

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 05-0410.01 Kristen Forrestal

SENATE BILL 05-001

SENATE SPONSORSHIP

Sandoval,

HOUSE SPONSORSHIP

Buescher,

Senate Committees

Business, Labor and Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF THE "LOW-INCOME ENERGY ASSISTANCE**
102 **ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires utilities to collect an energy assistance charge from each electric and gas customer beginning January 1, 2006, unless a customer opts not to pay the charge. Exempts state, county, and municipal agencies and departments from the energy assistance program. As an alternative, allows municipally owned gas, electric, and gas and electric utilities and rural electric cooperatives, through a self-certification process, to implement alternative energy assistance programs.

Requires the public utilities commission to provide an opt-out

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

mechanism whereby customers can choose not to contribute to the energy assistance program. Requires the energy assistance charge to appear on the monthly billing statement.

Requires utilities to transfer the moneys thus collected to energy outreach Colorado (the organization) on a specified schedule. Directs the organization to hold the moneys in a separate account and expend the moneys only for the purposes of low-income energy assistance in the form of payment to utilities on behalf of qualified individuals. Requires the organization to develop an annual budget and to submit an annual report to the general assembly, the legislative audit committee, and the office of the state auditor. Requires the report to be made available to the public.

Authorizes the organization to provide low-income energy assistance on a prioritized basis.

Repeals the low-income energy assistance program pursuant to the sunset review process, effective July 1, 2011.

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

2 **SECTION 1.** Title 40, Colorado Revised Statutes, is amended
3 **BY THE ADDITION OF A NEW ARTICLE to read:**

4 **ARTICLE 8.7**

5 **Low-income Energy Assistance**

6 **40-8.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
7 **BE CITED AS THE "LOW-INCOME ENERGY ASSISTANCE ACT".**

8 **40-8.7-102. Legislative declaration.** (1) **THE GENERAL**
9 **ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT, IN ORDER**
10 **TO SERVE THE BEST INTERESTS OF THE CITIZENS OF COLORADO, AND IN**
11 **PARTICULAR, TO AID LOW-INCOME CITIZENS OF COLORADO, THERE IS A**
12 **NEED FOR AN ENERGY ASSISTANCE PROGRAM TO COLLECT AN OPTIONAL**
13 **LOW-INCOME ENERGY ASSISTANCE CONTRIBUTION FROM UTILITY**
14 **CUSTOMERS IN COLORADO.**

15 **(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE MOST**
16 **EFFICIENT WAY TO SUPPORT SUCH A PROGRAM IS FOR GAS AND ELECTRIC**

1 UTILITIES TO PROVIDE THE OPPORTUNITY FOR EACH UTILITY CUSTOMER TO
2 CONTRIBUTE AN OPTIONAL AMOUNT ON THE CUSTOMER'S BILLING
3 STATEMENT FOR LOW-INCOME ENERGY ASSISTANCE THAT WILL BE
4 DISPLAYED MONTHLY ON THE UTILITY BILL UNTIL THE CUSTOMER
5 INDICATES OTHERWISE, AND THAT THE MONEYS COLLECTED SHALL BE
6 MOST ECONOMICALLY AND EQUITABLY DISBURSED THROUGH A SYSTEM IN
7 WHICH THE CONTRIBUTIONS COLLECTED BY ELECTRIC UTILITIES AND GAS
8 UTILITIES ARE TRANSMITTED TO ENERGY OUTREACH COLORADO.

9 **40-8.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "ALTERNATIVE ENERGY ASSISTANCE PROGRAM" MEANS A
12 PROGRAM OPERATED BY A MUNICIPALLY OWNED ELECTRIC AND GAS
13 UTILITY OR RURAL ELECTRIC COOPERATIVE THAT IS NOT PART OF THE
14 ENERGY ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

15 (2) "CUSTOMER" MEANS THE NAMED HOLDER OF AN INDIVIDUALLY
16 METERED ACCOUNT UPON WHICH CHARGES FOR ELECTRICITY OR GAS ARE
17 PAID TO A UTILITY. "CUSTOMER" SHALL NOT INCLUDE A CUSTOMER THAT
18 RECEIVES ELECTRICITY OR GAS FOR THE SOLE PURPOSE OF RESELLING THE
19 ELECTRICITY OR GAS TO OTHERS.

20 (3) "ENERGY ASSISTANCE PROGRAM" OR "PROGRAM" MEANS THE
21 LOW-INCOME ENERGY ASSISTANCE PROGRAM CREATED BY SECTION
22 40-8.7-104 AND DESIGNED TO PROVIDE FINANCIAL ASSISTANCE,
23 RESIDENTIAL ENERGY EFFICIENCY, AND ENERGY CONSERVATION
24 ASSISTANCE.

25 (4) "ORGANIZATION" MEANS ENERGY OUTREACH COLORADO, A
26 COLORADO NONPROFIT CORPORATION, FORMERLY KNOWN AS THE
27 COLORADO ENERGY ASSISTANCE FOUNDATION.

1 (5) "REMITTANCE DEVICE" MEANS THE SECTION OF A CUSTOMER'S
2 UTILITY BILLING STATEMENT THAT IS RETURNED TO THE UTILITY COMPANY
3 FOR PAYMENT.

4 (6) "UTILITY" MEANS A CORPORATION, ASSOCIATION,
5 PARTNERSHIP, COOPERATIVE ELECTRIC ASSOCIATION, OR MUNICIPALLY
6 OWNED ENTITY THAT PROVIDES RETAIL ELECTRIC SERVICE OR RETAIL GAS
7 SERVICE TO CUSTOMERS IN COLORADO.

8 **40-8.7-104. Energy assistance program - creation - energy**
9 **assistance charge - rules.** THERE IS HEREBY CREATED THE LOW-INCOME
10 ENERGY ASSISTANCE PROGRAM TO COLLECT AND DISBURSE AN OPTIONAL
11 ENERGY ASSISTANCE CONTRIBUTION IN COLORADO IN ACCORDANCE WITH
12 THIS ARTICLE.

13 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, EVERY
14 UTILITY DOING BUSINESS IN COLORADO SHALL PARTICIPATE IN THE
15 ENERGY ASSISTANCE PROGRAM AND SHALL PROVIDE THE OPPORTUNITY
16 FOR UTILITY CUSTOMERS TO MAKE AN OPTIONAL ENERGY ASSISTANCE
17 CONTRIBUTION ON THE MONTHLY REMITTANCE DEVICE ON THEIR UTILITY
18 BILLING STATEMENT BEGINNING NOVEMBER 1, 2005. EACH UTILITY SHALL
19 PROVIDE THE OPPORTUNITY FOR CUSTOMERS TO DONATE THE OPTIONAL
20 ENERGY ASSISTANCE CONTRIBUTION AS PROVIDED IN SECTION 40-8.7-105
21 (2).

22 (3) ANY REASONABLE COSTS THAT A UTILITY INCURS IN
23 CONNECTION WITH THE PROGRAM, INCLUDING THE INITIAL COSTS OF
24 SETTING UP THE COLLECTION MECHANISM AND REFORMATTING ITS BILLING
25 SYSTEMS TO SOLICIT THE OPTIONAL CONTRIBUTION, SHALL BE REIMBURSED
26 FROM THE MONEYS COLLECTED BY THE PROGRAM, AND THIS AMOUNT
27 SHALL BE ESTABLISHED BY THE PUBLIC UTILITIES COMMISSION BY RULE.

1 THE REIMBURSED AMOUNTS SHALL BE TRANSMITTED TO THE UTILITIES
2 BEFORE THE REMAINING MONEYS ARE DISTRIBUTED TO THE ORGANIZATION.

3 **40-8.7-105. Customer opt-in provision.** (1) THE PUBLIC
4 UTILITIES COMMISSION SHALL DETERMINE THE MECHANISM FOR AN OPT-IN
5 PROVISION WHEREBY THE ENERGY ASSISTANCE CONTRIBUTIONS
6 DESCRIBED IN SECTION 40-8.7-104 WILL BE COLLECTED FROM THOSE
7 CUSTOMERS WHO GIVE NOTICE OF THEIR INTENT TO PARTICIPATE IN THE
8 ENERGY ASSISTANCE PROGRAM.

9 (2) EACH UTILITY SHALL SOLICIT VOLUNTARY DONATIONS
10 THROUGH A CHECK-OFF MECHANISM DISPLAYED ON THE MONTHLY
11 REMITTANCE DEVICE OR THROUGH AN ALTERNATIVE METHOD APPROVED
12 BY THE COMMISSION. RECOMMENDED CHECK-OFF CATEGORIES OF FIVE
13 DOLLARS, TEN DOLLARS, TWENTY-FIVE DOLLARS, FIFTY DOLLARS, AND
14 "OTHER AMOUNT" SHALL BE DISPLAYED.

15 (3) ONCE A CUSTOMER VOLUNTARILY OPTS INTO THE PROGRAM,
16 THE APPROPRIATE CONTRIBUTION SHALL BE ASSESSED ON A MONTHLY
17 BASIS UNTIL THE CUSTOMER NOTIFIES THE UTILITY OF HIS OR HER DESIRE
18 TO REMOVE THE CONTRIBUTION. EACH UTILITY SHALL ESTABLISH
19 PROCEDURES TO NOTIFY CUSTOMERS ABOUT THEIR ABILITY TO CANCEL
20 ANY VOLUNTARY CONTRIBUTION.

21 (4) ONCE THE UTILITY CUSTOMER OPTS INTO THE PROGRAM, THE
22 ENERGY ASSISTANCE CONTRIBUTION SHALL APPEAR AS A SEPARATE LINE
23 ITEM AND SHALL BE IDENTIFIED IN THE BILLING STATEMENT AS A
24 CONTRIBUTION. THE LINE ITEM SHALL IDENTIFY THE OPTIONAL
25 LOW-INCOME CONTRIBUTION, STATE THE AMOUNT OF THE OPTIONAL
26 CONTRIBUTION, AND BE INCLUDED IN THE TOTAL AMOUNT DUE.

27 (5) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 C.R.S., ON OR

1 BEFORE NOVEMBER 1, 2005, THE PUBLIC UTILITIES COMMISSION SHALL
2 INITIATE AT LEAST ONE RULE-MAKING PROCEEDING TO ESTABLISH A
3 PROGRAM WHEREBY CUSTOMERS WILL BE SOLICITED TO CONTRIBUTE A
4 FLAT AMOUNT ON THE MONTHLY REMITTANCE DEVICE ON THE UTILITY
5 BILLING STATEMENT AND, WHEN UTILITY CUSTOMERS TRANSFER THEIR
6 UTILITY SERVICE TO A NEW ADDRESS WITHIN THE UTILITY'S SERVICE
7 TERRITORY, THE CONTRIBUTION AMOUNT WILL FOLLOW FROM THE OLD
8 ADDRESS TO THE NEW ADDRESS. AFTER THE UTILITY CUSTOMER OPTS IN,
9 THE CHECKOFF DISPLAY SHALL NO LONGER BE SHOWN ON THE REMITTANCE
10 DOCUMENT. ADDITIONAL EFFORTS TO INFORM UTILITY CUSTOMERS ABOUT
11 THE PROGRAM SHALL BE COMPLETED BY THE UTILITY TO ENSURE THAT
12 ADEQUATE NOTICE OF THE OPT-IN PROVISION IS GIVEN TO ALL CUSTOMERS.
13 IN ADDITION TO NOTIFICATION ON THE MONTHLY REMITTANCE DEVICE ON
14 THE UTILITY BILL STATEMENT AS REQUIRED BY SUBSECTION (2) OF THIS
15 SECTION, EACH UTILITY SHALL NOTIFY CUSTOMERS ABOUT THE OPT-IN
16 PROVISION PRIOR TO NOVEMBER 1, 2005, AND EACH UTILITY SHALL
17 PROVIDE CLEAR, PERIODIC NOTICE OF THE OPT-IN PROVISION AT LEAST
18 TWICE PER YEAR THROUGH BILL INSERTS, IN A STATEMENT ON THE BILL, IN
19 OTHER UTILITY COMMUNICATION PIECES, OR THROUGH AN ALTERNATIVE
20 METHOD APPROVED BY THE COMMISSION. THE COSTS OF THE INSERTS AND
21 ANY OTHER NOTIFICATION EFFORTS SHALL BE PAID FOR BY THE UTILITY
22 AND NOT OUT OF MONEYS GENERATED FROM THE PROGRAM. EACH UTILITY
23 SHALL CONSIDER THE MOST COST-EFFECTIVE METHOD POSSIBLE WHEN
24 IMPLEMENTING THE PROGRAM.

25 **40-8.7-106. Municipally owned gas, electric, and gas and**
26 **electric utilities and cooperative electric associations. (1) IF A**
27 **MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR**

1 A COOPERATIVE ELECTRIC ASSOCIATION OPERATES AN ALTERNATIVE
2 ENERGY ASSISTANCE PROGRAM TO SUPPORT ITS LOW-INCOME CUSTOMERS
3 WITH THEIR HOME ENERGY NEEDS, THEN THE GOVERNING BODY OF THE
4 MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR
5 COOPERATIVE ELECTRIC ASSOCIATION MAY SELF-CERTIFY ITS
6 ALTERNATIVE ENERGY ASSISTANCE PROGRAM AND UPON
7 SELF-CERTIFICATION SHALL HAVE NO OBLIGATIONS UNDER THIS ARTICLE.
8 THE MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC
9 ASSOCIATION SHALL SUBMIT A STATEMENT TO THE ORGANIZATION THAT
10 SUCH UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION HAS AN
11 ALTERNATIVE ENERGY ASSISTANCE PROGRAM. IN ORDER FOR SUCH
12 UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION TO SELF-CERTIFY, SUCH
13 ALTERNATIVE ENERGY ASSISTANCE PROGRAM SHALL MEET THE
14 FOLLOWING CRITERIA:

15 (a) THE AMOUNT AND METHOD FOR FUNDING OF THE PROGRAM
16 SHALL BE DETERMINED BY THE GOVERNING BODY;

17 (b) PROGRAM MONIES SHALL BE COLLECTED AND DISTRIBUTED IN
18 A MANNER AND UNDER ELIGIBILITY CRITERIA DETERMINED BY THE
19 GOVERNING BODY FOR THE PURPOSE OF RESIDENTIAL ENERGY ASSISTANCE
20 TO CUSTOMERS WHO ARE CHALLENGED WITH PAYING ENERGY BILLS FOR
21 FINANCIAL REASONS, INCLUDING TO SENIORS ON FIXED INCOMES,
22 INDIVIDUALS WITH DISABILITIES, AND LOW-INCOME INDIVIDUALS.

23 (2) IF THE GOVERNING BODY OF A MUNICIPALLY OWNED GAS,
24 ELECTRIC, OR GAS AND ELECTRIC UTILITY OR A COOPERATIVE ELECTRIC
25 ASSOCIATION DETERMINES THAT THE SERVICE AREA OF SUCH UTILITY OR
26 COOPERATIVE HAS A LIMITED NUMBER OF PEOPLE WHO QUALIFY FOR
27 ENERGY ASSISTANCE, SUCH UTILITY OR COOPERATIVE ELECTRIC

1 ASSOCIATION MAY BE EXEMPT FROM THE OBLIGATIONS OF THIS ARTICLE.

2 (3) IF A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND
3 ELECTRIC UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION HAS NOT
4 SELF-CERTIFIED AN ALTERNATIVE ENERGY ASSISTANCE PROGRAM
5 PURSUANT TO SUBSECTION (1) OF THIS SECTION, OR HAS NOT EXEMPTED
6 ITSELF PURSUANT TO SUBSECTION (2) OF THIS SECTION, SUCH UTILITY OR
7 COOPERATIVE ELECTRIC ASSOCIATION SHALL COLLECT AN OPTIONAL
8 ENERGY ASSISTANCE CHARGE FROM ITS CUSTOMERS AS PROVIDED IN
9 SECTION 40-8.7-104. IN SUCH CIRCUMSTANCES, THE GOVERNING BODY OF
10 SUCH UTILITY OR COOPERATIVE SHALL DETERMINE THE DISPOSITION AND
11 DELIVERY OF THE OPTIONAL ENERGY ASSISTANCE CHARGE THAT IT
12 COLLECTS ON THE FOLLOWING BASIS:

13 (a) THE GOVERNING BODY MAY ELECT TO DELIVER THE OPTIONAL
14 CHARGE THAT IT COLLECTS TO THE ORGANIZATION FOR DISTRIBUTION IN
15 ACCORDANCE WITH THIS ARTICLE.

16 (b) IF THE GOVERNING BODY DOES NOT MAKE SUCH ELECTION
17 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE ENERGY
18 ASSISTANCE MONEYS COLLECTED SHALL BE DISTRIBUTED UNDER
19 ELIGIBILITY CRITERIA DETERMINED BY THE GOVERNING BODY FOR THE
20 PURPOSE SET FORTH IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS
21 SECTION.

22 (4) A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC
23 UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION MAY PROVIDE FUNDING
24 FOR ENERGY ASSISTANCE TO THE ORGANIZATION BY USING A SOURCE OF
25 FUNDING OTHER THAN THE OPTIONAL CUSTOMER CONTRIBUTION ON EACH
26 BILL.

27 (5) ANY REASONABLE COSTS THAT A MUNICIPALLY OWNED GAS,

1 ELECTRIC, OR GAS AND ELECTRIC UTILITY OR COOPERATIVE ELECTRIC
2 ASSOCIATION INCURS IN CONNECTION WITH THE PROGRAM, INCLUDING THE
3 INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM, MAY BE
4 REIMBURSED AT THE DISCRETION OF THE GOVERNING BODY FROM THE
5 ENERGY ASSISTANCE MONEYS COLLECTED.

6 **40-8.7-107. Disposition of moneys.** (1) EACH GAS AND ELECTRIC
7 UTILITY SHALL TRANSFER THE MONEYS FROM THE ENERGY ASSISTANCE
8 CONTRIBUTIONS COLLECTED UNDER THIS ARTICLE TO THE ORGANIZATION
9 ON THE FOLLOWING SCHEDULE:

10 (a) FOR THE MONEYS COLLECTED DURING THE PERIOD OF JANUARY
11 1 TO MARCH 31 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE
12 COLLECTED MONEYS TO THE ORGANIZATION BEFORE MAY 1 OF SUCH YEAR;

13 (b) FOR THE MONEYS COLLECTED DURING THE PERIOD OF APRIL 1
14 TO JUNE 30 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE COLLECTED
15 MONEYS TO THE ORGANIZATION BEFORE AUGUST 1 OF SUCH YEAR;

16 (c) FOR MONEYS COLLECTED DURING THE PERIOD OF JULY 1 TO
17 SEPTEMBER 30 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE
18 COLLECTED MONEYS TO THE ORGANIZATION BEFORE NOVEMBER 1 OF SUCH
19 YEAR; AND

20 (d) FOR MONEYS COLLECTED DURING THE PERIOD OF OCTOBER 1
21 TO DECEMBER 31 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE
22 COLLECTED MONEYS TO THE ORGANIZATION BEFORE FEBRUARY 1 OF THE
23 NEXT YEAR.

24 (2) EACH UTILITY SHALL PROVIDE THE ORGANIZATION WITH A
25 SUMMARY OF HOW THE MONEYS COLLECTED WERE GENERATED,
26 INCLUDING THE NUMBER OF CUSTOMERS PARTICIPATING IN THE PROGRAM.

27 (3) THE ORGANIZATION SHALL PAY THE PUBLIC UTILITIES

1 COMMISSION FROM THE MONEYS TRANSFERRED TO THE ORGANIZATION
2 PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR ANY ADMINISTRATIVE
3 COSTS INCURRED PURSUANT TO THIS ARTICLE.

4 **40-8.7-108. Energy outreach Colorado - administration of the**
5 **energy assistance charge.** (1) THE ORGANIZATION SHALL HOLD AND
6 ADMINISTER ALL MONEYS COLLECTED PURSUANT TO THIS ARTICLE
7 DELIVERED TO IT BY THE UTILITIES PURSUANT TO SECTION 40-8.7-107 IN
8 A SEPARATELY IDENTIFIABLE ACCOUNT, WHICH SHALL BE RESTRICTED TO
9 THE PURPOSES SET FORTH IN THIS ARTICLE. THE ORGANIZATION SHALL
10 MAINTAIN ITS BOOKS AND RECORDS PERTAINING TO THE ENERGY
11 ASSISTANCE CONTRIBUTIONS IN ACCORDANCE WITH GENERALLY ACCEPTED
12 ACCOUNTING PRINCIPLES AND, IN ADDITION, SHALL MAINTAIN RECORDS
13 ADEQUATE TO IDENTIFY THE MONEYS COLLECTED BY EACH UTILITY. IF THE
14 ORGANIZATION COMMINGLES THE MONEYS COLLECTED AND DELIVERED
15 WITH OTHER ASSETS OF THE ORGANIZATION FOR INVESTMENT PURPOSES,
16 THE ORGANIZATION SHALL MAINTAIN ACCURATE ACCOUNTS OF THE
17 INVESTMENT MONEYS AND SHALL CREDIT OR CHARGE A PRO RATA PORTION
18 OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT
19 HOLDS THE ENERGY ASSISTANCE CHARGES.

20 (2) THE ORGANIZATION SHALL USE THE ENERGY ASSISTANCE
21 CONTRIBUTION TO PROVIDE LOW-INCOME ENERGY ASSISTANCE AND TO
22 IMPROVE ENERGY EFFICIENCY. THE FINANCIAL ASSISTANCE MONEYS
23 SHALL BE PAID TO EACH UTILITY AS VENDOR PAYMENTS. THE MONEYS
24 SHALL NOT BE USED FOR PROPANE, GAS, OR ELECTRIC ASSISTANCE FOR
25 CUSTOMERS WHOSE PROPANE, GAS, ELECTRIC, OR GAS AND ELECTRIC
26 COMPANIES OR COOPERATIVE ELECTRIC ASSOCIATIONS DO NOT
27 PARTICIPATE IN THE PROGRAM. THE ORGANIZATION MAY USE UP TO FIVE

1 PERCENT OF THE MONEYS COLLECTED FOR ADMINISTRATION OF THE
2 ENERGY ASSISTANCE PROGRAM IN ACCORDANCE WITH GENERALLY
3 ACCEPTED ACCOUNTING PRINCIPLES.

4 (3) THE ORGANIZATION SHALL, ON AN ANNUAL BASIS, DEVELOP A
5 BUDGET FOR THE ENERGY ASSISTANCE PROGRAM TO DETERMINE THE
6 ALLOCATION OF THE ENERGY ASSISTANCE CONTRIBUTIONS COLLECTED
7 UNDER THIS ARTICLE.

8 **40-8.7-109. Low-income energy assistance program.** (1) THE
9 ORGANIZATION SHALL PROVIDE ENERGY ASSISTANCE TO INDIVIDUALS AND
10 ORGANIZATIONS IN COLORADO. SUCH ASSISTANCE SHALL GIVE PRIORITY
11 TO HOUSEHOLDS WHERE ONE OR MORE PERSONS ARE RECIPIENTS OF:

12 (a) AN OLD AGE PENSION AS SET FORTH IN SECTION 26-2-111 (2),
13 C.R.S.:

14 (b) AID TO THE NEEDY DISABLED AS SET FORTH IN SECTION
15 26-2-111 (4), C.R.S.:

16 (c) AID TO THE BLIND AS SET FORTH IN SECTION 26-2-111 (5),
17 C.R.S.:

18 (d) SUPPLEMENTAL SOCIAL SECURITY DISABILITY BENEFITS UNDER
19 42 U.S.C. SEC. 1396 ET SEQ.:

20 (e) COLORADO WORKS ASSISTANCE AS SET FORTH IN SECTION
21 26-2-706 AND 26-2-707, C.R.S.

22 **40-8.7-110. Reports.** (1) THE ORGANIZATION SHALL SUBMIT A
23 WRITTEN REPORT TO THE GENERAL ASSEMBLY, THE LEGISLATIVE AUDIT
24 COMMITTEE, AND THE OFFICE OF THE STATE AUDITOR ON OR BEFORE
25 MARCH 31 OF EACH YEAR, BEGINNING IN 2007, THAT COVERS THE
26 IMMEDIATELY PRECEDING CALENDAR YEAR. THE REPORT SHALL INCLUDE:

27 (a) AN ITEMIZED ACCOUNT OF MONEYS RECEIVED BY THE

1 ORGANIZATION FROM EACH UTILITY;

2 (b) THE AMOUNT OF MONEYS DISTRIBUTED, THE TYPE OF
3 ASSISTANCE PROVIDED, THE GEOGRAPHIC AREA OF THE STATE SERVED, AND
4 AN ITEMIZATION OF THE PROGRAMS THROUGH WHICH THE MONEYS ARE
5 EXPENDED;

6 (c) THE NUMBER OF LOW-INCOME HOUSEHOLDS SERVED, BY
7 UTILITY AND BY TYPE OF ASSISTANCE PROVIDED; AND

8 (d) AN AUDITED FINANCIAL STATEMENT FROM THE ORGANIZATION.

9 (2) THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC FOR
10 REVIEW.

11 **40-8.7-111. Jurisdiction of the public utilities commission.**

12 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO EXPAND OR ALTER THE
13 JURISDICTION OF THE PUBLIC UTILITIES COMMISSION.

14 **40-8.7-112. Repeal of article.** THIS ARTICLE IS REPEALED,
15 EFFECTIVE JULY 1, 2011.

16 **SECTION 2.** 24-34-104 (42), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18 **24-34-104. General assembly review of regulatory agencies and**
19 **functions for termination, continuation, or reestablishment.** (42) The
20 following agencies, functions, or both, shall terminate on July 1, 2011:

21 (i) THE LOW-INCOME ENERGY ASSISTANCE PROGRAM CREATED IN
22 ARTICLE 8.7 OF TITLE 40, C.R.S.

23 **SECTION 3. Effective date.** This act shall take effect at 12:01
24 a.m. on the day following the expiration of the ninety-day period after
25 final adjournment of the general assembly that is allowed for submitting
26 a referendum petition pursuant to article V, section 1 (3) of the state
27 constitution (August 10, 2005, if adjournment sine die is on May 11,

1 2005); except that, if a referendum petition is filed against this act or an
2 item, section, or part of this act within such period, then the act, item,
3 section, or part, if approved by the people, shall take effect on the date of
4 the official declaration of the vote thereon by proclamation of the
5 governor.