

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 14, 2021

Committee on Appropriations.

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

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

- 1 Amend the Finance Committee Report, dated March 29, 2021, page 1,
2 strike lines 6 through 20 and substitute "**established - definitions -**
3 **repeal.** (1) (a) ON AND AFTER OCTOBER 1, 2023, THE STATE DEPARTMENT
4 SHALL IMPLEMENT A PROGRAM TO MAKE FUEL ASSISTANCE PAYMENTS BY
5 CREDITING THE FUEL ASSISTANCE PAYMENTS TO RECIPIENTS' ELECTRONIC
6 BENEFITS TRANSFER SERVICE CARDS.
7 (b) EXCEPT AS PROVIDED IN SUBSECTIONS (1)(c) AND (1)(d) OF
8 THIS SECTION:
9 (I) THE STATE DEPARTMENT SHALL MAKE THE FUEL ASSISTANCE
10 PAYMENTS TO ELIGIBLE HOUSEHOLDS THAT RECEIVE SNAP BENEFITS BUT
11 THAT ARE NOT ELIGIBLE FOR ASSISTANCE UNDER LEAP IN ORDER TO
12 QUALIFY THOSE HOUSEHOLDS FOR THE STANDARD UTILITY ALLOWANCE TO
13 MAXIMIZE THEIR SNAP BENEFITS;
14 (II) TO HELP THE STATE DEPARTMENT MAXIMIZE THE NUMBER OF
15 HOUSEHOLDS THAT ARE RECEIVING BOTH THE SNAP AND LEAP BENEFITS
16 AND FACILITATE THE IDENTIFICATION OF THOSE HOUSEHOLDS THAT
17 RECEIVE SNAP BENEFITS AND QUALIFY FOR THE FUEL ASSISTANCE
18 PAYMENTS, THE STATE DEPARTMENT SHALL DEVELOP A DATABASE
19 CONNECTION BETWEEN THE LEAP ELIGIBILITY SYSTEM AND THE
20 COLORADO BENEFITS MANAGEMENT SYSTEM;
21 (III) THE STATE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND
22 OUTSIDE FUNDS TO FINANCE ITS WORK TO DEVELOP THE DATABASE
23 CONNECTION. THE STATE DEPARTMENT SHALL TRANSMIT ANY OUTSIDE
24 FUNDS RECEIVED PURSUANT TO THIS SUBSECTION (1)(b)(III) TO THE STATE

1 TREASURER WHO SHALL CREDIT THE OUTSIDE FUNDS TO THE FUND.
2 (IV) THE STATE DEPARTMENT SHALL USE OUTSIDE FUNDS
3 RECEIVED TO PROCESS THE EBT CARD PAYMENTS AND FOR OTHER
4 ADMINISTRATIVE COSTS INCURRED IN IMPLEMENTING THE PROGRAM. IF
5 INSUFFICIENT FUNDS ARE AVAILABLE TO COVER THE ADMINISTRATIVE
6 COSTS, THE STATE DEPARTMENT SHALL REQUEST THAT THE ORGANIZATION
7 ALLOCATE, AS PART OF ITS BUDGET PREPARED PURSUANT TO SECTION
8 40-8.7-108 (3), MONEY TO THE STATE DEPARTMENT FROM THE ENERGY
9 ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION
10 40-8.7-104 (2.5) FOR THIS PURPOSE.

11 (V) ON OR BEFORE JULY 1, 2023, AND ON OR BEFORE JULY 1 OF
12 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT A
13 BUDGET TO THE ORGANIZATION AND THE COMMISSION TO INCLUDE THE
14 STATE DEPARTMENT'S ADMINISTRATIVE COSTS TO IMPLEMENT THE
15 PROGRAM AND THE PROJECTED NUMBER OF ELIGIBLE HOUSEHOLDS THAT
16 THE STATE DEPARTMENT IDENTIFIES AS RECEIVING SNAP BENEFITS BUT
17 THAT ARE NOT ELIGIBLE FOR ASSISTANCE UNDER LEAP INCLUDING AN
18 ESTIMATED NUMBER OF NEW SNAP CASES THAT THE STATE DEPARTMENT
19 WILL APPROVE DURING THE UPCOMING FEDERAL FISCAL YEAR. BASED ON
20 THE BUDGET THAT THE STATE DEPARTMENT SUBMITS, THE ORGANIZATION
21 SHALL 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 (c) IF, BY JANUARY 1, 2022, THE STATE DEPARTMENT DOES NOT
28 RECEIVE OUTSIDE FUNDS PURSUANT TO SUBSECTION (1)(b)(III) OF THIS
29 SECTION OR DOES NOT RECEIVE SUFFICIENT OUTSIDE FUNDS TO DEVELOP
30 THE DATABASE CONNECTION, THE STATE DEPARTMENT SHALL NOTIFY THE
31 JOINT TECHNOLOGY COMMITTEE CREATED IN SECTION 2-3-1702 THAT
32 OUTSIDE FUNDS WERE NOT RECEIVED OR THAT INSUFFICIENT OUTSIDE
33 FUNDS WERE RECEIVED.

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

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

41 (II) USE ANY OUTSIDE FUNDS RECEIVED TO HELP COVER ITS COSTS

1 TO PROCESS THE EBT CARD PAYMENTS; AND
2 (III) ON OR BEFORE JULY 1, 2023, AND ON OR BEFORE JULY 1 OF
3 EACH YEAR THEREAFTER, SUBMIT A BUDGET TO THE ORGANIZATION AND
4 THE COMMISSION TO INCLUDE THE STATE DEPARTMENT'S ANTICIPATED
5 ADMINISTRATIVE COSTS TO IMPLEMENT THE PROGRAM AND THE
6 PROJECTED NUMBER OF HOUSEHOLDS THAT THE STATE DEPARTMENT
7 IDENTIFIES AS RECEIVING SNAP BENEFITS, INCLUDING AN ESTIMATED
8 NUMBER OF NEW SNAP CASES THAT THE STATE DEPARTMENT WILL
9 APPROVE DURING THE UPCOMING FEDERAL FISCAL YEAR. BASED ON THE
10 BUDGET THAT THE STATE DEPARTMENT SUBMITS, THE ORGANIZATION
11 SHALL CALCULATE THE AMOUNT OF MONEY FROM THE ENERGY
12 ASSISTANCE SYSTEM BENEFIT CHARGE COLLECTED PURSUANT TO SECTION
13 40-8.7-104 (2.5) THAT IT ALLOCATES AS PART OF ITS BUDGET PREPARED
14 PURSUANT TO SECTION 40-8.7-108 (3) FOR USE BY THE STATE
15 DEPARTMENT:

16 (A) TO MAKE FUEL ASSISTANCE PAYMENTS; AND

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

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

28 Page 2 of the report, strike lines 14 through 18 and substitute:

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

33 (c) "FUEL ASSISTANCE PAYMENT" MEANS AN ANNUAL PAYMENT
34 THAT, WHEN MADE TO AN ELIGIBLE HOUSEHOLD IDENTIFIED PURSUANT TO
35 SUBSECTION (1) OF THIS SECTION, MAKES THAT HOUSEHOLD ELIGIBLE TO
36 RECEIVE THE STANDARD UTILITY ALLOWANCE.

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

1 Reletter succeeding paragraph accordingly.

2 Page 2 of the report, strike line 20 and substitute:

3 "40-8.7-103 (4).

4 (f) "OUTSIDE FUNDS" MEANS:

5 (I) FEDERAL FUNDS; OR

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

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

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

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

17 Page 2 of the report, strike line 36.

18 Page 3 of the report, strike line 1 and 2 and substitute:

19 "Page 4 of the printed bill, strike lines 5 through 7 and substitute:

20 **"40-8.5-103.5 Commission created - duties - repeal.**

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

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

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

28 Page 4 of the report, line 23, strike **""rules - repeal.""** and substitute
29 **""repeal.""**.

30 Page 5 of the report, strike lines 16 through 18 and substitute:

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



1 Page 6 of the report, strike lines 15 through 20 and substitute:

2 "Page 14 of the bill, strike line 4 and substitute:

3 "(3) (a) (I) SUBJECT TO THE ALLOCATION REQUIREMENTS SET
4 FORTH IN SUBSECTION (3)(a)(II) OF THIS SECTION, the organization shall,
5 on an annual basis, develop a budget".

6 Page 14 of the bill, line 9, after the period insert "TO IMPROVE AND
7 INCREASE ENROLLMENT IN THE UTILITY ASSISTANCE PROGRAMS, THE
8 BUDGET MUST INCLUDE AN ALLOCATION OF AT LEAST TWO PERCENT OF
9 THE MONEY COLLECTED FROM THE CHARGE TO BE USED TO ENGAGE THE
10 ASSISTANCE OF COMMUNITY-BASED ORGANIZATIONS THAT ARE ACTIVE IN
11 OUTREACH TO, ENGAGEMENT OF, AND EDUCATION FOR, INCOME-QUALIFIED
12 COMMUNITIES, COMMUNITIES OF COLOR, AND IMMIGRANT COMMUNITIES
13 TO HELP PROVIDE OUTREACH AND EDUCATION ABOUT THE UTILITY
14 ASSISTANCE PROGRAMS."

15 Page 14 of the bill, after line 11 insert:

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

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

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

31 (b) AS PART OF THE BUDGET DEVELOPED PURSUANT TO".

32 Page 7 of the report, after line 3 insert:

33 "Page 19 of the bill, after line 17 insert:



1 **"SECTION 18. Appropriation.** (1) For the 2021-22 state fiscal
2 year, \$395,037 is appropriated to the department of human services. This
3 appropriation is from the general fund. To implement this act, the
4 department may use this appropriation as follows:

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

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

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

17 Renumber succeeding section accordingly.

18 Page 1 of the bill, line 102, strike "ASSISTANCE." and substitute
19 "ASSISTANCE, AND, IN CONNECTION THEREWITH, MAKING AN
20 APPROPRIATION."."

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