

**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**

**HOUSE SPONSORSHIP**

**Kennedy**, Bacon, Bernett, Bird, Boesenecker, Cutter, Duran, Exum, Froelich, Hooton, Jackson, Jodeh, Kipp, McCluskie, McCormick, Michaelson Jenet, Mullica, Sullivan, Titone

**SENATE SPONSORSHIP**

**Hansen**,

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**House Committees**

Finance  
Appropriations

**Senate Committees**

Finance  
Appropriations

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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.*

HOUSE  
3rd Reading Unamended  
May 19, 2021

HOUSE  
Amended 2nd Reading  
May 18, 2021

customer", with regard to the public utilities commission's (PUC) consideration of a preference or advantage that a gas or electric utility grants a low-income utility customer, means a utility customer who meets the Colorado department of human services' income eligibility criteria.

**Sections 3 and 4** make modifications to the legislative commission on low-income energy assistance, wherein section 3 expands the commission's scope to include water utility assistance and section 4 reduces the composition of the commission from 11 members to 7 members. Section 4 also requires the commission to:

- Advise the Colorado energy office (office) on grants awarded from the federal department of energy regarding the office's weatherization assistance program;
- Advise water utilities that provide their customers with utility assistance and efficiency programs; and
- Review EOC's annual budget that it submits to the PUC regarding the use of funding for utility bill payment assistance.

**Sections 5, 6, and 8 to 10** concern the creation of an energy assistance system benefit charge, which is a mandatory monthly charge that investor-owned electric and gas utilities are required to collect from their customers. The initial amount of the charge per customer is \$1 for electric service provided and \$1 for natural gas service provided, but the PUC may adopt rules to modify the amount of the charge, so long as the charge is at least \$1 per service provided. Investor-owned utilities are required to remit the charges collected to EOC to help finance the direct utility bill payment assistance and energy retrofit programs that EOC administers for low-income households.

**Sections 7 and 11** concern voluntary, opt-in charges that a water utility may offer its customers to help finance the water utility bill payment assistance program that EOC administers. Alternatively, a water utility may implement its own water utility bill payment assistance program.

**Section 12** requires EOC and the office, when installing energy retrofits for low-income households, to prioritize customer savings, emission reductions, and improving indoor air quality.

**Section 13** governs reporting requirements for EOC regarding the mandatory monthly energy assistance system benefit charge and voluntary, opt-in monthly water utility bill payment assistance collections.

**Sections 14 to 17** make conforming amendments.

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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 JANUARY 1,  
5 2024, THE STATE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO MAKE  
6 FUEL ASSISTANCE PAYMENTS BY CREDITING THE FUEL ASSISTANCE  
7 PAYMENTS TO RECIPIENTS' ELECTRONIC BENEFITS TRANSFER SERVICE  
8 CARDS.

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

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

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

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

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

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

21 (A) CALCULATE THE AMOUNT OF MONEY FROM THE ENERGY  
22 ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION  
23 40-8.7-104 (2.5) THAT IT ALLOCATES AS PART OF ITS BUDGET PREPARED  
24 PURSUANT TO SECTION 40-8.7-108 (3) FOR USE BY THE STATE  
25 DEPARTMENT TO MAKE FUEL ASSISTANCE PAYMENTS AND TO IMPLEMENT  
26 THE PROGRAM.

27 (B) TRANSMIT THE MONEY TO THE STATE DEPARTMENT ON OR

1 BEFORE JULY 1, 2022, AND ON OR BEFORE JULY 1 OF EACH YEAR  
2 THEREAFTER.

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

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

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

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

19 (III) ON OR BEFORE APRIL 1, 2022, AND ON OR BEFORE APRIL 1 OF  
20 EACH YEAR THEREAFTER, SUBMIT A BUDGET TO THE ORGANIZATION AND  
21 THE COMMISSION TO INCLUDE THE STATE DEPARTMENT'S ANTICIPATED  
22 ADMINISTRATIVE COSTS TO IMPLEMENT THE PROGRAM AND THE  
23 PROJECTED NUMBER OF HOUSEHOLDS THAT THE STATE DEPARTMENT  
24 IDENTIFIES AS RECEIVING SNAP BENEFITS, INCLUDING AN ESTIMATED  
25 NUMBER OF NEW SNAP CASES THAT THE STATE DEPARTMENT WILL  
26 APPROVE DURING THE UPCOMING FEDERAL FISCAL YEAR. BASED ON THE  
27 BUDGET THAT THE STATE DEPARTMENT SUBMITS, THE ORGANIZATION

1 SHALL CALCULATE AND, ON OR BEFORE JULY 1, 2022, TRANSMIT AND, ON  
2 OR BEFORE JULY 1 OF EACH YEAR THEREAFTER, TRANSMIT THE AMOUNT  
3 OF MONEY FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE  
4 COLLECTED PURSUANT TO SECTION 40-8.7-104 (2.5) THAT IT ALLOCATES  
5 AS PART OF ITS BUDGET PREPARED PURSUANT TO SECTION 40-8.7-108 (3)  
6 FOR USE BY THE STATE DEPARTMENT:

7 (A) TO MAKE FUEL ASSISTANCE PAYMENTS; AND

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

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

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

24 (I) 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 TO SET UP THE PROGRAM; AND

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

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

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

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

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

17 (a) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON  
18 LOW-INCOME ENERGY AND WATER ASSISTANCE CREATED IN SECTION  
19 40-8.5-103.5 (1).

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

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

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

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

5 (f) "OUTSIDE FUNDS" MEANS:

6 (I) FEDERAL FUNDS; OR

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

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

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

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

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

20 **39-29-109.3. Severance tax operational fund - core reserve -**  
21 **grant program reserve - definitions - repeal.** (2) Subject to the  
22 requirements of subsections (3) and (3.5) of this section, if the general  
23 assembly chooses not to spend up to one hundred percent of the money  
24 in the operational fund on core departmental programs, the state treasurer  
25 shall transfer the following amounts:

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



1 ~~(I) to (IV) Repealed.~~  
2 ~~(V) (A) For the state fiscal year commencing July 1, 2012, and~~  
3 ~~each state fiscal year thereafter, through the state fiscal year commencing~~  
4 ~~July 1, 2023, thirteen million dollars as follows: Twenty-five percent to~~  
5 ~~the department of human services low-income energy assistance fund~~  
6 ~~created in section 40-8.7-112 (1); twenty-five percent to the energy~~  
7 ~~outreach Colorado low-income energy assistance fund created in section~~  
8 ~~40-8.7-112 (2)(a); and fifty percent to the Colorado energy office~~  
9 ~~low-income energy assistance fund created in section 40-8.7-112 (3)(a).~~

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

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

13 **40-3-106. Advantages prohibited - graduated schedules -**  
14 **consideration of household income and other factors - definitions.**

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

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

19 (B) Otherwise meets the INCOME eligibility criteria set forth in  
20 rules of the department of human services adopted pursuant to section  
21 40-8.5-105.

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

24 **40-8.5-103. Definitions.** As used in this ~~article~~ ARTICLE 8.5,  
25 unless the context otherwise requires:

26 (1) "Commission" means the legislative commission on  
27 low-income energy AND WATER assistance, established in section

1 40-8.5-103.5.

2 (4.5) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION  
3 40-8.7-103 (4).

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

6 **40-8.5-103.5 Commission created - duties - repeal.**

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

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

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

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

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

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

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

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

7           (C) A REPRESENTATIVE OF THE ORGANIZATION; AND

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

12           (II) THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO THE  
13 COMMISSION PURSUANT TO THIS SUBSECTION (3)(a) ON OR BEFORE APRIL  
14 30, 2022, FOR TERMS STARTING ON MAY 1, 2022.

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

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

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

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

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

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

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

3 ~~(2)~~ (4) The governor may remove any APPOINTED commission  
4 member for cause, ~~which shall include but need not be limited to~~  
5 INCLUDING FOR misconduct, incompetence, or neglect of duty.

6 ~~(3)~~ (5) ~~Any~~ A commission member ~~shall be~~ IS immune from  
7 liability in any civil action brought against ~~such~~ THE member for acts  
8 occurring while acting in the capacity of a commission member if ~~such~~  
9 THE member was acting in good faith, made reasonable efforts to obtain  
10 the facts of the matter as to which action was taken, and acted in the  
11 reasonable belief that the action taken was warranted by the facts.

12 ~~(4) (a) No later than December 15, 2008, the commission shall~~  
13 ~~make recommendations to the governor, the speaker of the house of~~  
14 ~~representatives, and the president of the senate regarding any necessary~~  
15 ~~legislative changes to improve the effectiveness and efficiency of the~~  
16 ~~state's low-income energy assistance services provided pursuant to article~~  
17 ~~8.7 of this title and section 26-1-109, C.R.S. With assistance and~~  
18 ~~consultation from representatives from two counties chosen by the~~  
19 ~~executive director, or his or her designee, of Colorado counties,~~  
20 ~~incorporated, or its successor organization, the commission shall assess~~  
21 ~~the strengths and weaknesses of the current service delivery systems~~  
22 ~~within the state and shall review effective service delivery systems and~~  
23 ~~models of other states that may be appropriate for utilization in this state.~~  
24 ~~The commission's recommendations shall build upon the positive aspects~~  
25 ~~of the current service delivery system, including, but not limited to, the~~  
26 ~~effective and efficient management of current funding to maximize~~  
27 ~~assistance to the state's low-income population, infrastructure that is~~

1 already in place to efficiently distribute benefits to eligible clients in a  
2 timely manner, and coordination already established between energy  
3 conservation measures and direct assistance. The commission's  
4 recommendations shall include, but shall not be limited to:

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

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

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

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

13 (b) The commission may seek and receive public and private  
14 funding to assist in the conduct of the assessment and review required by  
15 paragraph (a) of this subsection (4), including but not limited to assistance  
16 from the existing resources of the department of human services created  
17 in section 24-1-120, C.R.S., the Colorado energy office created in section  
18 24-38.5-101, C.R.S., and energy outreach Colorado, a Colorado nonprofit  
19 corporation, as described in section 40-8.7-103 (4).

20 (6) THE COMMISSION SHALL:

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

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

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

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

13 **40-8.7-102. Legislative declaration.** (3) THE GENERAL  
14 ASSEMBLY FURTHER FINDS THAT, ALTHOUGH MUNICIPAL AND SPECIAL  
15 DISTRICT WATER UTILITIES ARE NOT REGULATED BY THE PUBLIC UTILITIES  
16 COMMISSION, ALLOWING ALL WATER UTILITIES TO PARTICIPATE IN A  
17 WATER ASSISTANCE PROGRAM ON A VOLUNTARY BASIS WILL PROVIDE AN  
18 EFFICIENT MEANS FOR SOME WATER UTILITIES TO PROVIDE FINANCIAL  
19 ASSISTANCE TO THEIR CUSTOMERS IN LOW-INCOME HOUSEHOLDS.

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

22 **40-8.7-103. Definitions.** As used in this ~~article~~ ARTICLE 8.7,  
23 unless the context otherwise requires:

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

1 the electricity or gas to others.

2 (3.3) "ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE" OR  
3 "CHARGE" MEANS THE CHARGE THAT INVESTOR-OWNED UTILITIES DOING  
4 BUSINESS IN COLORADO COLLECT FROM THEIR CUSTOMERS ON A MONTHLY  
5 BASIS PURSUANT TO SECTION 40-8.7-104 (2.5).

6 (4.7) "PUBLIC UTILITIES COMMISSION" OR "COMMISSION" MEANS  
7 THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

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

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

13 **40-8.7-104. Energy assistance program - creation - energy**  
14 **assistance contribution - energy assistance system benefit charge.**

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

19 (2) Except as otherwise provided in this ~~article~~ ARTICLE 8.7, every  
20 utility doing business in Colorado shall participate in the energy  
21 assistance program and ~~shall~~ provide the opportunity for utility customers  
22 to make an optional energy assistance contribution on the monthly  
23 remittance device on their utility billing statement. ~~beginning September~~  
24 ~~1, 2006.~~ Each utility shall provide the opportunity for customers to donate  
25 the optional energy assistance contribution as provided in section  
26 40-8.7-105 (2).

27 (2.5) (a) EXCEPT AS PROVIDED IN SUBSECTION (2.5)(b) OF THIS

1 SECTION, COMMENCING WITH A CUSTOMER'S BILLING STATEMENT  
2 COVERING ELECTRIC OR GAS USAGE IN THE MONTH OF OCTOBER 2021,  
3 EVERY INVESTOR-OWNED UTILITY DOING BUSINESS IN COLORADO SHALL  
4 COLLECT A MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE FROM  
5 EACH OF ITS UTILITY CUSTOMERS PURSUANT TO SECTION 40-8.7-105.5(1).

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

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

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

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



1 EXEMPTION FROM PAYMENT OF THE CHARGE.

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

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

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

21 **40-8.7-104.3. Water assistance program - creation - water**  
22 **assistance contribution.** (1) (a) ON AND AFTER THE EFFECTIVE DATE OF  
23 THIS SECTION, A WATER UTILITY DOING BUSINESS IN COLORADO MAY  
24 PARTICIPATE IN A WATER ASSISTANCE PROGRAM CREATED AND MANAGED  
25 BY THE ORGANIZATION TO PROVIDE WATER UTILITY BILL PAYMENT  
26 ASSISTANCE TO LOW-INCOME HOUSEHOLDS. A WATER UTILITY'S  
27 VOLUNTARY PARTICIPATION IN THE WATER ASSISTANCE PROGRAM WILL

1 PROVIDE A WATER UTILITY CUSTOMER WITH AN OPPORTUNITY TO MAKE AN  
2 OPTIONAL CONTRIBUTION ON THE CUSTOMER'S MONTHLY OR QUARTERLY  
3 REMITTANCE DEVICE ON THE WATER UTILITY BILLING STATEMENT.

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

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

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

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

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

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

3           **40-8.7-105.5. Energy assistance system benefit charge - repeal.**

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

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

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

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

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

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

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

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

6           **40-8.7-107. Disposition of contributions and charges.** (1) Each  
7 ~~gas and electric~~ utility COLLECTING OPTIONAL ENERGY ASSISTANCE  
8 CONTRIBUTIONS PURSUANT TO SECTION 40-8.7-104 (2) AND EACH WATER  
9 UTILITY COLLECTING OPTIONAL CONTRIBUTIONS PURSUANT TO SECTION  
10 40-8.7-104.3 (1) shall transfer the ~~moneys from the energy assistance~~  
11 ~~contributions~~ MONEY collected ~~under this article~~ to the organization on  
12 the following schedule:

13           (1.5) (a) AN INVESTOR-OWNED UTILITY COLLECTING THE ENERGY  
14 ASSISTANCE SYSTEM BENEFIT CHARGE PURSUANT TO SECTION 40-8.7-104  
15 (2.5) SHALL TRANSFER THE MONEY COLLECTED IN ACCORDANCE WITH THE  
16 SCHEDULE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

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

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

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

3           **40-8.7-108. Energy outreach Colorado - administration of**  
4 **energy assistance contributions and the system benefit charge.**

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

21           (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS  
22 SECTION, the organization shall use the MONEY COLLECTED FROM THE  
23 OPTIONAL energy assistance ~~contribution~~ CONTRIBUTIONS AND THE  
24 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE to provide low-income  
25 energy assistance and to improve energy efficiency. The ORGANIZATION  
26 SHALL PAY THE financial assistance ~~moneys shall be paid~~ MONEY to each  
27 utility as vendor payments. The ~~moneys~~ ORGANIZATION shall not be used

1 USE THE MONEY for propane, gas, or electric assistance for customers  
2 whose propane, gas, electric, or gas and electric companies or cooperative  
3 electric associations do not participate in the program. The organization  
4 may use up to five percent of the ~~moneys~~ MONEY collected for  
5 administration of the energy assistance program in accordance with  
6 generally accepted accounting principles; HOWEVER, THE ORGANIZATION  
7 SHALL NOT USE ANY MONEY COLLECTED FROM THE ENERGY ASSISTANCE  
8 SYSTEM BENEFIT CHARGE TO PAY EMPLOYEE SALARIES OR BONUSES.

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

19 (3) (a) (I) SUBJECT TO THE ALLOCATION REQUIREMENTS SET FORTH  
20 IN SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS SECTION, the  
21 organization shall, on an annual basis, develop a budget for the energy  
22 assistance program to determine the allocation of THE MONEY COLLECTED  
23 FROM the OPTIONAL energy assistance contributions ~~collected under this~~  
24 ~~article~~ AND THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE, WITH NOT  
25 MORE THAN FIFTY PERCENT OF THE TOTAL AMOUNT ALLOCATED TO DIRECT  
26 UTILITY BILL PAYMENT ASSISTANCE. TO IMPROVE AND INCREASE  
27 ENROLLMENT IN THE UTILITY ASSISTANCE PROGRAMS, THE BUDGET MUST

1 INCLUDE AN ALLOCATION OF AT LEAST TWO PERCENT OF THE MONEY  
2 COLLECTED FROM THE CHARGE TO BE USED TO ENGAGE THE ASSISTANCE  
3 OF COMMUNITY-BASED ORGANIZATIONS THAT ARE ACTIVE IN OUTREACH  
4 TO, ENGAGEMENT OF, AND EDUCATION FOR, INCOME-QUALIFIED  
5 COMMUNITIES, COMMUNITIES OF COLOR, AND IMMIGRANT COMMUNITIES  
6 TO HELP PROVIDE OUTREACH AND EDUCATION ABOUT THE UTILITY  
7 ASSISTANCE PROGRAMS. THE ORGANIZATION SHALL SUBMIT A COPY OF  
8 THE BUDGET TO THE COLORADO ENERGY OFFICE FOR ITS REVIEW.

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

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

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

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

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

26 (B) IF THE PROJECTED AMOUNT COLLECTED IN THE FEDERAL  
27 FISCAL YEAR, AS DETERMINED BY THE ORGANIZATION BY APRIL 30, WILL



1 EXCEED TEN MILLION DOLLARS, ALLOCATE FORTY-FIVE PERCENT TO THE  
2 COLORADO ENERGY OFFICE FOR ITS WEATHERIZATION ASSISTANCE  
3 PROGRAM AND RETAIN FORTY-FIVE PERCENT FOR THE ORGANIZATION'S  
4 ENERGY ASSISTANCE PROGRAMS, WITH THE LEGISLATIVE COMMISSION  
5 DETERMINING THE ALLOCATION OF THE REMAINING MONEY BETWEEN THE  
6 TWO ENTITIES PURSUANT TO ITS BUDGET APPROVAL AUTHORITY.

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

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

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

22 **40-8.7-108.5. Energy outreach Colorado - administration of**  
23 **the water assistance contributions.** (1) THE ORGANIZATION SHALL HOLD  
24 AND ADMINISTER ALL MONEY COLLECTED FOR WATER ASSISTANCE  
25 PURSUANT TO THIS ARTICLE 8.7 DELIVERED TO IT BY WATER UTILITIES  
26 PURSUANT TO SECTION 40-8.7-107 IN A SEPARATELY IDENTIFIABLE  
27 ACCOUNT, WHICH SHALL BE RESTRICTED TO THE PURPOSES SET FORTH IN

1 THIS ARTICLE 8.7. THE ORGANIZATION SHALL MAINTAIN ITS BOOKS AND  
2 RECORDS PERTAINING TO THE WATER ASSISTANCE CONTRIBUTIONS IN  
3 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND,  
4 IN ADDITION, SHALL MAINTAIN RECORDS ADEQUATE TO IDENTIFY THE  
5 MONEY COLLECTED BY EACH WATER UTILITY. IF THE ORGANIZATION  
6 COMMINGLES THE MONEY COLLECTED AND DELIVERED WITH OTHER  
7 ASSETS OF THE ORGANIZATION FOR INVESTMENT PURPOSES, THE  
8 ORGANIZATION SHALL MAINTAIN ACCURATE ACCOUNTS OF THE  
9 INVESTMENT MONEY AND SHALL CREDIT OR CHARGE A PRO RATA PORTION  
10 OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT  
11 HOLDS THE WATER ASSISTANCE COLLECTIONS.

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

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

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

1           **40-8.7-109. Low-income energy assistance program -**  
2 **eligibility.** (4) WHEN INSTALLING ENERGY RETROFITS AS PART OF  
3 PROVIDING LOW-INCOME ENERGY ASSISTANCE, THE ORGANIZATION AND  
4 THE COLORADO ENERGY OFFICE SHALL PRIORITIZE MAXIMIZING CUSTOMER  
5 SAVINGS, REDUCING EMISSIONS, AND IMPROVING INDOOR AIR QUALITY.

6           **SECTION 15.** In Colorado Revised Statutes, 40-8.7-110, **amend**  
7 (1), (1.5), and (2); and **add (4)** as follows:

8           **40-8.7-110. Reports - repeal.** (1) The organization shall submit  
9 a written report to the general assembly, the legislative audit committee,  
10 and the office of the state auditor on or before March 31 of each year  
11 ~~beginning in 2007, that covers~~ COVERING the immediately preceding  
12 calendar year. The report ~~shall~~ MUST include:

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

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

18           (II) THE MONEY RECEIVED FROM CUSTOMERS' MONTHLY ENERGY  
19 ASSISTANCE SYSTEM BENEFIT CHARGES PURSUANT TO SECTION 40-8.7-104  
20 (2.5), INCLUDING INFORMATION REGARDING THE MONEY RECEIVED FROM  
21 EACH INVESTOR-OWNED UTILITY AND THE MONEY THE ORGANIZATION HAS  
22 SPENT IN EACH INVESTOR-OWNED UTILITY'S SERVICE **TERRITORY OR**  
23 **WITHIN THE SERVICE TERRITORY OF AN AFFILIATED INVESTOR-OWNED**  
24 **UTILITY;**

25           (a.5) AN ITEMIZED ACCOUNT OF THE MONEY RECEIVED BY THE  
26 ORGANIZATION FROM EACH PARTICIPATING WATER UTILITY FOR THE  
27 ORGANIZATION'S WATER ASSISTANCE PROGRAM PURSUANT TO SECTION

1 40-8.7-104.3;

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

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

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

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

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

14 (1.5) To the extent applicable, the organization shall include in the  
15 report the information required by ~~paragraphs (b) and (c) of subsection~~  
16 ~~(d)~~ SUBSECTIONS (1)(b)(I) AND (1)(b)(II) of this section for ~~moneys~~  
17 MONEY received from the Colorado energy office pursuant to section  
18 40-8.7-112 (2)(a).

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

21 (4) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
22 COLORADO ENERGY OFFICE SHALL SUBMIT A WRITTEN REPORT TO THE  
23 GENERAL ASSEMBLY, THE LEGISLATIVE AUDIT COMMITTEE, AND THE  
24 OFFICE OF THE STATE AUDITOR ON OR BEFORE MARCH 31 OF EACH YEAR  
25 COVERING THE IMMEDIATELY PRECEDING CALENDAR YEAR. THE REPORT  
26 MUST INCLUDE AN ITEMIZED ACCOUNT OF THE MONEY THAT THE OFFICE  
27 RECEIVED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE

1 COLLECTED PURSUANT TO SECTION 40-8.7-104 (2.5) FOR USE FOR ITS  
2 WEATHERIZATION ASSISTANCE PROGRAM, INCLUDING INFORMATION ON  
3 THE AMOUNT OF MONEY DISTRIBUTED, THE TYPE OF ASSISTANCE  
4 PROVIDED, AND THE GEOGRAPHIC AREAS OF THE STATE SERVED. THE  
5 OFFICE SHALL POST THE REPORT ON ITS PUBLIC WEBSITE.

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

8 **40-1-103.5. Limited exemption of master meter operators -**  
9 **conditions - rules.** (2) In passing on refunds, rebates, rate reductions, or  
10 similar adjustments to end users, the MMO shall notify its current end  
11 users, either by first-class mail with a certificate of mailing or by  
12 inclusion in any monthly or more frequent regular written  
13 communication, of ~~such~~ THE adjustments and inform the end users that  
14 they may claim the adjustments within ninety days after receipt of the  
15 notice. The MMO may retain any portion of ~~such~~ THE adjustments ~~which~~  
16 THAT rightfully belongs to the MMO. Upon the expiration of the  
17 ninety-day claims period, the MMO shall identify any such adjustments  
18 ~~which~~ THAT are unclaimed and, if the aggregate amount unclaimed  
19 exceeds one hundred dollars, the MMO shall contribute ~~such~~ THE  
20 unclaimed amount to the fund established by the LEGISLATIVE  
21 commission on low-income energy AND WATER assistance pursuant to  
22 section 40-8.5-104.

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

25 **40-8-101. Undistributed overcharges turned over to**  
26 **municipality.** (2) For gas, electric, and steam utilities, the public utilities  
27 commission may order that all or part of the undistributed balance of a

1 refund be paid by the utility in an equitable manner to the general body  
2 of utility customers and the public utilities commission may order a gas  
3 or electric utility to pay up to ninety percent of the undistributed balance  
4 of a refund into the fund established by the ~~Colorado~~ LEGISLATIVE  
5 commission on low-income energy AND WATER assistance pursuant to  
6 section 40-8.5-104.

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

9 **40-8.5-101. Legislative declaration.** In enacting this ~~article~~  
10 ARTICLE 8.5, the general assembly finds and declares that there is a need  
11 to make distributions of ~~moneys~~ MONEY to provide aid and assistance to  
12 the indigent, the elderly, and persons with disabilities, who do not  
13 otherwise have the financial resources to meet their heating and other  
14 energy needs. The general assembly further finds and declares that the  
15 low-income energy assistance program of the department of human  
16 services is the most appropriate entity to determine those most in need of  
17 such aid and assistance. Therefore, this ~~article shall authorize~~ ARTICLE 8.5  
18 AUTHORIZES the LEGISLATIVE commission on low-income energy AND  
19 WATER assistance to establish a fund from which to collect and distribute  
20 ~~moneys~~ MONEY to accomplish the goals set forth in this section. The  
21 ~~moneys~~ MONEY for ~~such~~ THE fund ~~shall~~ MUST be ~~based~~ FUNDED in part ~~on~~  
22 BY unclaimed utility deposits.

23 **SECTION 19.** In Colorado Revised Statutes, 40-8.7-112, **amend**  
24 (1), (2)(a)(I), and (3)(a). as follows:

25 **40-8.7-112. Department of human services low-income energy**  
26 **assistance fund - creation - energy outreach Colorado low-income**  
27 **energy assistance fund - creation - Colorado energy office low-income**

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

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

23 (3) (a) There is hereby created in the state treasury the Colorado  
24 energy office low-income energy assistance fund, which shall be  
25 administered by the Colorado energy office and shall consist of ~~all~~  
26 ~~moneys transferred by the treasurer as specified in section 39-29-109.3~~  
27 ~~(2)(f), C.R.S., all moneys~~ ALL MONEY transferred to the fund, ~~all moneys~~

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

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

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

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

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

26 **SECTION 21. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the



1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2022 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.