

CHAPTER 488

PUBLIC UTILITIES

HOUSE BILL 21-1105

BY REPRESENTATIVE(S) Kennedy, Bacon, Bennett, Bird, Boesenecker, Cutter, Duran, Exum, Froelich, Hooton, Jackson, Jodeh, Kipp, McCluskie, McCormick, Michaelson Jenet, Mullica, Sullivan, Titone, Amabile, Valdez A., Valdez D., Woodrow; also SENATOR(S) Hansen and Priola, Bridges, Buckner, Ginal, Kolker, Lee, Moreno, Pettersen, Winter.

AN ACT**CONCERNING UTILITY CUSTOMERS' FINANCIAL CONTRIBUTIONS FOR LOW-INCOME UTILITY ASSISTANCE.**

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

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

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

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

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

(III) ON OR BEFORE APRIL 1, 2022, AND ON OR BEFORE APRIL 1 OF EACH YEAR THEREAFTER, SUBMIT A BUDGET TO THE ORGANIZATION AND THE COMMISSION TO INCLUDE THE STATE DEPARTMENT'S ANTICIPATED ADMINISTRATIVE COSTS TO IMPLEMENT THE PROGRAM AND THE PROJECTED NUMBER OF HOUSEHOLDS THAT THE STATE DEPARTMENT IDENTIFIES AS RECEIVING SNAP BENEFITS, INCLUDING AN ESTIMATED NUMBER OF NEW SNAP CASES THAT THE STATE DEPARTMENT WILL APPROVE DURING THE UPCOMING FEDERAL FISCAL YEAR. BASED ON THE BUDGET THAT THE STATE DEPARTMENT SUBMITS, THE ORGANIZATION SHALL CALCULATE AND, ON OR BEFORE JULY 1, 2022, TRANSMIT AND, ON OR BEFORE JULY 1 OF EACH YEAR THEREAFTER, TRANSMIT THE AMOUNT OF MONEY FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION 40-8.7-104 (2.5) THAT IT ALLOCATES AS PART OF ITS BUDGET PREPARED PURSUANT TO SECTION 40-8.7-108 (3) FOR USE BY THE STATE DEPARTMENT:

(A) TO MAKE FUEL ASSISTANCE PAYMENTS; AND

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

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

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

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

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

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

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

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

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

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

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

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

(d) "LEAP" MEANS THE LOW-INCOME ENERGY ASSISTANCE PROGRAM SPECIFIED IN SECTION 26-2-122.5.

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

(f) "OUTSIDE FUNDS" MEANS:

(I) FEDERAL FUNDS; OR

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

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

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

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

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

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

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

~~(f) to (iv) - Repealed.~~

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

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

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

40-3-106. Advantages prohibited - graduated schedules - consideration of household income and other factors - definitions. (1) (d) (II) As used in this paragraph ~~(d)~~ SUBSECTION (1)(d), a "low-income utility customer" means a utility customer who:

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

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

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

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

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

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

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

40-8.5-103.5. Commission created - duties - repeal. (1) (a) (I) There is created the legislative commission on low-income energy AND WATER assistance.

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

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

(2) (a) THROUGH APRIL 30, 2022, the commission is composed of eleven members appointed by the governor, each to serve a term of two years; except that the governor shall select seven of the initially appointed members to serve for one-year terms. Of the eleven members, five members must be from private sector energy-related enterprises, one member must be the director of the low-income

energy assistance program in the state department of human services, one member must be from the Colorado energy office, two members must be consumers who are low-income energy assistance recipients, and two members must be from the general public. Any interim appointment necessary to fill a vacancy that has occurred by any reason other than expiration of term is for the remainder of the term of the individual member whose office has become vacant.

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

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

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

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

(C) A REPRESENTATIVE OF THE ORGANIZATION; AND

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

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

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

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

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

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

(IV) ONE MEMBER MUST REPRESENT A WATER UTILITY.

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

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

~~(2)~~(4) The governor may remove any APPOINTED commission member for cause,

~~which shall include but need not be limited to~~ INCLUDING FOR misconduct, incompetence, or neglect of duty.

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

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

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

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

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

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

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

(6) THE COMMISSION SHALL:

(a) WITH RESPECT TO ANY FEDERAL DEPARTMENT OF ENERGY GRANT AWARD FOR THE COLORADO ENERGY OFFICE WEATHERIZATION ASSISTANCE PROGRAM, SERVE AS

THE POLICY ADVISORY COUNCIL TO THE COLORADO ENERGY OFFICE, IN ACCORDANCE WITH 10 CFR 440.17;

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

(c) PURSUANT TO SECTION 40-8.7-108 (3), REVIEW THE ANNUAL BUDGET ALLOCATIONS THAT THE ORGANIZATION DEVELOPS AND SUBMITS TO THE COMMISSION FOR REVIEW REGARDING THE ORGANIZATION'S USE OF THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION 40-8.7-104 (2.5). IF THE COMMISSION DOES NOT APPROVE THE ORGANIZATION'S ANNUAL BUDGET ALLOCATION, THE COMMISSION MAY REQUIRE THE ORGANIZATION TO MODIFY THE ALLOCATION. UNTIL THE COMMISSION APPROVES A BUDGET ALLOCATION SUBMITTED BY THE ORGANIZATION, THE MOST RECENTLY APPROVED BUDGET ALLOCATION REMAINS IN EFFECT.

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

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

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

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

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

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

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

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

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

40-8.7-104. Energy assistance program - creation - energy assistance contribution - energy assistance system benefit charge. (1) There is hereby created the low-income energy assistance program to collect and disburse an optional energy assistance contribution AND AN ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in Colorado in accordance with this ~~article~~ ARTICLE 8.7.

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

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

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

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

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

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

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

(c) FOR EACH MONTH THAT AN INVESTOR-OWNED UTILITY COLLECTS THE

MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE, THE UTILITY SHALL INCLUDE ON ITS CUSTOMERS' BILLING STATEMENTS WITHIN ITS EXPLANATION OF CHARGES A PHONE NUMBER OR E-MAIL ADDRESS THROUGH WHICH A CUSTOMER MAY OPT OUT OF PAYING THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE.

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

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

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

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

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

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

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

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

UTILITY.

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

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

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

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

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

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

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

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

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

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

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

(b) EXCEPT AS PROVIDED IN SECTION 40-8.7-108 (2)(b), THE ORGANIZATION

SHALL USE THE MONEY COLLECTED FROM EACH INVESTOR-OWNED UTILITY PURSUANT TO SECTION 40-8.7-104 (2.5) TO HELP FINANCE DIRECT UTILITY BILL PAYMENT ASSISTANCE AND ENERGY RETROFITS PROVIDED TO LOW-INCOME HOUSEHOLDS WITHIN THAT INVESTOR-OWNED UTILITY'S SERVICE TERRITORY OR WITHIN THE SERVICE TERRITORY OF AN AFFILIATED INVESTOR-OWNED UTILITY.

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

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

40-8.7-108. Energy outreach Colorado - administration of energy assistance contributions and the system benefit charge. (1) The organization shall hold and administer all ~~moneys~~ MONEY collected FOR ENERGY ASSISTANCE pursuant to this ~~article~~ ARTICLE 8.7 delivered to it by the utilities pursuant to section 40-8.7-107 in a separately identifiable account, which shall be restricted to the purposes set forth in this ~~article~~ ARTICLE 8.7. The organization shall maintain its books and records pertaining to the energy assistance contributions AND THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in accordance with generally accepted accounting principles and, in addition, shall maintain records adequate to identify the ~~moneys~~ MONEY collected by each utility. If the organization commingles the ~~moneys~~ MONEY collected and delivered with other assets of the organization for investment purposes, the organization shall maintain accurate accounts of the investment ~~moneys~~ MONEY and shall credit or charge a pro rata portion of all investment earnings, gains, or losses to the account that holds the OPTIONAL energy assistance COLLECTIONS AND ENERGY ASSISTANCE SYSTEM BENEFIT charges.

(2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, the organization shall use the MONEY COLLECTED FROM THE OPTIONAL energy assistance ~~contribution~~ CONTRIBUTIONS AND THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE to provide low-income energy assistance and to improve energy efficiency. The ORGANIZATION SHALL PAY THE financial assistance ~~moneys shall be paid~~ MONEY to each utility as vendor payments. The ~~moneys~~ ORGANIZATION shall not be ~~used~~ USE THE MONEY for propane, gas, or electric assistance for customers whose propane, gas, electric, or gas and electric companies or cooperative electric associations do not participate in the program. The organization may use up to five percent of the ~~moneys~~ MONEY collected for administration of the energy assistance program in accordance with generally accepted accounting principles; HOWEVER, THE ORGANIZATION SHALL NOT USE ANY MONEY COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE TO PAY EMPLOYEE SALARIES OR BONUSES.

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

DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION 26-2-307 (1).

(3) (a) (I) SUBJECT TO THE ALLOCATION REQUIREMENTS SET FORTH IN SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS SECTION, the organization shall, on an annual basis, develop a budget for the energy assistance program to determine the allocation of the money collected from the optional energy assistance contributions ~~collected under this article~~ AND THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE, WITH NOT MORE THAN FIFTY PERCENT OF THE TOTAL AMOUNT ALLOCATED TO DIRECT UTILITY BILL PAYMENT ASSISTANCE. TO IMPROVE AND INCREASE ENROLLMENT IN THE UTILITY ASSISTANCE PROGRAMS, THE BUDGET MUST INCLUDE AN ALLOCATION OF AT LEAST TWO PERCENT OF THE MONEY COLLECTED FROM THE CHARGE TO BE USED TO ENGAGE THE ASSISTANCE OF COMMUNITY-BASED ORGANIZATIONS THAT ARE ACTIVE IN OUTREACH TO, ENGAGEMENT OF, AND EDUCATION FOR INCOME-QUALIFIED COMMUNITIES, COMMUNITIES OF COLOR, AND IMMIGRANT COMMUNITIES TO HELP PROVIDE OUTREACH AND EDUCATION ABOUT THE UTILITY ASSISTANCE PROGRAMS. THE ORGANIZATION SHALL SUBMIT A COPY OF THE BUDGET TO THE COLORADO ENERGY OFFICE FOR ITS REVIEW.

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

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

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

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

(3)(a)(I) OF THIS SECTION, SHALL:

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

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

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

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

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

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

(2) THE ORGANIZATION SHALL USE THE WATER ASSISTANCE CONTRIBUTIONS TO

PROVIDE LOW-INCOME WATER ASSISTANCE. THE ORGANIZATION SHALL PAY THE FINANCIAL ASSISTANCE MONEY TO EACH PARTICIPATING WATER UTILITY AS VENDOR PAYMENTS. THE ORGANIZATION SHALL NOT USE THE MONEY FOR WATER ASSISTANCE FOR CUSTOMERS WHOSE WATER UTILITY DOES NOT PARTICIPATE IN THE PROGRAM. THE ORGANIZATION MAY USE UP TO FIVE PERCENT OF THE MONEY COLLECTED FOR ADMINISTRATION OF THE WATER ASSISTANCE PROGRAM IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE COLORADO ENERGY OFFICE SHALL SUBMIT A WRITTEN REPORT TO THE GENERAL ASSEMBLY, THE LEGISLATIVE AUDIT COMMITTEE, AND THE OFFICE OF THE STATE AUDITOR ON OR BEFORE MARCH 31 OF EACH YEAR COVERING THE IMMEDIATELY PRECEDING CALENDAR YEAR. THE REPORT MUST INCLUDE AN ITEMIZED ACCOUNT OF THE MONEY THAT THE OFFICE RECEIVED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION 40-8.7-104 (2.5) FOR USE FOR ITS WEATHERIZATION ASSISTANCE PROGRAM, INCLUDING INFORMATION ON THE AMOUNT OF MONEY DISTRIBUTED, THE TYPE OF ASSISTANCE PROVIDED, AND THE GEOGRAPHIC AREAS OF THE STATE SERVED. THE OFFICE SHALL POST THE REPORT ON ITS PUBLIC WEBSITE.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved: July 7, 2021