

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

**PREAMENDED**

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

LLS NO. 21-0137.01 Jennifer Berman x3286

**HOUSE BILL 21-1105**

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**HOUSE SPONSORSHIP**

**Kennedy,**

**SENATE SPONSORSHIP**

**Hansen,**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**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.**

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**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.

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.

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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 OCTOBER 1,  
5 2023, 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 ARE NOT ELIGIBLE FOR ASSISTANCE UNDER LEAP IN ORDER TO  
14 QUALIFY 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 ELIGIBLE FOR 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 (2) (a) THE SUPPLEMENTAL UTILITY ASSISTANCE FUND, REFERRED  
15 TO IN THIS SUBSECTION (2) AS THE "FUND", IS HEREBY CREATED IN THE  
16 STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND  
17 PURSUANT TO SECTION 40-8.7-108 (2)(b) AND ANY OTHER MONEY THAT  
18 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

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

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

27 (a) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON

1 LOW-INCOME ENERGY AND WATER ASSISTANCE CREATED IN SECTION  
2 40-8.5-103.5 (1).

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

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

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

13 (e) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION  
14 40-8.7-103 (4).

15 (f) "OUTSIDE FUNDS" MEANS:

16 (I) FEDERAL FUNDS; OR

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

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

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

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

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

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

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

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

12           ~~(V) (A) For the state fiscal year commencing July 1, 2012, and~~  
13 ~~each state fiscal year thereafter, through the state fiscal year commencing~~  
14 ~~July 1, 2023, thirteen million dollars as follows: Twenty-five percent to~~  
15 ~~the department of human services low-income energy assistance fund~~  
16 ~~created in section 40-8.7-112 (1); twenty-five percent to the energy~~  
17 ~~outreach Colorado low-income energy assistance fund created in section~~  
18 ~~40-8.7-112 (2)(a); and fifty percent to the Colorado energy office~~  
19 ~~low-income energy assistance fund created in section 40-8.7-112 (3)(a).~~

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

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

23           **40-3-106. Advantages prohibited - graduated schedules -**  
24 **consideration of household income and other factors - definitions.**

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

27           (A) Has a household income at or below one hundred eighty-five



1 percent of the current federal poverty line; ~~and~~ OR

2 (B) Otherwise meets the INCOME eligibility criteria set forth in  
3 rules of the department of human services adopted pursuant to section  
4 40-8.5-105.

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

7 **40-8.5-103. Definitions.** As used in this ~~article~~ ARTICLE 8.5,  
8 unless the context otherwise requires:

9 (1) "Commission" means the legislative commission on  
10 low-income energy AND WATER assistance, established in section  
11 40-8.5-103.5.

12 (4.5) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION  
13 40-8.7-103 (4).

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

16 **40-8.5-103.5 Commission created - duties - repeal.**

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

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

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

24 (2) (a) THROUGH APRIL 30, 2022, the commission is composed of  
25 eleven members appointed by the governor, each to serve a term of two  
26 years; except that the governor shall select seven of the initially appointed  
27 members to serve for one-year terms. Of the eleven members, five

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

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

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

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

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

17 (C) A REPRESENTATIVE OF THE ORGANIZATION; AND

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

22 (II) THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO THE  
23 COMMISSION PURSUANT TO THIS SUBSECTION (3)(a) ON OR BEFORE APRIL  
24 30, 2022, FOR TERMS STARTING ON MAY 1, 2022.

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

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

1 ELIGIBLE FOR LOW-INCOME ENERGY ASSISTANCE;

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

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

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

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

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

13 ~~(2)~~ (4) The governor may remove any APPOINTED commission  
14 member for cause, ~~which shall include but need not be limited to~~  
15 INCLUDING FOR misconduct, incompetence, or neglect of duty.

16 ~~(3)~~ (5) ~~Any~~ A commission member ~~shall be~~ IS immune from  
17 liability in any civil action brought against ~~such~~ THE member for acts  
18 occurring while acting in the capacity of a commission member if ~~such~~  
19 THE member was acting in good faith, made reasonable efforts to obtain  
20 the facts of the matter as to which action was taken, and acted in the  
21 reasonable belief that the action taken was warranted by the facts.

22 ~~(4) (a) No later than December 15, 2008, the commission shall~~  
23 ~~make recommendations to the governor, the speaker of the house of~~  
24 ~~representatives, and the president of the senate regarding any necessary~~  
25 ~~legislative changes to improve the effectiveness and efficiency of the~~  
26 ~~state's low-income energy assistance services provided pursuant to article~~  
27 ~~8.7 of this title and section 26-1-109, C.R.S. With assistance and~~

1 ~~consultation from representatives from two counties chosen by the~~  
2 ~~executive director, or his or her designee, of Colorado counties,~~  
3 ~~incorporated, or its successor organization, the commission shall assess~~  
4 ~~the strengths and weaknesses of the current service delivery systems~~  
5 ~~within the state and shall review effective service delivery systems and~~  
6 ~~models of other states that may be appropriate for utilization in this state.~~  
7 ~~The commission's recommendations shall build upon the positive aspects~~  
8 ~~of the current service delivery system, including, but not limited to, the~~  
9 ~~effective and efficient management of current funding to maximize~~  
10 ~~assistance to the state's low-income population, infrastructure that is~~  
11 ~~already in place to efficiently distribute benefits to eligible clients in a~~  
12 ~~timely manner, and coordination already established between energy~~  
13 ~~conservation measures and direct assistance. The commission's~~  
14 ~~recommendations shall include, but shall not be limited to:~~

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

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

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

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

23 ~~(b) The commission may seek and receive public and private~~  
24 ~~funding to assist in the conduct of the assessment and review required by~~  
25 ~~paragraph (a) of this subsection (4), including but not limited to assistance~~  
26 ~~from the existing resources of the department of human services created~~  
27 ~~in section 24-1-120, C.R.S., the Colorado energy office created in section~~

1 ~~24-38.5-101, C.R.S., and energy outreach Colorado, a Colorado nonprofit~~  
2 ~~corporation, as described in section 40-8.7-103 (4).~~

3 (6) THE COMMISSION SHALL:

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

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

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

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

23 **40-8.7-102. Legislative declaration.** (3) THE GENERAL  
24 ASSEMBLY FURTHER FINDS THAT, ALTHOUGH WATER UTILITIES ARE NOT  
25 REGULATED BY THE PUBLIC UTILITIES COMMISSION, ALLOWING WATER  
26 UTILITIES TO PARTICIPATE IN A WATER ASSISTANCE PROGRAM ON A  
27 VOLUNTARY BASIS WILL PROVIDE AN EFFICIENT MEANS FOR SOME WATER

1 UTILITIES TO PROVIDE FINANCIAL ASSISTANCE TO THEIR CUSTOMERS IN  
2 LOW-INCOME HOUSEHOLDS.

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

5 **40-8.7-103. Definitions.** As used in this ~~article~~ ARTICLE 8.7,  
6 unless the context otherwise requires:

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

12 (3.3) "ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE" OR  
13 "CHARGE" MEANS THE CHARGE THAT INVESTOR-OWNED UTILITIES DOING  
14 BUSINESS IN COLORADO COLLECT FROM THEIR CUSTOMERS ON A MONTHLY  
15 BASIS PURSUANT TO SECTION 40-8.7-104 (2.5).

16 (4.7) "PUBLIC UTILITIES COMMISSION" OR "COMMISSION" MEANS  
17 THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

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

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

23 **40-8.7-104. Energy assistance program - creation - energy**  
24 **assistance contribution - energy assistance system benefit charge.**

25 (1) There is hereby created the low-income energy assistance program to  
26 collect and disburse an optional energy assistance contribution AND AN  
27 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in Colorado in accordance

1 with this ~~article~~ ARTICLE 8.7.

2 (2) Except as otherwise provided in this ~~article~~ ARTICLE 8.7, every  
3 utility doing business in Colorado shall participate in the energy  
4 assistance program and ~~shall~~ provide the opportunity for utility customers  
5 to make an optional energy assistance contribution on the monthly  
6 remittance device on their utility billing statement. ~~beginning September~~  
7 ~~1, 2006~~. Each utility shall provide the opportunity for customers to donate  
8 the optional energy assistance contribution as provided in section  
9 40-8.7-105 (2).

10 (2.5) (a) EXCEPT AS PROVIDED IN SUBSECTION (2.5)(b) OF THIS  
11 SECTION, COMMENCING WITH A CUSTOMER'S BILLING STATEMENT  
12 COVERING ELECTRIC OR GAS USAGE IN THE MONTH OF OCTOBER 2021,  
13 EVERY INVESTOR-OWNED UTILITY DOING BUSINESS IN COLORADO SHALL  
14 COLLECT A MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE FROM  
15 EACH OF ITS UTILITY CUSTOMERS PURSUANT TO SECTION 40-8.7-105.5 (1).

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

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

27 (II) THE ORGANIZATION SHALL NOTIFY EACH INVESTOR-OWNED

1 UTILITY OF ANY CUSTOMER OF THE INVESTOR-OWNED UTILITY WHO IS  
2 EXEMPTED FROM PAYMENT OF THE CHARGE BY VIRTUE OF HAVING  
3 RECEIVED DIRECT UTILITY BILL PAYMENT ASSISTANCE FROM THE  
4 ORGANIZATION IN THE PREVIOUS TWELVE MONTHS.

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

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

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



1 distributed to the organization.

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

4 **40-8.7-104.3. Water assistance program - creation - water**  
5 **assistance contribution.** (1) (a) ON AND AFTER THE EFFECTIVE DATE OF  
6 THIS SECTION, A WATER UTILITY DOING BUSINESS IN COLORADO MAY  
7 PARTICIPATE IN A WATER ASSISTANCE PROGRAM CREATED AND MANAGED  
8 BY THE ORGANIZATION TO PROVIDE WATER UTILITY BILL PAYMENT  
9 ASSISTANCE TO LOW-INCOME HOUSEHOLDS. A WATER UTILITY'S  
10 VOLUNTARY PARTICIPATION IN THE WATER ASSISTANCE PROGRAM WILL  
11 PROVIDE A WATER UTILITY CUSTOMER WITH AN OPPORTUNITY TO MAKE AN  
12 OPTIONAL CONTRIBUTION ON THE CUSTOMER'S MONTHLY OR QUARTERLY  
13 REMITTANCE DEVICE ON THE WATER UTILITY BILLING STATEMENT.

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

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

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

26 (3) A WATER UTILITY PARTICIPATING IN THE ORGANIZATION'S  
27 WATER ASSISTANCE PROGRAM PURSUANT TO SUBSECTION (1) OF THIS

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

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

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

13 **40-8.7-105.5. Energy assistance system benefit charge - repeal.**

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

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

24 (II) (A) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS  
25 SECTION, FOR BILLING STATEMENTS COVERING ELECTRIC OR NATURAL GAS  
26 USAGE BETWEEN THE MONTHS OF OCTOBER 2021 AND SEPTEMBER 2022,  
27 THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE IS REDUCED

1 TO FIFTY CENTS FOR ELECTRIC SERVICE PROVIDED AND FIFTY CENTS FOR  
2 NATURAL GAS SERVICE PROVIDED.

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

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

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

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

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

16 **40-8.7-107. Disposition of contributions and charges.** (1) Each  
17 ~~gas and electric~~ utility COLLECTING OPTIONAL ENERGY ASSISTANCE  
18 CONTRIBUTIONS PURSUANT TO SECTION 40-8.7-104 (2) AND EACH WATER  
19 UTILITY COLLECTING OPTIONAL CONTRIBUTIONS PURSUANT TO SECTION  
20 40-8.7-104.3 (1) shall transfer the ~~moneys from the energy assistance~~  
21 ~~contributions~~ MONEY collected ~~under this article~~ to the organization on  
22 the following schedule:

23 (1.5) (a) AN INVESTOR-OWNED UTILITY COLLECTING THE ENERGY  
24 ASSISTANCE SYSTEM BENEFIT CHARGE PURSUANT TO SECTION 40-8.7-104  
25 (2.5) SHALL TRANSFER THE MONEY COLLECTED IN ACCORDANCE WITH THE  
26 SCHEDULE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

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

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

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

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

13 **40-8.7-108. Energy outreach Colorado - administration of**  
14 **energy assistance contributions and the system benefit charge.**

15 (1) The organization shall hold and administer all ~~moneys~~ MONEY  
16 collected FOR ENERGY ASSISTANCE pursuant to this ~~article~~ ARTICLE 8.7  
17 delivered to it by the utilities pursuant to section 40-8.7-107 in a  
18 separately identifiable account, which shall be restricted to the purposes  
19 set forth in this ~~article~~ ARTICLE 8.7. The organization shall maintain its  
20 books and records pertaining to the energy assistance contributions AND  
21 THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in accordance with  
22 generally accepted accounting principles and, in addition, shall maintain  
23 records adequate to identify the ~~moneys~~ MONEY collected by each utility.  
24 If the organization commingles the ~~moneys~~ MONEY collected and  
25 delivered with other assets of the organization for investment purposes,  
26 the organization shall maintain accurate accounts of the investment  
27 ~~moneys~~ MONEY and shall credit or charge a pro rata portion of all

1 investment earnings, gains, or losses to the account that holds the  
2 OPTIONAL energy assistance COLLECTIONS AND ENERGY ASSISTANCE  
3 SYSTEM BENEFIT charges.

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

17 (b) IN ACCORDANCE WITH THE PAYMENT AMOUNTS REFLECTED IN  
18 THE ORGANIZATION'S BUDGET PREPARED PURSUANT TO SUBSECTION (3)(b)  
19 OF THIS SECTION AND APPROVED BY THE LEGISLATIVE COMMISSION ON  
20 LOW-INCOME ENERGY AND WATER ASSISTANCE PURSUANT TO SECTION  
21 40-8.5-103.5 (6)(c), THE ORGANIZATION SHALL TRANSMIT A PORTION OF  
22 THE MONEY COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT  
23 CHARGE TO THE STATE TREASURER AND THE STATE TREASURER SHALL  
24 CREDIT THAT AMOUNT TO THE SUPPLEMENTAL UTILITY ASSISTANCE FUND  
25 CREATED IN SECTION 26-2-307 (2)(a) FOR USE BY THE DEPARTMENT OF  
26 HUMAN SERVICES IN ACCORDANCE WITH SECTION 26-2-307 (1).

27 (3) (a) (I) SUBJECT TO THE ALLOCATION REQUIREMENTS SET FORTH

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

17 (II) ONCE THE ORGANIZATION BEGINS ALLOCATING AN AMOUNT OF  
18 THE MONEY COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT  
19 CHARGE TO BE CREDITED TO THE SUPPLEMENTAL UTILITY ASSISTANCE  
20 FUND CREATED IN SECTION 26-2-307 (2)(a), THE ORGANIZATION SHALL  
21 ALLOCATE FROM THE REMAINING AMOUNT OF THE MONEY COLLECTED  
22 FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE:

23 (A) NOT MORE THAN FIFTY PERCENT TO DIRECT UTILITY BILL  
24 PAYMENT ASSISTANCE; AND

25 (B) AT LEAST TWO PERCENT TO BE USED TO ENGAGE THE  
26 ASSISTANCE OF COMMUNITY-BASED ORGANIZATIONS THAT ARE ACTIVE IN  
27 OUTREACH TO, ENGAGEMENT OF, AND EDUCATION FOR, INCOME-QUALIFIED

1 COMMUNITIES, COMMUNITIES OF COLOR, AND IMMIGRANT COMMUNITIES  
2 TO HELP PROVIDE OUTREACH AND EDUCATION ABOUT THE UTILITY  
3 ASSISTANCE PROGRAMS.

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

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

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

1 OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT  
2 HOLDS THE WATER ASSISTANCE COLLECTIONS.

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

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

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

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

24 **SECTION 15.** In Colorado Revised Statutes, 40-8.7-110, **amend**  
25 (1), (1.5), and (2) as follows:

26 **40-8.7-110. Reports - repeal.** (1) The organization shall submit  
27 a written report to the general assembly, the legislative audit committee,



1 and the office of the state auditor on or before March 31 of each year  
2 ~~beginning in 2007, that covers~~ COVERING the immediately preceding  
3 calendar year. The report ~~shall~~ MUST include:

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

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

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

16 (a.5) AN ITEMIZED ACCOUNT OF THE MONEY RECEIVED BY THE  
17 ORGANIZATION FROM EACH PARTICIPATING WATER UTILITY FOR THE  
18 ORGANIZATION'S WATER ASSISTANCE PROGRAM PURSUANT TO SECTION  
19 40-8.7-104.3;

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

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

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

1           ~~(d)~~ (III) An audited financial statement from the organization; and  
2           ~~(e)~~ (IV) A summary of how the ~~moneys~~ MONEY collected ~~were~~  
3 WAS generated, including the number of customers participating in the  
4 program.

5           (1.5) To the extent applicable, the organization shall include in the  
6 report the information required by ~~paragraphs (b) and (c) of subsection~~  
7 ~~(f)~~ SUBSECTIONS (1)(b)(I) AND (1)(b)(II) of this section for ~~moneys~~  
8 MONEY received from the Colorado energy office pursuant to section  
9 40-8.7-112 (2)(a).

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

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

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

1 section 40-8.5-104.

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

4 **40-8-101. Undistributed overcharges turned over to**  
5 **municipality.** (2) For gas, electric, and steam utilities, the public utilities  
6 commission may order that all or part of the undistributed balance of a  
7 refund be paid by the utility in an equitable manner to the general body  
8 of utility customers and the public utilities commission may order a gas  
9 or electric utility to pay up to ninety percent of the undistributed balance  
10 of a refund into the fund established by the ~~Colorado~~ LEGISLATIVE  
11 commission on low-income energy AND WATER assistance pursuant to  
12 section 40-8.5-104.

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

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

1 BY unclaimed utility deposits.

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

4 **40-8.7-112. Department of human services low-income energy**  
5 **assistance fund - creation - energy outreach Colorado low-income**  
6 **energy assistance fund - creation - Colorado energy office low-income**  
7 **energy assistance fund - creation - definitions - repeal.**

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

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

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

26 (b) \$148,837 for use by the office of self sufficiency for the low  
27 income energy assistance program, which amount is based on an

1 assumption that the office will require an additional 1.4 FTE.

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

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