

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

**INTRODUCED**

LLS NO. 21-0137.01 Jennifer Berman x3286

**HOUSE BILL 21-1105**

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**HOUSE SPONSORSHIP**

**Kennedy,**

**SENATE SPONSORSHIP**

**Hansen,**

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**House Committees**  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

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

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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 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.

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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.

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

1 (C) A REPRESENTATIVE OF THE ORGANIZATION; AND

2 (D) FOUR MEMBERS APPOINTED BY THE GOVERNOR, EACH TO  
3 SERVE A TERM OF FOUR YEARS; EXCEPT THAT THE GOVERNOR SHALL  
4 SELECT TWO OF THE INITIALLY APPOINTED MEMBERS TO SERVE A  
5 TWO-YEAR TERM.

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

1           ~~(II) 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.~~

7           ~~(b) The commission may seek and receive public and private~~  
8 ~~funding to assist in the conduct of the assessment and review required by~~  
9 ~~paragraph (a) of this subsection (4), including but not limited to assistance~~  
10 ~~from the existing resources of the department of human services created~~  
11 ~~in section 24-1-120, C.R.S., the Colorado energy office created in section~~  
12 ~~24-38.5-101, C.R.S., and energy outreach Colorado, a Colorado nonprofit~~  
13 ~~corporation, as described in section 40-8.7-103 (4).~~

14           (6) THE COMMISSION SHALL:

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

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

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.

4 (3) The organization shall, on an annual basis, develop a budget  
5 for the energy assistance program to determine the allocation of THE  
6 MONEY COLLECTED FROM the OPTIONAL energy assistance contributions  
7 ~~collected under this article~~ AND THE ENERGY ASSISTANCE SYSTEM BENEFIT  
8 CHARGE, WITH NOT MORE THAN FIFTY PERCENT OF THE TOTAL AMOUNT  
9 ALLOCATED TO DIRECT UTILITY BILL PAYMENT ASSISTANCE. THE  
10 ORGANIZATION SHALL SUBMIT A COPY OF THE BUDGET TO THE COLORADO  
11 ENERGY OFFICE FOR ITS REVIEW.

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 ~~(c)~~ (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 ~~(†)~~ 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 ~~moneys~~ 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 ~~moneys~~ MONEY to accomplish the goals set forth in this section. The  
26 ~~moneys~~ 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.