

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

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

A BILL FOR AN ACT

101 **CONCERNING UTILITY CUSTOMERS' FINANCIAL CONTRIBUTIONS FOR**
102 **LOW-INCOME UTILITY ASSISTANCE, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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

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

customer", with regard to the public utilities commission's (PUC) 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

1 follows:

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

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

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

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

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

1 (IV) THE STATE DEPARTMENT SHALL USE OUTSIDE FUNDS
2 RECEIVED TO PROCESS THE EBT CARD PAYMENTS AND FOR OTHER
3 ADMINISTRATIVE COSTS INCURRED IN IMPLEMENTING THE PROGRAM. IF
4 INSUFFICIENT FUNDS ARE AVAILABLE TO COVER THE ADMINISTRATIVE
5 COSTS, THE STATE DEPARTMENT SHALL REQUEST THAT THE ORGANIZATION
6 ALLOCATE, AS PART OF ITS BUDGET PREPARED PURSUANT TO SECTION
7 40-8.7-108 (3), MONEY TO THE STATE DEPARTMENT FROM THE ENERGY
8 ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION
9 40-8.7-104 (2.5) FOR THIS PURPOSE.

10 (V) ON OR BEFORE JULY 1, 2023, AND ON OR BEFORE JULY 1 OF
11 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT A
12 BUDGET TO THE ORGANIZATION AND THE COMMISSION TO INCLUDE THE
13 STATE DEPARTMENT'S ADMINISTRATIVE COSTS TO IMPLEMENT THE
14 PROGRAM AND THE PROJECTED NUMBER OF ELIGIBLE HOUSEHOLDS THAT
15 THE STATE DEPARTMENT IDENTIFIES AS RECEIVING SNAP BENEFITS BUT
16 THAT ARE NOT RECEIVING ASSISTANCE UNDER LEAP INCLUDING AN
17 ESTIMATED NUMBER OF NEW SNAP CASES THAT THE STATE DEPARTMENT
18 WILL APPROVE DURING THE UPCOMING FEDERAL FISCAL YEAR. BASED ON
19 THE BUDGET THAT THE STATE DEPARTMENT SUBMITS, THE ORGANIZATION
20 SHALL 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 (c) IF, BY JANUARY 1, 2022, THE STATE DEPARTMENT DOES NOT
27 RECEIVE OUTSIDE FUNDS PURSUANT TO SUBSECTION (1)(b)(III) OF THIS

1 SECTION OR DOES NOT RECEIVE SUFFICIENT OUTSIDE FUNDS TO DEVELOP
2 THE DATABASE CONNECTION, THE STATE DEPARTMENT SHALL NOTIFY THE
3 JOINT TECHNOLOGY COMMITTEE CREATED IN SECTION 2-3-1702 THAT
4 OUTSIDE FUNDS WERE NOT RECEIVED OR THAT INSUFFICIENT OUTSIDE
5 FUNDS WERE RECEIVED.

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

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

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

15 (III) ON OR BEFORE JULY 1, 2023, AND ON OR BEFORE JULY 1 OF
16 EACH YEAR THEREAFTER, SUBMIT A BUDGET TO THE ORGANIZATION AND
17 THE COMMISSION TO INCLUDE THE STATE DEPARTMENT'S ANTICIPATED
18 ADMINISTRATIVE COSTS TO IMPLEMENT THE PROGRAM AND THE
19 PROJECTED NUMBER OF HOUSEHOLDS THAT THE STATE DEPARTMENT
20 IDENTIFIES AS RECEIVING SNAP BENEFITS, INCLUDING AN ESTIMATED
21 NUMBER OF NEW SNAP CASES THAT THE STATE DEPARTMENT WILL
22 APPROVE DURING THE UPCOMING FEDERAL FISCAL YEAR. BASED ON THE
23 BUDGET THAT THE STATE DEPARTMENT SUBMITS, THE ORGANIZATION
24 SHALL CALCULATE THE AMOUNT OF MONEY FROM THE ENERGY
25 ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION
26 40-8.7-104 (2.5) THAT IT ALLOCATES AS PART OF ITS BUDGET PREPARED
27 PURSUANT TO SECTION 40-8.7-108 (3) FOR USE BY THE STATE

1 DEPARTMENT:

2 (A) TO MAKE FUEL ASSISTANCE PAYMENTS; AND

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

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

14 (f) ON OR BEFORE JANUARY 1, 2022, THE ORGANIZATION SHALL
15 TRANSMIT TWO HUNDRED FORTY-SIX THOUSAND DOLLARS FROM THE
16 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO
17 SECTION 40-8.7-104 (2.5) TO THE STATE TREASURER WHO SHALL CREDIT
18 THE MONEY TO THE FUND FOR USE BY THE STATE DEPARTMENT TO COVER
19 ITS COMPUTER PROGRAMMING COSTS FOR IMPLEMENTING THE PROCESSING
20 OF THE EBT CARD PAYMENTS.

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

26 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
27 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE

1 FUND TO THE FUND.

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

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

7 (a) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON
8 LOW-INCOME ENERGY AND WATER ASSISTANCE CREATED IN SECTION
9 40-8.5-103.5 (1).

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

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

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

20 (e) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION
21 40-8.7-103 (4).

22 (f) "OUTSIDE FUNDS" MEANS:

23 (I) FEDERAL FUNDS; OR

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

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

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

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

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

10 **39-29-109.3. Severance tax operational fund - core reserve -**
11 **grant program reserve - definitions - repeal.** (2) Subject to the
12 requirements of subsections (3) and (3.5) of this section, if the general
13 assembly chooses not to spend up to one hundred percent of the money
14 in the operational fund on core departmental programs, the state treasurer
15 shall transfer the following amounts:

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

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

19 ~~(V) (A) For the state fiscal year commencing July 1, 2012, and~~
20 ~~each state fiscal year thereafter, through the state fiscal year commencing~~
21 ~~July 1, 2023, thirteen million dollars as follows: Twenty-five percent to~~
22 ~~the department of human services low-income energy assistance fund~~
23 ~~created in section 40-8.7-112 (1); twenty-five percent to the energy~~
24 ~~outreach Colorado low-income energy assistance fund created in section~~
25 ~~40-8.7-112 (2)(a); and fifty percent to the Colorado energy office~~
26 ~~low-income energy assistance fund created in section 40-8.7-112 (3)(a).~~

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

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

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

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

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

9 (B) Otherwise meets the INCOME eligibility criteria set forth in
10 rules of the department of human services adopted pursuant to section
11 40-8.5-105.

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

14 **40-8.5-103. Definitions.** As used in this ~~article~~ ARTICLE 8.5,
15 unless the context otherwise requires:

16 (1) "Commission" means the legislative commission on
17 low-income energy AND WATER assistance, established in section
18 40-8.5-103.5.

19 (4.5) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION
20 40-8.7-103 (4).

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

23 **40-8.5-103.5 Commission created - duties - repeal.**

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

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

27 (b) COMMENCING MAY 1, 2022, THERE IS CREATED THE

1 LEGISLATIVE COMMISSION ON LOW-INCOME ENERGY AND WATER
2 ASSISTANCE IN THE COLORADO ENERGY OFFICE. THE COLORADO ENERGY
3 OFFICE SHALL STAFF THE COMMISSION AS NEEDED.

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

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

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

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

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

24 (C) A REPRESENTATIVE OF THE ORGANIZATION; AND

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

1 TWO-YEAR TERM.

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

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

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

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

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

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

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

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

20 ~~(2)~~ (4) The governor may remove any APPOINTED commission
21 member for cause, ~~which shall include but need not be limited to~~
22 INCLUDING FOR misconduct, incompetence, or neglect of duty.

23 ~~(3)~~ (5) ~~Any~~ A commission member ~~shall be~~ IS immune from
24 liability in any civil action brought against ~~such~~ THE member for acts
25 occurring while acting in the capacity of a commission member if ~~such~~
26 THE member was acting in good faith, made reasonable efforts to obtain
27 the facts of the matter as to which action was taken, and acted in the

1 reasonable belief that the action taken was warranted by the facts.

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

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

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

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

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

3 ~~(b) The commission may seek and receive public and private~~
4 ~~funding to assist in the conduct of the assessment and review required by~~
5 ~~paragraph (a) of this subsection (4), including but not limited to assistance~~
6 ~~from the existing resources of the department of human services created~~
7 ~~in section 24-1-120, C.R.S., the Colorado energy office created in section~~
8 ~~24-38.5-101, C.R.S., and energy outreach Colorado, a Colorado nonprofit~~
9 ~~corporation, as described in section 40-8.7-103 (4).~~

10 (6) THE COMMISSION SHALL:

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

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

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

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

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

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

12 **40-8.7-103. Definitions.** As used in this ~~article~~ ARTICLE 8.7,
13 unless the context otherwise requires:

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

19 (3.3) "ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE" OR
20 "CHARGE" MEANS THE CHARGE THAT INVESTOR-OWNED UTILITIES DOING
21 BUSINESS IN COLORADO COLLECT FROM THEIR CUSTOMERS ON A MONTHLY
22 BASIS PURSUANT TO SECTION 40-8.7-104 (2.5).

23 (4.7) "PUBLIC UTILITIES COMMISSION" OR "COMMISSION" MEANS
24 THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

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

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

3 **40-8.7-104. Energy assistance program - creation - energy**
4 **assistance contribution - energy assistance system benefit charge.**

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

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

17 (2.5) (a) EXCEPT AS PROVIDED IN SUBSECTION (2.5)(b) OF THIS
18 SECTION, COMMENCING WITH A CUSTOMER'S BILLING STATEMENT
19 COVERING ELECTRIC OR GAS USAGE IN THE MONTH OF OCTOBER 2021,
20 EVERY INVESTOR-OWNED UTILITY DOING BUSINESS IN COLORADO SHALL
21 COLLECT A MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE FROM
22 EACH OF ITS UTILITY CUSTOMERS PURSUANT TO SECTION 40-8.7-105.5 (1).

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

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

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

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

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

25 (3) Any reasonable costs that a utility incurs in connection with
26 the program, including the initial costs of setting up the collection
27 mechanism and reformatting its billing systems to solicit the optional

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

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

11 **40-8.7-104.3. Water assistance program - creation - water**
12 **assistance contribution.** (1) (a) ON AND AFTER THE EFFECTIVE DATE OF
13 THIS SECTION, A WATER UTILITY DOING BUSINESS IN COLORADO MAY
14 PARTICIPATE IN A WATER ASSISTANCE PROGRAM CREATED AND MANAGED
15 BY THE ORGANIZATION TO PROVIDE WATER UTILITY BILL PAYMENT
16 ASSISTANCE TO LOW-INCOME HOUSEHOLDS. A WATER UTILITY'S
17 VOLUNTARY PARTICIPATION IN THE WATER ASSISTANCE PROGRAM WILL
18 PROVIDE A WATER UTILITY CUSTOMER WITH AN OPPORTUNITY TO MAKE AN
19 OPTIONAL CONTRIBUTION ON THE CUSTOMER'S MONTHLY OR QUARTERLY
20 REMITTANCE DEVICE ON THE WATER UTILITY BILLING STATEMENT.

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

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

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

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

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

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

20 **40-8.7-105.5. Energy assistance system benefit charge - repeal.**

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

26 (b) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (1)(b)(II) AND
27 (1)(b)(III) OF THIS SECTION, THE MONTHLY ENERGY ASSISTANCE SYSTEM

1 BENEFIT CHARGE IS SEVENTY-FIVE CENTS FOR ELECTRIC SERVICE
2 PROVIDED AND SEVENTY-FIVE CENTS FOR NATURAL GAS SERVICE
3 PROVIDED.

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

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

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

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

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

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

23 **40-8.7-107. Disposition of contributions and charges.** (1) Each
24 ~~gas and electric~~ utility COLLECTING OPTIONAL ENERGY ASSISTANCE
25 CONTRIBUTIONS PURSUANT TO SECTION 40-8.7-104 (2) AND EACH WATER
26 UTILITY COLLECTING OPTIONAL CONTRIBUTIONS PURSUANT TO SECTION
27 40-8.7-104.3 (1) shall transfer the ~~moneys from the energy assistance~~

1 ~~contributions~~ MONEY collected ~~under this article~~ to the organization on
2 the following schedule:

3 (1.5) (a) AN INVESTOR-OWNED UTILITY COLLECTING THE ENERGY
4 ASSISTANCE SYSTEM BENEFIT CHARGE PURSUANT TO SECTION 40-8.7-104
5 (2.5) SHALL TRANSFER THE MONEY COLLECTED IN ACCORDANCE WITH THE
6 SCHEDULE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

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

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

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

20 **40-8.7-108. Energy outreach Colorado - administration of**
21 **energy assistance contributions and the system benefit charge.**

22 (1) The organization shall hold and administer all ~~moneys~~ MONEY
23 collected FOR ENERGY ASSISTANCE pursuant to this ~~article~~ ARTICLE 8.7
24 delivered to it by the utilities pursuant to section 40-8.7-107 in a
25 separately identifiable account, which shall be restricted to the purposes
26 set forth in this ~~article~~ ARTICLE 8.7. The organization shall maintain its
27 books and records pertaining to the energy assistance contributions AND

1 THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in accordance with
2 generally accepted accounting principles and, in addition, shall maintain
3 records adequate to identify the ~~moneys~~ MONEY collected by each utility.
4 If the organization commingles the ~~moneys~~ MONEY collected and
5 delivered with other assets of the organization for investment purposes,
6 the organization shall maintain accurate accounts of the investment
7 ~~moneys~~ MONEY and shall credit or charge a pro rata portion of all
8 investment earnings, gains, or losses to the account that holds the
9 OPTIONAL energy assistance COLLECTIONS AND ENERGY ASSISTANCE
10 SYSTEM BENEFIT charges.

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

26 (b) IN ACCORDANCE WITH THE PAYMENT AMOUNTS REFLECTED IN
27 THE ORGANIZATION'S BUDGET PREPARED PURSUANT TO SUBSECTION (3)(b)

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

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

26 (II) SUBJECT TO SUBSECTION (3)(a)(IV) OF THIS SECTION, BEFORE
27 THE ORGANIZATION BEGINS ALLOCATING AN AMOUNT OF THE MONEY

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

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

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

26 (III) SUBJECT TO SUBSECTION (3)(a)(IV) OF THIS SECTION, ONCE
27 THE ORGANIZATION BEGINS ALLOCATING AN AMOUNT OF THE MONEY

1 COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE TO
2 BE CREDITED TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND CREATED
3 IN SECTION 26-2-307 (2)(a), THE ORGANIZATION, AFTER ALLOCATING
4 MONEY FOR THE SUPPLEMENTAL UTILITY ASSISTANCE FUND AND FOR
5 COMMUNITY OUTREACH AS DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS
6 SECTION, SHALL:

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

16 (B) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL
17 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL
18 EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY-FIVE 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.

24 (IV) IF ANY MONEY ALLOCATED TO THE COLORADO ENERGY
25 OFFICE OR RETAINED BY THE ORGANIZATION IS NOT EXPENDED IN THE
26 YEAR FOR WHICH IT WAS ALLOCATED, THE LEGISLATIVE COMMISSION MAY
27 TAKE THAT UNEXPENDED MONEY INTO CONSIDERATION IN ALLOCATING

1 MONEY IN THE FOLLOWING YEAR'S BUDGET PURSUANT TO THIS
2 SUBSECTION (3)(a).

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

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

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

1 HOLDS THE WATER ASSISTANCE COLLECTIONS.

2 (2) THE ORGANIZATION SHALL USE THE WATER ASSISTANCE
3 CONTRIBUTIONS TO PROVIDE LOW-INCOME WATER ASSISTANCE. THE
4 ORGANIZATION SHALL PAY THE FINANCIAL ASSISTANCE MONEY TO EACH
5 PARTICIPATING WATER UTILITY AS VENDOR PAYMENTS. THE
6 ORGANIZATION SHALL NOT USE THE MONEY FOR WATER ASSISTANCE FOR
7 CUSTOMERS WHOSE WATER UTILITY DOES NOT PARTICIPATE IN THE
8 PROGRAM. THE ORGANIZATION MAY USE UP TO FIVE PERCENT OF THE
9 MONEY COLLECTED FOR ADMINISTRATION OF THE WATER ASSISTANCE
10 PROGRAM IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING
11 PRINCIPLES.

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

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

18 **40-8.7-109. Low-income energy assistance program -**
19 **eligibility.** (4) WHEN INSTALLING ENERGY RETROFITS AS PART OF
20 PROVIDING LOW-INCOME ENERGY ASSISTANCE, THE ORGANIZATION AND
21 THE COLORADO ENERGY OFFICE SHALL PRIORITIZE MAXIMIZING CUSTOMER
22 SAVINGS, REDUCING EMISSIONS, AND IMPROVING INDOOR AIR QUALITY.

23 **SECTION 15.** In Colorado Revised Statutes, 40-8.7-110, **amend**
24 (1), (1.5), and (2); and **add** (4) as follows:

25 **40-8.7-110. Reports - repeal.** (1) The organization shall submit
26 a written report to the general assembly, the legislative audit committee,
27 and the office of the state auditor on or before March 31 of each year

1 ~~beginning in 2007, that covers~~ COVERING the immediately preceding
2 calendar year. The report ~~shall~~ MUST include:

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

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

8 (II) THE MONEY RECEIVED FROM CUSTOMERS' MONTHLY ENERGY
9 ASSISTANCE SYSTEM BENEFIT CHARGES PURSUANT TO SECTION 40-8.7-104
10 (2.5), INCLUDING INFORMATION REGARDING THE MONEY RECEIVED FROM
11 EACH INVESTOR-OWNED UTILITY AND THE MONEY THE ORGANIZATION HAS
12 SPENT IN EACH INVESTOR-OWNED UTILITY'S SERVICE TERRITORY OR
13 WITHIN THE SERVICE TERRITORY OF AN AFFILIATED INVESTOR-OWNED
14 UTILITY;

15 (a.5) AN ITEMIZED ACCOUNT OF THE MONEY RECEIVED BY THE
16 ORGANIZATION FROM EACH PARTICIPATING WATER UTILITY FOR THE
17 ORGANIZATION'S WATER ASSISTANCE PROGRAM PURSUANT TO SECTION
18 40-8.7-104.3;

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

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

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

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

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

4 (1.5) To the extent applicable, the organization shall include in the
5 report the information required by ~~paragraphs (b) and (c) of subsection~~
6 ~~(H)~~ SUBSECTIONS (1)(b)(I) AND (1)(b)(II) of this section for ~~moneys~~
7 MONEY received from the Colorado energy office pursuant to section
8 40-8.7-112 (2)(a).

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

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

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

25 **40-1-103.5. Limited exemption of master meter operators -**
26 **conditions - rules.** (2) In passing on refunds, rebates, rate reductions, or
27 similar adjustments to end users, the MMO shall notify its current end

1 users, either by first-class mail with a certificate of mailing or by
2 inclusion in any monthly or more frequent regular written
3 communication, of ~~such~~ THE adjustments and inform the end users that
4 they may claim the adjustments within ninety days after receipt of the
5 notice. The MMO may retain any portion of ~~such~~ THE adjustments ~~which~~
6 THAT rightfully belongs to the MMO. Upon the expiration of the
7 ninety-day claims period, the MMO shall identify any such adjustments
8 ~~which~~ THAT are unclaimed and, if the aggregate amount unclaimed
9 exceeds one hundred dollars, the MMO shall contribute ~~such~~ THE
10 unclaimed amount to the fund established by the LEGISLATIVE
11 commission on low-income energy AND WATER assistance pursuant to
12 section 40-8.5-104.

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

15 **40-8-101. Undistributed overcharges turned over to**
16 **municipality.** (2) For gas, electric, and steam utilities, the public utilities
17 commission may order that all or part of the undistributed balance of a
18 refund be paid by the utility in an equitable manner to the general body
19 of utility customers and the public utilities commission may order a gas
20 or electric utility to pay up to ninety percent of the undistributed balance
21 of a refund into the fund established by the ~~Colorado~~ LEGISLATIVE
22 commission on low-income energy AND WATER assistance pursuant to
23 section 40-8.5-104.

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

26 **40-8.5-101. Legislative declaration.** In enacting this ~~article~~
27 ARTICLE 8.5, the general assembly finds and declares that there is a need

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

13 **SECTION 19.** In Colorado Revised Statutes, 40-8.7-112, **amend**
14 (1), (2)(a)(I), and (3)(a). as follows:

15 **40-8.7-112. Department of human services low-income energy**
16 **assistance fund - creation - energy outreach Colorado low-income**
17 **energy assistance fund - creation - Colorado energy office low-income**
18 **energy assistance fund - creation - definitions - repeal.** (1) There is
19 hereby created in the state treasury the department of human services
20 low-income energy assistance fund, which shall be administered by the
21 department of human services. ~~and shall consist of all moneys transferred~~
22 ~~by the treasurer as specified in section 39-29-109.3 (2)(f), C.R.S. All~~
23 ~~moneys~~ ALL MONEY in the fund ~~are~~ IS continuously appropriated to the
24 department of human services for the purpose of increasing available
25 funds under the low-income energy assistance program specified in
26 section 26-1-109. ~~C.R.S. All moneys~~ ALL MONEY in the fund at the end
27 of each fiscal year ~~shall be retained~~ REMAINS in the fund and ~~shall~~ DOES

1 not revert to the general fund or any other fund.

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

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

1 **SECTION 20. Appropriation.** (1) For the 2021-22 state fiscal
2 year, \$395,037 is appropriated to the department of human services. This
3 appropriation is from the general fund. To implement this act, the
4 department may use this appropriation as follows:

5 (a) \$246,200 for use by the office of information technology
6 services for operating and contract expenses related to the Colorado
7 benefits management system; and

8 (b) \$148,837 for use by the office of self sufficiency for the low
9 income energy assistance program, which amount is based on an
10 assumption that the office will require an additional 1.4 FTE.

11 (3) For the 2021-22 state fiscal year, \$27,709 is appropriated to
12 the office of the governor for use by the Colorado energy office. This
13 appropriation is from the energy outreach Colorado low-income energy
14 assistance fund created in section 40-8.7-112 (2)(a)(I), C.R.S., and is
15 based on an assumption that the office will require an additional 0.2 FTE.

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