE
14 SYSTEM BENEFIT charges.

15 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
16 SECTION, the organization shall use the MONEY COLLECTED FROM THE
17 OPTIONAL energy assistance ~~contribution~~ CONTRIBUTIONS AND THE
18 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE to provide low-income
19 energy assistance and to improve energy efficiency. The ORGANIZATION
20 SHALL PAY THE financial assistance ~~moneys shall be paid~~ MONEY to each
21 utility as vendor payments. The ~~moneys~~ ORGANIZATION shall not ~~be used~~
22 USE THE MONEY for propane, gas, or electric assistance for customers
23 whose propane, gas, electric, or gas and electric companies or cooperative
24 electric associations do not participate in the program. The organization
25 may use up to five percent of the ~~moneys~~ MONEY collected for
26 administration of the energy assistance program in accordance with
27 generally accepted accounting principles.

1 (b) IN ACCORDANCE WITH THE PAYMENT AMOUNTS REFLECTED IN
2 THE ORGANIZATION'S BUDGET PREPARED PURSUANT TO SUBSECTION (3)(b)
3 OF THIS SECTION AND APPROVED BY THE LEGISLATIVE COMMISSION ON
4 LOW-INCOME ENERGY AND WATER ASSISTANCE PURSUANT TO SECTION
5 40-8.5-103.5 (6)(c), THE ORGANIZATION SHALL TRANSMIT A PORTION OF
6 THE MONEY COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT
7 CHARGE TO THE STATE TREASURER AND THE STATE TREASURER SHALL
8 CREDIT THAT AMOUNT TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND
9 CREATED IN SECTION 26-2-307 (2)(a) FOR USE BY THE DEPARTMENT OF
10 HUMAN SERVICES IN ACCORDANCE WITH SECTION 26-2-307 (1).

11 (3) (a) The organization shall, on an annual basis, develop a
12 budget for the energy assistance program to determine the allocation of
13 THE MONEY COLLECTED FROM THE OPTIONAL energy assistance
14 contributions ~~collected under this article~~ AND THE ENERGY ASSISTANCE
15 SYSTEM BENEFIT CHARGE, WITH NOT MORE THAN FIFTY PERCENT OF THE
16 TOTAL AMOUNT ALLOCATED TO DIRECT UTILITY BILL PAYMENT
17 ASSISTANCE. THE BUDGET MUST INCLUDE AN ALLOCATION OF MONEY
18 COLLECTED FROM THE CHARGE THAT WILL BE USED FOR EDUCATION AND
19 OUTREACH ABOUT THE PROGRAM. THE ORGANIZATION SHALL SUBMIT A
20 COPY OF THE BUDGET TO THE COLORADO ENERGY OFFICE FOR ITS REVIEW.

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

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

3 **40-8.7-108.5. Energy outreach Colorado - administration of**
4 **the water assistance contributions.** (1) THE ORGANIZATION SHALL HOLD
5 AND ADMINISTER ALL MONEY COLLECTED FOR WATER ASSISTANCE
6 PURSUANT TO THIS ARTICLE 8.7 DELIVERED TO IT BY WATER UTILITIES
7 PURSUANT TO SECTION 40-8.7-107 IN A SEPARATELY IDENTIFIABLE
8 ACCOUNT, WHICH SHALL BE RESTRICTED TO THE PURPOSES SET FORTH IN
9 THIS ARTICLE 8.7. THE ORGANIZATION SHALL MAINTAIN ITS BOOKS AND
10 RECORDS PERTAINING TO THE WATER ASSISTANCE CONTRIBUTIONS IN
11 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND,
12 IN ADDITION, SHALL MAINTAIN RECORDS ADEQUATE TO IDENTIFY THE
13 MONEY COLLECTED BY EACH WATER UTILITY. IF THE ORGANIZATION
14 COMMINGLES THE MONEY COLLECTED AND DELIVERED WITH OTHER
15 ASSETS OF THE ORGANIZATION FOR INVESTMENT PURPOSES, THE
16 ORGANIZATION SHALL MAINTAIN ACCURATE ACCOUNTS OF THE
17 INVESTMENT MONEY AND SHALL CREDIT OR CHARGE A PRO RATA PORTION
18 OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT
19 HOLDS THE WATER ASSISTANCE COLLECTIONS.

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

1 PROGRAM IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING
2 PRINCIPLES.

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

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

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

14 **SECTION 15.** In Colorado Revised Statutes, 40-8.7-110, **amend**
15 (1), (1.5), and (2) as follows:

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

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

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

26 (II) THE MONEY RECEIVED FROM CUSTOMERS' MONTHLY ENERGY
27 ASSISTANCE SYSTEM BENEFIT CHARGES PURSUANT TO SECTION 40-8.7-104

1 (2.5), INCLUDING INFORMATION REGARDING THE MONEY RECEIVED FROM
2 EACH INVESTOR-OWNED UTILITY AND THE MONEY THE ORGANIZATION HAS
3 SPENT IN EACH INVESTOR-OWNED UTILITY'S SERVICE TERRITORY OR
4 WITHIN THE SERVICE TERRITORY OF AN AFFILIATED INVESTOR-OWNED
5 UTILITY;

6 (a.5) AN ITEMIZED ACCOUNT OF THE MONEY RECEIVED BY THE
7 ORGANIZATION FROM EACH PARTICIPATING WATER UTILITY FOR THE
8 ORGANIZATION'S WATER ASSISTANCE PROGRAM PURSUANT TO SECTION
9 40-8.7-104.3;

10 (b) FOR THE LOW-INCOME ENERGY ASSISTANCE PROGRAM AND THE
11 WATER ASSISTANCE PROGRAM:

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

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

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

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

22 (1.5) To the extent applicable, the organization shall include in the
23 report the information required by ~~paragraphs (b) and (c) of subsection~~
24 ~~(b)~~ SUBSECTIONS (1)(b)(I) AND (1)(b)(II) of this section for ~~moneys~~
25 MONEY received from the Colorado energy office pursuant to section
26 40-8.7-112 (2)(a).

27 (2) The ORGANIZATION SHALL POST THE report ~~shall be made~~ ON

1 ITS PUBLIC WEBSITE SO THAT IT IS available to the public for review.

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

4 **40-1-103.5. Limited exemption of master meter operators -**
5 **conditions - rules.** (2) In passing on refunds, rebates, rate reductions, or
6 similar adjustments to end users, the MMO shall notify its current end
7 users, either by first-class mail with a certificate of mailing or by
8 inclusion in any monthly or more frequent regular written
9 communication, of ~~such~~ THE adjustments and inform the end users that
10 they may claim the adjustments within ninety days after receipt of the
11 notice. The MMO may retain any portion of ~~such~~ THE adjustments ~~which~~
12 THAT rightfully belongs to the MMO. Upon the expiration of the
13 ninety-day claims period, the MMO shall identify any such adjustments
14 ~~which~~ THAT are unclaimed and, if the aggregate amount unclaimed
15 exceeds one hundred dollars, the MMO shall contribute ~~such~~ THE
16 unclaimed amount to the fund established by the LEGISLATIVE
17 commission on low-income energy AND WATER assistance pursuant to
18 section 40-8.5-104.

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

21 **40-8-101. Undistributed overcharges turned over to**
22 **municipality.** (2) For gas, electric, and steam utilities, the public utilities
23 commission may order that all or part of the undistributed balance of a
24 refund be paid by the utility in an equitable manner to the general body
25 of utility customers and the public utilities commission may order a gas
26 or electric utility to pay up to ninety percent of the undistributed balance
27 of a refund into the fund established by the ~~Colorado~~ LEGISLATIVE

1 commission on low-income energy AND WATER assistance pursuant to
2 section 40-8.5-104.

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

5 **40-8.5-101. Legislative declaration.** In enacting this ~~article~~
6 ARTICLE 8.5, the general assembly finds and declares that there is a need
7 to make distributions of ~~moneys~~ MONEY to provide aid and assistance to
8 the indigent, the elderly, and persons with disabilities, who do not
9 otherwise have the financial resources to meet their heating and other
10 energy needs. The general assembly further finds and declares that the
11 low-income energy assistance program of the department of human
12 services is the most appropriate entity to determine those most in need of
13 such aid and assistance. Therefore, this ~~article shall authorize~~ ARTICLE 8.5
14 AUTHORIZES the LEGISLATIVE commission on low-income energy AND
15 WATER assistance to establish a fund from which to collect and distribute
16 ~~moneys~~ MONEY to accomplish the goals set forth in this section. The
17 ~~moneys~~ MONEY for ~~such~~ THE fund ~~shall~~ MUST be ~~based~~ FUNDED in part ~~on~~
18 BY unclaimed utility deposits.

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

21 **40-8.7-112. Department of human services low-income energy**
22 **assistance fund - creation - energy outreach Colorado low-income**
23 **energy assistance fund - creation - Colorado energy office low-income**
24 **energy assistance fund - creation - definitions - repeal.**
25 (2) (a) (I) There is hereby created in the state treasury the energy
26 outreach Colorado low-income energy assistance fund, administered by
27 the Colorado energy office. The fund consists of all money ~~transferred by~~

1 ~~the state treasurer as specified in section 39-29-109.3 (2)(f) and any other~~
2 ~~money~~ that the general assembly appropriates or transfers to the fund for
3 the purposes set forth in this subsection (2). All money in the fund is
4 continuously appropriated to the Colorado energy office for distribution
5 to the organization to be used for the purposes set forth in this subsection
6 (2). Except as provided in subsection (2)(a)(II) of this section, all money
7 in the fund at the end of each fiscal year remains in the fund and does not
8 revert to the general fund or any other fund.

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