

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0137.01 Jennifer Berman x3286

HOUSE BILL 21-1105

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

Hansen,

House Committees

Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING UTILITY CUSTOMERS' FINANCIAL CONTRIBUTIONS FOR**
102 **LOW-INCOME UTILITY ASSISTANCE.**

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)

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.

consideration of a preference or advantage that a gas or electric utility grants a low-income utility customer, means a utility customer who meets the Colorado department of human services' income eligibility criteria.

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

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

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

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

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

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

Sections 14 to 17 make conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 39-29-109.3, **amend**

3 (2)(f) as follows:

1 **39-29-109.3. Severance tax operational fund - core reserve -**
2 **grant program reserve - definitions - repeal.** (2) Subject to the
3 requirements of subsections (3) and (3.5) of this section, if the general
4 assembly chooses not to spend up to one hundred percent of the money
5 in the operational fund on core departmental programs, the state treasurer
6 shall transfer the following amounts:

7 (f) For providing energy-related assistance to low-income
8 households ~~as specified in section 40-8.7-112 PURSUANT TO SECTION~~
9 40-8.7-112 (1) AND (3)(a):

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

12 **40-3-106. Advantages prohibited - graduated schedules -**
13 **consideration of household income and other factors - definitions.**

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

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

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

21 **SECTION 3.** In Colorado Revised Statutes, 40-8.5-103, **amend**
22 the introductory portion and (1); and **add** (4.5) as follows:

23 **40-8.5-103. Definitions.** As used in this ~~article~~ ARTICLE 8.5,
24 unless the context otherwise requires:

25 (1) "Commission" means the legislative commission on
26 low-income energy AND WATER assistance, established in section
27 40-8.5-103.5.

1 (4.5) "ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION
2 40-8.7-103 (4).

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

5 **40-8.5-103.5. Commission created - duties - repeal.** (1) There
6 is created the legislative commission on low-income energy AND WATER
7 assistance.

(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.

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

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

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

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

6 (II) THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO THE
7 COMMISSION PURSUANT TO THIS SUBSECTION (3)(a) ON OR BEFORE APRIL
8 30, 2022, FOR TERMS STARTING ON MAY 1, 2022.

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

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

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

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

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

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

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

24 (2) (4) The governor may remove any APPOINTED commission
25 member for cause, which shall include but need not be limited to
26 INCLUDING FOR misconduct, incompetence, or neglect of duty.

27 (3) (5) Any A commission member shall be IS immune from

1 liability in any civil action brought against ~~such~~ THE member for acts
2 occurring while acting in the capacity of a commission member if ~~such~~
3 THE member was acting in good faith, made reasonable efforts to obtain
4 the facts of the matter as to which action was taken, and acted in the
5 reasonable belief that the action taken was warranted by the facts.

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

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

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

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

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

14 (6) THE COMMISSION SHALL:

22 (c) PURSUANT TO SECTION 40-8.7-108 (3), REVIEW THE ANNUAL
23 BUDGET ALLOCATIONS THAT THE ORGANIZATION DEVELOPS AND SUBMITS
24 TO THE COMMISSION FOR REVIEW REGARDING THE ORGANIZATION'S USE OF
25 THE ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT
26 TO SECTION 40-8.7-104 (2.5). IF THE COMMISSION DOES NOT APPROVE THE
27 ORGANIZATION'S ANNUAL BUDGET ALLOCATION, THE COMMISSION MAY

1 REQUIRE THE ORGANIZATION TO MODIFY THE ALLOCATION. UNTIL THE
2 COMMISSION APPROVES A BUDGET ALLOCATION SUBMITTED BY THE
3 ORGANIZATION, THE MOST RECENTLY APPROVED BUDGET ALLOCATION
4 REMAINS IN EFFECT.

5 **SECTION 5.** In Colorado Revised Statutes, 40-8.7-103, **amend**
6 the introductory portion and (2); and **add** (3.3), (4.7), and (7) as follows:

7 **40-8.7-103. Definitions.** As used in this ~~article~~ ARTICLE 8.7,
8 unless the context otherwise requires:

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

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

18 (4.7) "PUBLIC UTILITIES COMMISSION" OR "COMMISSION" MEANS
19 THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

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

23 **SECTION 6.** In Colorado Revised Statutes, **amend** 40-8.7-104
24 as follows:

25 **40-8.7-104. Energy assistance program - creation - energy**
26 **assistance contribution - energy assistance system benefit charge.**

27 (1) There is hereby created the low-income energy assistance program to

1 collect and disburse an optional energy assistance contribution AND AN
2 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE in Colorado in accordance
3 with this ~~article~~ ARTICLE 8.7.

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

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

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

1 **SECTION 7.** In Colorado Revised Statutes, **add** 40-8.7-104.3 as
2 follows:

3 **40-8.7-104.3. Water assistance program - creation - water**
4 **assistance contribution.** (1) (a) ON AND AFTER THE EFFECTIVE DATE OF
5 THIS SECTION, A WATER UTILITY DOING BUSINESS IN COLORADO MAY
6 PARTICIPATE IN A WATER ASSISTANCE PROGRAM CREATED AND MANAGED
7 BY THE ORGANIZATION TO PROVIDE WATER UTILITY BILL PAYMENT
8 ASSISTANCE TO LOW-INCOME HOUSEHOLDS. A WATER UTILITY'S
9 VOLUNTARY PARTICIPATION IN THE WATER ASSISTANCE PROGRAM WILL
10 PROVIDE A WATER UTILITY CUSTOMER WITH AN OPPORTUNITY TO MAKE AN
11 OPTIONAL CONTRIBUTION ON THE CUSTOMER'S MONTHLY OR QUARTERLY
12 REMITTANCE DEVICE ON THE WATER UTILITY BILLING STATEMENT.

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

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

20 (2) A WATER UTILITY MAY CREATE ITS OWN WATER ASSISTANCE
21 PROGRAM. A WATER UTILITY THAT HAS CREATED ITS OWN WATER
22 ASSISTANCE PROGRAM PURSUANT TO THIS SUBSECTION (2) SHALL USE BEST
23 PRACTICES IN FINANCING ITS WATER ASSISTANCE PROGRAM AND IN
24 MEETING ITS CUSTOMERS' WATER ASSISTANCE NEEDS.

25 (3) A WATER UTILITY PARTICIPATING IN THE ORGANIZATION'S
26 WATER ASSISTANCE PROGRAM PURSUANT TO SUBSECTION (1) OF THIS
27 SECTION OR CREATING ITS OWN WATER ASSISTANCE PROGRAM PURSUANT

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

6 **SECTION 8.** In Colorado Revised Statutes, **add 40-8.7-105.5 as**
7 follows:

8 **40-8.7-105.5. Energy assistance system benefit charge - rules.**
9 (1) (a) ON AND AFTER OCTOBER 1, 2021, EACH INVESTOR-OWNED ENERGY
10 UTILITY SHALL INCLUDE ON ITS CUSTOMERS' MONTHLY BILLS A FLAT
11 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE THAT A CUSTOMER IS
12 ASSESSED TO HELP FINANCE THE LOW-INCOME ENERGY ASSISTANCE
13 PROGRAM.

14 (b) SUBJECT TO MODIFICATION BY THE PUBLIC UTILITIES
15 COMMISSION BY RULE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION,
16 THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE IS ONE
17 DOLLAR FOR ELECTRIC SERVICE PROVIDED AND ONE DOLLAR FOR NATURAL
18 GAS SERVICE PROVIDED.

19 (2) THE COMMISSION MAY INITIATE A RULE-MAKING PROCEEDING
20 TO:

21 (a) MODIFY THE MONTHLY ENERGY ASSISTANCE SYSTEM BENEFIT
22 CHARGE DESCRIBED IN SUBSECTION (1) OF THIS SECTION SO LONG AS THE
23 CHARGE IS AT LEAST ONE DOLLAR FOR ELECTRIC SERVICE PROVIDED AND
24 ONE DOLLAR FOR NATURAL GAS SERVICE PROVIDED; AND

25 (b) REQUIRE EACH INVESTOR-OWNED UTILITY TO CONSIDER USING
26 THE MOST COST-EFFECTIVE METHOD FOR IMPLEMENTING THE PROGRAM.

27 (3) UPON APPLICATION BY AN INVESTOR-OWNED UTILITY, WHICH

1 APPLICATION SHALL BE FILED AND REVIEWED IN ACCORDANCE WITH
2 ARTICLE 6 OF THIS TITLE 40 AND COMMISSION RULES, THE COMMISSION
3 MAY AUTHORIZE AN INVESTOR-OWNED UTILITY TO IMPOSE AN ENERGY
4 ASSISTANCE SYSTEM BENEFIT CHARGE FOR ITS CUSTOMERS THAT IS
5 GREATER THAN THE AMOUNT SET FORTH IN SUBSECTION (1)(b) OF THIS
6 SECTION OR SET BY RULE PURSUANT TO SUBSECTION (2)(a) OF THIS
7 SECTION.

8 **SECTION 9.** In Colorado Revised Statutes, 40-8.7-107, **amend**
9 (1) introductory portion; and **add** (1.5) as follows:

10 **40-8.7-107. Disposition of contributions and charges.** (1) Each
11 ~~gas and electric~~ utility COLLECTING OPTIONAL ENERGY ASSISTANCE
12 CONTRIBUTIONS PURSUANT TO SECTION 40-8.7-104 (2) AND EACH WATER
13 UTILITY COLLECTING OPTIONAL CONTRIBUTIONS PURSUANT TO SECTION
14 40-8.7-104.3 (1) shall transfer the ~~moneys from the energy assistance~~
15 ~~contributions~~ MONEY collected ~~under this article~~ to the organization on
16 the following schedule:

17 (1.5) (a) AN INVESTOR-OWNED UTILITY COLLECTING THE ENERGY
18 ASSISTANCE SYSTEM BENEFIT CHARGE PURSUANT TO SECTION 40-8.7-104
19 (2.5) SHALL TRANSFER THE MONEY COLLECTED IN ACCORDANCE WITH THE
20 SCHEDULE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

21 (b) THE ORGANIZATION SHALL USE THE MONEY COLLECTED FROM
22 EACH INVESTOR-OWNED UTILITY PURSUANT TO SECTION 40-8.7-104 (2.5)
23 TO HELP FINANCE DIRECT UTILITY BILL PAYMENT ASSISTANCE AND ENERGY
24 RETROFITS PROVIDED TO LOW-INCOME HOUSEHOLDS WITHIN THAT
25 INVESTOR-OWNED UTILITY'S SERVICE TERRITORY.

26 **SECTION 10.** In Colorado Revised Statutes, **amend** 40-8.7-108
27 as follows:

1 **40-8.7-108. Energy outreach Colorado - administration of**
2 **energy assistance contributions and the system benefit charge.**

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

19 (2) The organization shall use the MONEY COLLECTED FROM THE
20 OPTIONAL energy assistance ~~contribution~~ CONTRIBUTIONS AND THE
21 ENERGY ASSISTANCE SYSTEM BENEFIT CHARGE to provide low-income
22 energy assistance and to improve energy efficiency. The ORGANIZATION
23 SHALL PAY THE financial assistance ~~moneys shall be paid~~ MONEY to each
24 utility as vendor payments. The ~~moneys~~ ORGANIZATION shall not ~~be used~~
25 USE THE MONEY for propane, gas, or electric assistance for customers
26 whose propane, gas, electric, or gas and electric companies or cooperative
27 electric associations do not participate in the program. The organization

1 may use up to five percent of the ~~moneys~~ MONEY collected for
2 administration of the energy assistance program in accordance with
3 generally accepted accounting principles.

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

14 **40-8.7-108.5. Energy outreach Colorado - administration of**

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

1 INVESTMENT MONEY AND SHALL CREDIT OR CHARGE A PRO RATA PORTION
2 OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT
3 HOLDS THE WATER ASSISTANCE COLLECTIONS.

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

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

18 **SECTION 12.** In Colorado Revised Statutes, 40-8.7-109, **add (4)**
19 as follows:

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

25 **SECTION 13.** In Colorado Revised Statutes, 40-8.7-110, **amend**
26 (1), (1.5), and (2) as follows:

27 **40-8.7-110. Reports - repeal.** (1) The organization shall submit

1 a written report to the general assembly, the legislative audit committee,
2 and the office of the state auditor on or before March 31 of each year
3 ~~beginning in 2007, that covers~~ COVERING the immediately preceding
4 calendar year. The report ~~shall~~ MUST include:

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

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

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

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

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

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

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

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

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

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

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

11 **SECTION 14.** In Colorado Revised Statutes, 40-1-103.5, ~~amend~~
12 (2) as follows:

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

1 **SECTION 15.** In Colorado Revised Statutes, 40-8-101, **amend**
2 (2) as follows:

3 **40-8-101. Undistributed overcharges turned over to**
4 **municipality.** (2) For gas, electric, and steam utilities, the public utilities
5 commission may order that all or part of the undistributed balance of a
6 refund be paid by the utility in an equitable manner to the general body
7 of utility customers and the public utilities commission may order a gas
8 or electric utility to pay up to ninety percent of the undistributed balance
9 of a refund into the fund established by the ~~Colorado~~ LEGISLATIVE
10 commission on low-income energy AND WATER assistance pursuant to
11 section 40-8.5-104.

12 **SECTION 16.** In Colorado Revised Statutes, **amend** 40-8.5-101
13 as follows:

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

1 **SECTION 17.** In Colorado Revised Statutes, 40-8.7-112, amend
2 (2)(a)(I) as follows:

3 **40-8.7-112. Department of human services low-income energy**
4 **assistance fund - creation - energy outreach Colorado low-income**
5 **energy assistance fund - creation - Colorado energy office low-income**
6 **energy assistance fund - creation - definitions - repeal.**

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

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