

HOUSE COMMITTEE OF REFERENCE REPORT

March 29, 2021

Chair of Committee

Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB21-1105 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

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

4 **26-2-307. Fuel assistance payments - eligibility for federal**
5 **standard utility allowance - supplemental utility assistance fund**
6 **created - definitions.** (1) (a) ON OR BEFORE OCTOBER 1, 2023, THE
7 STATE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO ADMINISTER THE
8 SUPPLEMENTAL UTILITY ASSISTANCE FUND CREATED IN SUBSECTION (2)(a)
9 OF THIS SECTION FOR DISTRIBUTION OF FUEL ASSISTANCE PAYMENTS TO
10 HOUSEHOLDS RECEIVING SUPPLEMENTAL NUTRITION ASSISTANCE
11 PROGRAM BENEFITS.

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

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

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

1 PURSUANT TO SECTION 40-8.7-108 (2)(b) AND ANY OTHER MONEY THAT
2 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

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

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

11 (a) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON
12 LOW-INCOME ENERGY AND WATER ASSISTANCE CREATED IN SECTION
13 40-8.5-103.5 (1).

14 (b) "HEATING AND COOLING STANDARD UTILITY ALLOWANCE" IS
15 A STANDARD UTILITY ALLOWANCE AUTHORIZED IN THE FEDERAL
16 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM REGULATIONS
17 PROMULGATED BY THE FOOD AND NUTRITION SERVICE IN THE UNITED
18 STATES DEPARTMENT OF AGRICULTURE.

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

21 Renumber succeeding sections accordingly.

22 Page 2, line 2, strike "**amend**" and substitute "**repeal**".

23 Page 3, strike lines 7 through 9 and substitute:

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

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

27 ~~(V) (A) For the state fiscal year commencing July 1, 2012, and~~
28 ~~each state fiscal year thereafter, through the state fiscal year commencing~~
29 ~~July 1, 2023, thirteen million dollars as follows: Twenty-five percent to~~
30 ~~the department of human services low-income energy assistance fund~~
31 ~~created in section 40-8.7-112 (1); twenty-five percent to the energy~~
32 ~~outreach Colorado low-income energy assistance fund created in section~~
33 ~~40-8.7-112 (2)(a); and fifty percent to the Colorado energy office~~
34 ~~low-income energy assistance fund created in section 40-8.7-112 (3)(a).~~

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

36 Page 4, strike line 7 and substitute "assistance IN THE COLORADO ENERGY



1 OFFICE. THE COLORADO ENERGY OFFICE SHALL STAFF THE COMMISSION AS
2 NEEDED."

3 Page 8, after line 4 insert:

4 "SECTION 5. In Colorado Revised Statutes, 40-8.7-102, **add** (3)
5 as follows:

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

13 Renumber succeeding sections accordingly.

14 Page 8, line 21, before "SERVICE" insert "OR WASTEWATER".

15 Page 9, strike line 12 and substitute:

16 "(2.5) (a) EXCEPT AS PROVIDED IN SUBSECTION (2.5)(b) OF THIS
17 SECTION, COMMENCING WITH A CUSTOMER'S BILLING STATEMENT".

18 Page 9, after line 16 insert:

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

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

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

35 (III) EACH INVESTOR-OWNED UTILITY SHALL REVIEW READILY



1 AVAILABLE INFORMATION IT HAS RECEIVED FROM THE STATE DEPARTMENT
2 OF HUMAN SERVICES AND THE ORGANIZATION TO DETERMINE WHICH
3 CUSTOMERS HAVE RECEIVED ANY DIRECT UTILITY BILL PAYMENT
4 ASSISTANCE FROM THE STATE DEPARTMENT OR THE ORGANIZATION IN THE
5 PREVIOUS TWELVE MONTHS AND, AS A RESULT, ARE ELIGIBLE FOR
6 EXEMPTION FROM PAYMENT OF THE CHARGE.

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

13 Page 10, strike lines 21 through 24 and substitute "PROGRAM TO MEET ITS
14 CUSTOMERS' WATER ASSISTANCE NEEDS. IN DETERMINING ELIGIBILITY FOR
15 ASSISTANCE, A WATER UTILITY MAY ADOPT THE CRITERIA SPECIFIED IN
16 SECTION 40-3-106 (1)(d) OR ALTERNATIVE CRITERIA AS DETERMINED BY
17 THE WATER UTILITY."

18 Page 11, after line 5 insert:

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

23 Page 11, line 8, strike "**rules.**" and substitute "**rules - repeal.**".

24 Page 11, line 9, after "2021," insert "AND EXCEPT AS PROVIDED IN SECTION
25 40-8.7-104 (2.5)(b),".

26 Page 11, strike lines 14 and 15 and substitute:

27 "(b) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (1)(b)(II) AND
28 (1)(b)(III) OF THIS SECTION,".

29 Page 11, strike lines 16 and 17 and substitute "THE MONTHLY ENERGY
30 ASSISTANCE SYSTEM BENEFIT CHARGE IS SEVENTY-FIVE CENTS FOR
31 ELECTRIC SERVICE PROVIDED AND SEVENTY-FIVE CENTS FOR NATURAL".

32 Page 11, after line 18 insert:



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

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

9 Page 11, strike lines 19 through 27 and substitute:

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

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

19 Page 12, strike lines 1 through 7.

20 Page 12, after line 7 insert:

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

22 Page 12, line 21, strike "THE" and substitute "EXCEPT AS PROVIDED IN
23 SECTION 40-8.7-108 (2)(b), THE".

24 Page 12, line 25, strike "TERRITORY." and substitute "TERRITORY OR
25 WITHIN THE SERVICE TERRITORY OF AN AFFILIATED INVESTOR-OWNED
26 UTILITY."

27 Page 12, after line 25 insert:

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

1 Page 13, strike line 19 and substitute:

2 "(2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
3 SECTION, the organization shall use the MONEY COLLECTED FROM THE".

4 Page 14, after line 3 insert:

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

15 Page 14, line 4, after "(3)" insert "(a)".

16 Page 14, line 9, after the period insert "THE BUDGET MUST INCLUDE AN
17 ALLOCATION OF MONEY COLLECTED FROM THE CHARGE THAT WILL BE
18 USED FOR EDUCATION AND OUTREACH ABOUT THE PROGRAM."

19 Page 14, after line 11 insert:

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

27 Page 16, line 14, strike "TERRITORY;" and substitute "TERRITORY OR
28 WITHIN THE SERVICE TERRITORY OF AN AFFILIATED INVESTOR-OWNED
29 UTILITY;".

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