HOUSE BILL 21-1105

A BILL FOR AN ACT

CONCERNING UTILITY CUSTOMERS' FINANCIAL CONTRIBUTIONS FOR LOW-INCOME UTILITY ASSISTANCE, AND, IN CONNECTION 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
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
follows:

26-2-307. Fuel assistance payments - eligibility for federal
standard utility allowance - supplemental utility assistance fund
established - definitions - repeal. (1) (a) On and after October 1,
2023, the state department shall implement a program to make
fuel assistance payments by crediting the fuel assistance
payments to recipients’ electronic benefits transfer service
cards.

(b) Except as provided in subsections (1)(c) and (1)(d) of
this section;

(I) The state department shall make the fuel assistance
payments to eligible households that receive SNAP benefits but
that are not eligible for assistance under LEAP in order to
qualify those households for the standard utility allowance to
maximize their SNAP benefits;

(II) To help the state department maximize the number of
households that are receiving both the SNAP and LEAP benefits
and facilitate the identification of those households that
receive SNAP benefits and qualify for the fuel assistance
payments, the state department shall develop a database
connection between the LEAP eligibility system and the
Colorado benefits management system;

(III) The state department may seek, accept, and expend
outside funds to finance its work to develop the database
connection. The state department shall transmit any outside
funds received pursuant to this subsection (1)(b)(III) to the state
treasurer who shall credit the outside funds to the fund.
(IV) The state department shall use outside funds received to process the EBT card payments and for other administrative costs incurred in implementing the program. If insufficient funds are available to cover the administrative costs, the state department shall request that the organization allocate, as part of its budget prepared pursuant to section 40-8.7-108 (3), money to the state department from the energy assistance system benefit charge collected pursuant to section 40-8.7-104 (2.5) for this purpose.

(V) On or before July 1, 2023, and on or before July 1 of each year thereafter, the state department shall submit a budget to the organization and the commission to include the state department’s administrative costs to implement the program and the projected number of eligible households that the state department identifies as receiving SNAP benefits but that are not eligible for assistance under LEAP including an estimated number of new SNAP cases that the state department will approve during the upcoming federal fiscal year. Based on the budget that the state department submits, the organization shall calculate the amount of money from the energy assistance system benefit charge collected pursuant to section 40-8.7-104 (2.5) that it allocates as part of its budget prepared pursuant to section 40-8.7-108 (3) for use by the state department to make fuel assistance payments and to implement the program.

(c) If, by January 1, 2022, the state department does not receive outside funds pursuant to subsection (1)(b)(III) of this
SECTION OR DOES NOT RECEIVE SUFFICIENT OUTSIDE FUNDS TO DEVELOP
THE DATABASE CONNECTION, THE STATE DEPARTMENT SHALL NOTIFY THE
JOINT TECHNOLOGY COMMITTEE CREATED IN SECTION 2-3-1702 THAT
OUTSIDE FUNDS WERE NOT RECEIVED OR THAT INSUFFICIENT OUTSIDE
FUNDS WERE RECEIVED.

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

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

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

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

(A) TO MAKE FUEL ASSISTANCE PAYMENTS; AND

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

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

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

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

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

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

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

(b) "Electronic benefits transfer service" or "EBT" means the service that the State Department implements pursuant to Section 26-2-104 (2) to administer the delivery of public assistance payments and food stamps to recipients.

(c) "Fuel assistance payment" means an annual payment that, when made to an eligible household identified pursuant to subsection (1) of this section, makes that household eligible to receive the standard utility allowance.

(d) "LEAP" means the low-income energy assistance program specified in Section 26-2-122.5.

(e) "Organization" has the meaning set forth in Section 40-8.7-103 (4).

(f) "Outside funds" means:

(I) Federal funds; or

(II) Gifts, grants, or donations from public or private sources.

(g) "Program" means the fuel assistance payment program implemented under subsection (1)(a) of this section.

(h) "SNAP" means the supplemental nutrition assistance program established pursuant to this Part 3.

(i) "Standard utility allowance" means the heating and cooling standard utility allowance authorized in the Federal supplemental nutrition assistance program regulations promulgated by the Food and Nutrition Service in the United States Department of Agriculture.
SECTION 2. In Colorado Revised Statutes, 39-29-109.3, repeal (2)(f) as follows:

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

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

(1) to (IV) Repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) This subsection (2) is repealed, effective May 1, 2022.

(3)(a)(I) Beginning May 1, 2022, the commission is composed of seven members including:

(A) A representative of the Department of Human Services created in section 26-1-105;

(B) A representative of the Colorado energy office created in section 24-38.5-101;

(C) A representative of the organization; and

(D) Four members appointed by the governor, each to serve a term of four years; except that the governor shall select two of the initially appointed members to serve a two-year term.

(II) The governor shall make initial appointments to the commission pursuant to this subsection (3)(a) on or before April 30, 2022, for terms starting on May 1, 2022.

(b) Of the four members appointed by the governor:

(I) One member must have received low-income energy assistance or represent an entity that serves a population
ELIGIBLE FOR LOW-INCOME ENERGY ASSISTANCE;

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

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

(IV) ONE MEMBER MUST REPRESENT A WATER UTILITY.

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

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

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

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

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

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

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

(III) How best to streamline administrative processes; and

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

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

(6) THE COMMISSION SHALL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2.5) (a) Except as provided in subsection (2.5)(b) of this section, commencing with a customer’s billing statement covering electric or gas usage in the month of October 2021, every investor-owned utility doing business in Colorado shall collect a monthly energy assistance system benefit charge from each of its utility customers pursuant to section 40-8.7-105.5 (1).

(b) (I) For each month that an investor-owned utility collects the monthly energy assistance system benefit charge, the utility shall include on its customers’ billing statements a conspicuous notification in both English and Spanish that substantially complies with the following language:

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

(II) The organization shall notify each investor-owned
UTILITY OF ANY CUSTOMER OF THE INVESTOR-OWNED UTILITY WHO IS
EXEMPTED FROM PAYMENT OF THE CHARGE BY VIRTUE OF HAVING
RECEIVED DIRECT UTILITY BILL PAYMENT ASSISTANCE FROM THE
ORGANIZATION IN THE PREVIOUS TWELVE MONTHS.

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

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

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

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

40-8.7-104.3. Water assistance program - creation - water assistance contribution. (1) (a) On and after the effective date of this section, a water utility doing business in Colorado may participate in a water assistance program created and managed by the organization to provide water utility bill payment assistance to low-income households. A water utility's voluntary participation in the water assistance program will provide a water utility customer with an opportunity to make an optional contribution on the customer's monthly or quarterly remittance device on the water utility billing statement.

(b) (I) A water utility participating in the water assistance program shall provide the opportunity for its customers to donate the contribution described in subsection (1)(a) of this section in accordance with the check-off mechanism set forth in section 40-8.7-105 (2).

(II) Section 40-8.7-105 (1), (3), (4), and (5) does not apply to a water utility's participation in the water assistance program.

(2) A water utility may create its own water assistance program to meet its customers' water assistance needs. In determining eligibility for assistance, a water utility may adopt the criteria specified in section 40-3-106 (1)(d) or alternative criteria as determined by the water utility.

(3) A water utility participating in the organization's water assistance program pursuant to subsection (1) of this
SECTION OR CREATING ITS OWN WATER ASSISTANCE PROGRAM PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY SEEK REIMBURSEMENT FOR ANY REASONABLE COSTS THAT IT INCURS IN CONNECTION WITH THE PROGRAM, INCLUDING INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM AND REFORMATTING ITS BILLING SYSTEMS TO SOLICIT AN OPTIONAL CONTRIBUTION.

(4) The organization shall use the money collected from each water utility pursuant to this section to help finance direct water utility bill payment assistance to low-income households served by that water utility.

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

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

(1) (a) On and after October 1, 2021, and except as provided in section 40-8.7-104 (2.5)(b), each investor-owned energy utility shall include on its customers' monthly bills a flat energy assistance system benefit charge that a customer is assessed to help finance the low-income energy assistance program.

(b) (I) Except as provided in subsections (1)(b)(II) and (1)(b)(III) of this section, the monthly energy assistance system benefit charge is seventy-five cents for electric service provided and seventy-five cents for natural gas service provided.

(II) (A) Notwithstanding subsection (1)(b)(I) of this section, for billing statements covering electric or natural gas usage between the months of October 2021 and September 2022, the monthly energy assistance system benefit charge is reduced
TO FIFTY CENTS FOR ELECTRIC SERVICE PROVIDED AND FIFTY CENTS FOR
NATURAL GAS SERVICE PROVIDED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The organization shall submit a copy of the budget to the COLORADO energy office for its review.

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

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

(B) AT LEAST TWO PERCENT TO BE USED TO ENGAGE THE ASSISTANCE OF COMMUNITY-BASED ORGANIZATIONS THAT ARE ACTIVE IN OUTREACH TO, ENGAGEMENT OF, AND EDUCATION FOR, INCOME-QUALIFIED
COMMUNITIES, COMMUNITIES OF COLOR, AND IMMIGRANT COMMUNITIES
TO HELP PROVIDE OUTREACH AND EDUCATION ABOUT THE UTILITY
ASSISTANCE PROGRAMS.

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

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

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

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

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

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


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

40-8.7-110. Reports - repeal. (1) The organization shall submit a written report to the general assembly, the legislative audit committee,
and the office of the state auditor on or before March 31 of each year
beginning in 2007, that covers the immediately preceding calendar year. The report shall MUST include:
(a) An itemized account of moneys THE MONEY received by the organization from each utility FOR THE LOW-INCOME ENERGY ASSISTANCE PROGRAM, INCLUDING:
   (I) THE MONEY received from customers' optional energy assistance contributions pursuant to section 40-8.7-104 (2); and
   (II) THE MONEY received from customers' monthly energy assistance system benefit charges pursuant to section 40-8.7-104 (2.5), including information regarding the money received from each investor-owned utility and the money the organization has spent in each investor-owned utility's service territory or within the service territory of an affiliated investor-owned utility;
(a.5) AN ITEMIZED ACCOUNT OF THE MONEY RECEIVED BY THE ORGANIZATION FROM EACH PARTICIPATING WATER UTILITY FOR THE ORGANIZATION'S WATER ASSISTANCE PROGRAM PURSUANT TO SECTION 40-8.7-104.3;
(b) FOR THE LOW-INCOME ENERGY ASSISTANCE PROGRAM AND THE WATER ASSISTANCE PROGRAM:
   (b) (I) The amount of moneys money distributed, the type of assistance provided, the geographic area of the state served, and an itemization of the programs through which the moneys are money is expended;
   (c) (II) The number of low-income households served, by utility or water utility and by type of assistance provided;
(d) (III) An audited financial statement from the organization; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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