

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

SENATE SPONSORSHIP

Hansen,

House Committees

Finance
Appropriations

Senate Committees

Finance
Appropriations

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.*

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.

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 SUBSECTION (2.5)(b) OF THIS
27 SECTION, COMMENCING WITH A CUSTOMER'S BILLING STATEMENT

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

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

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

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

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

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

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

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

20 **40-8.7-104.3. Water assistance program - creation - water**
21 **assistance contribution.** (1) (a) ON AND AFTER THE EFFECTIVE DATE OF
22 THIS SECTION, A WATER UTILITY DOING BUSINESS IN COLORADO MAY
23 PARTICIPATE IN A WATER ASSISTANCE PROGRAM CREATED AND MANAGED
24 BY THE ORGANIZATION TO PROVIDE WATER UTILITY BILL PAYMENT
25 ASSISTANCE TO LOW-INCOME HOUSEHOLDS. A WATER UTILITY'S
26 VOLUNTARY PARTICIPATION IN THE WATER ASSISTANCE PROGRAM WILL
27 PROVIDE A WATER UTILITY CUSTOMER WITH AN OPPORTUNITY TO MAKE AN

1 OPTIONAL CONTRIBUTION ON THE CUSTOMER'S MONTHLY OR QUARTERLY
2 REMITTANCE DEVICE ON THE WATER UTILITY BILLING STATEMENT.

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

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

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

15 (3) A WATER UTILITY PARTICIPATING IN THE ORGANIZATION'S
16 WATER ASSISTANCE PROGRAM PURSUANT TO SUBSECTION (1) OF THIS
17 SECTION OR CREATING ITS OWN WATER ASSISTANCE PROGRAM PURSUANT
18 TO SUBSECTION (2) OF THIS SECTION MAY SEEK REIMBURSEMENT FOR ANY
19 REASONABLE COSTS THAT IT INCURS IN CONNECTION WITH THE PROGRAM,
20 INCLUDING INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM
21 AND REFORMATTING ITS BILLING SYSTEMS TO SOLICIT AN OPTIONAL
22 CONTRIBUTION.

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

27 **SECTION 10.** In Colorado Revised Statutes, **add** 40-8.7-105.5

1 as follows:

2 **40-8.7-105.5. Energy assistance system benefit charge - repeal.**

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

8 (b) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (1)(b)(II) AND
9 (1)(b)(III) OF THIS SECTION, THE MONTHLY ENERGY ASSISTANCE SYSTEM
10 BENEFIT CHARGE IS SEVENTY-FIVE CENTS FOR ELECTRIC SERVICE
11 PROVIDED AND SEVENTY-FIVE CENTS FOR NATURAL GAS SERVICE
12 PROVIDED.

13 (II) (A) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS
14 SECTION, FOR BILLING STATEMENTS COVERING ELECTRIC OR NATURAL GAS
15 USAGE BETWEEN THE MONTHS OF OCTOBER 2021 AND SEPTEMBER 2022,
16 THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE IS REDUCED
17 TO FIFTY CENTS FOR ELECTRIC SERVICE PROVIDED AND FIFTY CENTS FOR
18 NATURAL GAS SERVICE PROVIDED.

19 (B) THIS SUBSECTION (1)(b)(II) IS REPEALED, EFFECTIVE
20 SEPTEMBER 1, 2023.

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

27 (2) EACH INVESTOR-OWNED UTILITY SHALL USE THE MOST

1 COST-EFFECTIVE METHOD FOR IMPLEMENTING THE PROGRAM.

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

3 **SECTION 11.** In Colorado Revised Statutes, 40-8.7-107, **amend**

4 (1) introductory portion; and **add** (1.5) as follows:

5 **40-8.7-107. Disposition of contributions and charges.** (1) Each
6 ~~gas and electric~~ utility COLLECTING OPTIONAL ENERGY ASSISTANCE
7 CONTRIBUTIONS PURSUANT TO SECTION 40-8.7-104 (2) AND EACH WATER
8 UTILITY COLLECTING OPTIONAL CONTRIBUTIONS PURSUANT TO SECTION
9 40-8.7-104.3 (1) shall transfer the ~~moneys from the energy assistance~~
10 ~~contributions~~ MONEY collected ~~under this article~~ to the organization on
11 the following schedule:

12 (1.5) (a) AN INVESTOR-OWNED UTILITY COLLECTING THE ENERGY
13 ASSISTANCE SYSTEM BENEFIT CHARGE PURSUANT TO SECTION 40-8.7-104
14 (2.5) SHALL TRANSFER THE MONEY COLLECTED IN ACCORDANCE WITH THE
15 SCHEDULE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

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

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

27 **SECTION 12.** In Colorado Revised Statutes, **amend** 40-8.7-108

1 as follows:

2 **40-8.7-108. Energy outreach Colorado - administration of**
3 **energy assistance contributions and the system benefit charge.**

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

20 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
21 SECTION, the organization shall use the MONEY COLLECTED FROM THE
22 OPTIONAL energy assistance ~~contribution~~ CONTRIBUTIONS AND THE
23 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE to provide low-income
24 energy assistance and to improve energy efficiency. The ORGANIZATION
25 SHALL PAY THE financial assistance ~~moneys shall be paid~~ MONEY to each
26 utility as vendor payments. The ~~moneys~~ ORGANIZATION shall not ~~be used~~
27 USE THE MONEY for propane, gas, or electric assistance for customers

1 whose propane, gas, electric, or gas and electric companies or cooperative
2 electric associations do not participate in the program. The organization
3 may use up to five percent of the ~~moneys~~ MONEY collected for
4 administration of the energy assistance program in accordance with
5 generally accepted accounting principles; HOWEVER, THE ORGANIZATION
6 SHALL NOT USE ANY MONEY COLLECTED FROM THE ENERGY ASSISTANCE
7 SYSTEM BENEFIT CHARGE TO PAY EMPLOYEE SALARIES OR BONUSES.

8 (b) IN ACCORDANCE WITH THE PAYMENT AMOUNTS REFLECTED IN
9 THE ORGANIZATION'S BUDGET PREPARED PURSUANT TO SUBSECTION (3)(b)
10 OF THIS SECTION AND APPROVED BY THE LEGISLATIVE COMMISSION ON
11 LOW-INCOME ENERGY AND WATER ASSISTANCE PURSUANT TO SECTION
12 40-8.5-103.5 (6)(c), THE ORGANIZATION SHALL TRANSMIT A PORTION OF
13 THE MONEY COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT
14 CHARGE TO THE STATE TREASURER AND THE STATE TREASURER SHALL
15 CREDIT THAT AMOUNT TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND
16 CREATED IN SECTION 26-2-307 (2)(a) FOR USE BY THE DEPARTMENT OF
17 HUMAN SERVICES IN ACCORDANCE WITH SECTION 26-2-307 (1).

18 (3)(a)(I) SUBJECT TO THE ALLOCATION REQUIREMENTS SET FORTH
19 IN SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS SECTION, the
20 organization shall, on an annual basis, develop a budget for the energy
21 assistance program to determine the allocation of THE MONEY COLLECTED
22 FROM the OPTIONAL energy assistance contributions ~~collected under this~~
23 ~~article~~ AND THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE, WITH NOT
24 MORE THAN FIFTY PERCENT OF THE TOTAL AMOUNT ALLOCATED TO DIRECT
25 UTILITY BILL PAYMENT ASSISTANCE. TO IMPROVE AND INCREASE
26 ENROLLMENT IN THE UTILITY ASSISTANCE PROGRAMS, THE BUDGET MUST
27 INCLUDE AN ALLOCATION OF AT LEAST TWO PERCENT OF THE MONEY

1 COLLECTED FROM THE CHARGE TO BE USED TO ENGAGE THE ASSISTANCE
2 OF COMMUNITY-BASED ORGANIZATIONS THAT ARE ACTIVE IN OUTREACH
3 TO, ENGAGEMENT OF, AND EDUCATION FOR, INCOME-QUALIFIED
4 COMMUNITIES, COMMUNITIES OF COLOR, AND IMMIGRANT COMMUNITIES
5 TO HELP PROVIDE OUTREACH AND EDUCATION ABOUT THE UTILITY
6 ASSISTANCE PROGRAMS. THE ORGANIZATION SHALL SUBMIT A COPY OF
7 THE BUDGET TO THE COLORADO ENERGY OFFICE FOR ITS REVIEW.

8 (II) SUBJECT TO SUBSECTION (3)(a)(IV) OF THIS SECTION, BEFORE
9 THE ORGANIZATION BEGINS ALLOCATING AN AMOUNT OF THE MONEY
10 COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE TO
11 BE CREDITED TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND CREATED
12 IN SECTION 26-2-307 (2)(a), THE ORGANIZATION, AFTER ALLOCATING AT
13 LEAST TWO PERCENT OF THE MONEY COLLECTED TO COMMUNITY
14 OUTREACH AS DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS SECTION,
15 SHALL:

16 (A) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL
17 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL
18 NOT EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY PERCENT TO THE
19 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101 FOR ITS
20 WEATHERIZATION ASSISTANCE PROGRAM AND RETAIN FORTY-FIVE
21 PERCENT FOR THE ORGANIZATION'S ENERGY ASSISTANCE PROGRAMS, WITH
22 THE LEGISLATIVE COMMISSION ON LOW-INCOME ENERGY AND WATER
23 ASSISTANCE, REFERRED TO IN THIS SUBSECTION (3)(a) AS THE
24 "LEGISLATIVE COMMISSION", DETERMINING THE ALLOCATION OF THE
25 REMAINING MONEY BETWEEN THE TWO ENTITIES PURSUANT TO ITS BUDGET
26 APPROVAL AUTHORITY UNDER SECTION 40-8.5-103.5 (6)(c); AND

27 (B) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL

1 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL
2 EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY-FIVE PERCENT TO THE
3 COLORADO ENERGY OFFICE FOR ITS WEATHERIZATION ASSISTANCE
4 PROGRAM AND RETAIN FORTY-FIVE PERCENT FOR THE ORGANIZATION'S
5 ENERGY ASSISTANCE PROGRAMS, WITH THE LEGISLATIVE COMMISSION
6 DETERMINING THE ALLOCATION OF THE REMAINING MONEY BETWEEN THE
7 TWO ENTITIES PURSUANT TO ITS BUDGET APPROVAL AUTHORITY.

8 (III) SUBJECT TO SUBSECTION (3)(a)(IV) OF THIS SECTION, ONCE
9 THE ORGANIZATION BEGINS ALLOCATING AN AMOUNT OF THE MONEY
10 COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE TO
11 BE CREDITED TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND CREATED
12 IN SECTION 26-2-307 (2)(a), THE ORGANIZATION, AFTER ALLOCATING
13 MONEY FOR THE SUPPLEMENTAL UTILITY ASSISTANCE FUND AND FOR
14 COMMUNITY OUTREACH AS DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS
15 SECTION, SHALL:

16 (A) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL
17 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL
18 NOT EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY PERCENT TO THE
19 COLORADO ENERGY OFFICE FOR ITS WEATHERIZATION ASSISTANCE
20 PROGRAM AND RETAIN FORTY-FIVE PERCENT FOR THE ORGANIZATION'S
21 ENERGY ASSISTANCE PROGRAMS, WITH THE LEGISLATIVE COMMISSION
22 DETERMINING THE ALLOCATION OF THE REMAINING MONEY BETWEEN THE
23 TWO ENTITIES PURSUANT TO ITS BUDGET APPROVAL AUTHORITY UNDER
24 SECTION 40-8.5-103.5 (6)(c); AND

25 (B) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL
26 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL
27 EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY-FIVE PERCENT TO THE

1 COLORADO ENERGY OFFICE FOR ITS WEATHERIZATION ASSISTANCE
2 PROGRAM AND RETAIN FORTY-FIVE PERCENT FOR THE ORGANIZATION'S
3 ENERGY ASSISTANCE PROGRAMS, WITH THE LEGISLATIVE COMMISSION
4 DETERMINING THE ALLOCATION OF THE REMAINING MONEY BETWEEN THE
5 TWO ENTITIES PURSUANT TO ITS BUDGET APPROVAL AUTHORITY.

6 (IV) IF ANY MONEY ALLOCATED TO THE COLORADO ENERGY
7 OFFICE OR RETAINED BY THE ORGANIZATION IS NOT EXPENDED IN THE
8 YEAR FOR WHICH IT WAS ALLOCATED, THE LEGISLATIVE COMMISSION MAY
9 TAKE THAT UNEXPENDED MONEY INTO CONSIDERATION IN ALLOCATING
10 MONEY IN THE FOLLOWING YEAR'S BUDGET PURSUANT TO THIS
11 SUBSECTION (3)(a).

12 (b) AS PART OF THE BUDGET DEVELOPED PURSUANT TO
13 SUBSECTION (3)(a) OF THIS SECTION, THE ORGANIZATION SHALL
14 CALCULATE THE AMOUNT OF MONEY FROM THE ENERGY ASSISTANCE
15 SYSTEM BENEFIT CHARGE TO TRANSMIT TO THE STATE TREASURER
16 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION AND THE AMOUNT OF
17 THE FUEL ASSISTANCE PAYMENTS THAT THE DEPARTMENT OF HUMAN
18 SERVICES MAKES IN ACCORDANCE WITH SECTION 26-2-307 (1).

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

21 **40-8.7-108.5. Energy outreach Colorado - administration of**
22 **the water assistance contributions.** (1) THE ORGANIZATION SHALL HOLD
23 AND ADMINISTER ALL MONEY COLLECTED FOR WATER ASSISTANCE
24 PURSUANT TO THIS ARTICLE 8.7 DELIVERED TO IT BY WATER UTILITIES
25 PURSUANT TO SECTION 40-8.7-107 IN A SEPARATELY IDENTIFIABLE
26 ACCOUNT, WHICH SHALL BE RESTRICTED TO THE PURPOSES SET FORTH IN
27 THIS ARTICLE 8.7. THE ORGANIZATION SHALL MAINTAIN ITS BOOKS AND

1 RECORDS PERTAINING TO THE WATER ASSISTANCE CONTRIBUTIONS IN
2 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND,
3 IN ADDITION, SHALL MAINTAIN RECORDS ADEQUATE TO IDENTIFY THE
4 MONEY COLLECTED BY EACH WATER UTILITY. IF THE ORGANIZATION
5 COMMINGLES THE MONEY COLLECTED AND DELIVERED WITH OTHER
6 ASSETS OF THE ORGANIZATION FOR INVESTMENT PURPOSES, THE
7 ORGANIZATION SHALL MAINTAIN ACCURATE ACCOUNTS OF THE
8 INVESTMENT MONEY AND SHALL CREDIT OR CHARGE A PRO RATA PORTION
9 OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT
10 HOLDS THE WATER ASSISTANCE COLLECTIONS.

11 (2) THE ORGANIZATION SHALL USE THE WATER ASSISTANCE
12 CONTRIBUTIONS TO PROVIDE LOW-INCOME WATER ASSISTANCE. THE
13 ORGANIZATION SHALL PAY THE FINANCIAL ASSISTANCE MONEY TO EACH
14 PARTICIPATING WATER UTILITY AS VENDOR PAYMENTS. THE
15 ORGANIZATION SHALL NOT USE THE MONEY FOR WATER ASSISTANCE FOR
16 CUSTOMERS WHOSE WATER UTILITY DOES NOT PARTICIPATE IN THE
17 PROGRAM. THE ORGANIZATION MAY USE UP TO FIVE PERCENT OF THE
18 MONEY COLLECTED FOR ADMINISTRATION OF THE WATER ASSISTANCE
19 PROGRAM IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING
20 PRINCIPLES.

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

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

27 **40-8.7-109. Low-income energy assistance program -**

1 **eligibility.** (4) WHEN INSTALLING ENERGY RETROFITS AS PART OF
2 PROVIDING LOW-INCOME ENERGY ASSISTANCE, THE ORGANIZATION AND
3 THE COLORADO ENERGY OFFICE SHALL PRIORITIZE MAXIMIZING CUSTOMER
4 SAVINGS, REDUCING EMISSIONS, AND IMPROVING INDOOR AIR QUALITY.

5 **SECTION 15.** In Colorado Revised Statutes, 40-8.7-110, **amend**
6 (1), (1.5), and (2); and **add** (4) as follows:

7 **40-8.7-110. Reports - repeal.** (1) The organization shall submit
8 a written report to the general assembly, the legislative audit committee,
9 and the office of the state auditor on or before March 31 of each year
10 ~~beginning in 2007, that covers~~ COVERING the immediately preceding
11 calendar year. The report ~~shall~~ MUST include:

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

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

17 (II) THE MONEY RECEIVED FROM CUSTOMERS' MONTHLY ENERGY
18 ASSISTANCE SYSTEM BENEFIT CHARGES PURSUANT TO SECTION 40-8.7-104
19 (2.5), INCLUDING INFORMATION REGARDING THE MONEY RECEIVED FROM
20 EACH INVESTOR-OWNED UTILITY AND THE MONEY THE ORGANIZATION HAS
21 SPENT IN EACH INVESTOR-OWNED UTILITY'S SERVICE **TERRITORY OR**
22 **WITHIN THE SERVICE TERRITORY OF AN AFFILIATED INVESTOR-OWNED**
23 **UTILITY;**

24 (a.5) AN ITEMIZED ACCOUNT OF THE MONEY RECEIVED BY THE
25 ORGANIZATION FROM EACH PARTICIPATING WATER UTILITY FOR THE
26 ORGANIZATION'S WATER ASSISTANCE PROGRAM PURSUANT TO SECTION
27 40-8.7-104.3;

1 (b) FOR THE LOW-INCOME ENERGY ASSISTANCE PROGRAM AND THE
2 WATER ASSISTANCE PROGRAM:

3 ~~(b)~~ (I) The amount of ~~moneys~~ MONEY distributed, the type of
4 assistance provided, the geographic area of the state served, and an
5 itemization of the programs through which the ~~moneys are~~ MONEY IS
6 expended;

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

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

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

13 (1.5) To the extent applicable, the organization shall include in the
14 report the information required by ~~paragraphs (b) and (c) of subsection~~
15 ~~(f)~~ SUBSECTIONS (1)(b)(I) AND (1)(b)(II) of this section for ~~moneys~~
16 MONEY received from the Colorado energy office pursuant to section
17 40-8.7-112 (2)(a).

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

20 (4) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
21 COLORADO ENERGY OFFICE SHALL SUBMIT A WRITTEN REPORT TO THE
22 GENERAL ASSEMBLY, THE LEGISLATIVE AUDIT COMMITTEE, AND THE
23 OFFICE OF THE STATE AUDITOR ON OR BEFORE MARCH 31 OF EACH YEAR
24 COVERING THE IMMEDIATELY PRECEDING CALENDAR YEAR. THE REPORT
25 MUST INCLUDE AN ITEMIZED ACCOUNT OF THE MONEY THAT THE OFFICE
26 RECEIVED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE
27 COLLECTED PURSUANT TO SECTION 40-8.7-104 (2.5) FOR USE FOR ITS

1 WEATHERIZATION ASSISTANCE PROGRAM, INCLUDING INFORMATION ON
2 THE AMOUNT OF MONEY DISTRIBUTED, THE TYPE OF ASSISTANCE
3 PROVIDED, AND THE GEOGRAPHIC AREAS OF THE STATE SERVED. THE
4 OFFICE SHALL POST THE REPORT ON ITS PUBLIC WEBSITE.

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

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

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

24 **40-8-101. Undistributed overcharges turned over to**
25 **municipality.** (2) For gas, electric, and steam utilities, the public utilities
26 commission may order that all or part of the undistributed balance of a
27 refund be paid by the utility in an equitable manner to the general body

1 of utility customers and the public utilities commission may order a gas
2 or electric utility to pay up to ninety percent of the undistributed balance
3 of a refund into the fund established by the ~~Colorado~~ LEGISLATIVE
4 commission on low-income energy AND WATER assistance pursuant to
5 section 40-8.5-104.

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

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

22 **SECTION 19.** In Colorado Revised Statutes, 40-8.7-112, **amend**
23 (1), (2)(a)(I), and (3)(a). as follows:

24 **40-8.7-112. Department of human services low-income energy**
25 **assistance fund - creation - energy outreach Colorado low-income**
26 **energy assistance fund - creation - Colorado energy office low-income**
27 **energy assistance fund - creation - definitions - repeal.** (1) There is

1 hereby created in the state treasury the department of human services
2 low-income energy assistance fund, which shall be administered by the
3 department of human services. ~~and shall consist of all moneys transferred~~
4 ~~by the treasurer as specified in section 39-29-109.3 (2)(f), C.R.S. All~~
5 ~~moneys~~ ALL MONEY in the fund are IS continuously appropriated to the
6 department of human services for the purpose of increasing available
7 funds under the low-income energy assistance program specified in
8 section 26-1-109. ~~C.R.S. All moneys~~ ALL MONEY in the fund at the end
9 of each fiscal year ~~shall be retained~~ REMAINS in the fund and ~~shall~~ DOES
10 not revert to the general fund or any other fund.

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

22 (3) (a) There is hereby created in the state treasury the Colorado
23 energy office low-income energy assistance fund, which shall be
24 administered by the Colorado energy office and shall consist of ~~all~~
25 ~~moneys transferred by the treasurer as specified in section 39-29-109.3~~
26 ~~(2)(f), C.R.S., all moneys~~ ALL MONEY transferred to the fund, ~~all moneys~~
27 ALL MONEY received as a result of contracts entered into by the Colorado

1 energy office for the office's program to improve the home energy
2 efficiency of low-income households, and ~~all moneys~~ ALL MONEY
3 received by the Colorado energy office from gifts, grants, and donations
4 for the office's program to improve the home energy efficiency of
5 low-income households. All ~~moneys~~ MONEY in the fund ~~are~~ IS
6 continuously appropriated to the Colorado energy office to be used for the
7 purposes set forth in this subsection (3). All ~~moneys~~ MONEY in the fund
8 at the end of each fiscal year ~~shall be retained~~ REMAINS in the fund and
9 ~~shall~~ DOES not revert to the general fund or any other fund.

10

==

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