

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 14, 2005

Date

Committee on Business, Labor and Technology.

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

SB05-001 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute the following:

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

5 **ARTICLE 8.7**  
6 **Low-income Energy Assistance**

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

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

16 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE MOST  
17 EFFICIENT WAY TO SUPPORT SUCH A PROGRAM IS FOR GAS AND ELECTRIC  
18 UTILITIES TO PROVIDE THE OPPORTUNITY FOR EACH UTILITY CUSTOMER TO  
19 CONTRIBUTE AN OPTIONAL AMOUNT ON THE CUSTOMER'S BILLING  
20 STATEMENT FOR LOW-INCOME ENERGY ASSISTANCE THAT WILL BE

1 DISPLAYED MONTHLY ON THE UTILITY BILL UNTIL THE CUSTOMER  
2 INDICATES OTHERWISE, AND THAT THE MONEYS COLLECTED SHALL BE  
3 MOST ECONOMICALLY AND EQUITABLY DISBURSED THROUGH A SYSTEM IN  
4 WHICH THE CONTRIBUTIONS COLLECTED BY ELECTRIC UTILITIES AND GAS  
5 UTILITIES ARE TRANSMITTED TO ENERGY OUTREACH COLORADO.

6 **40-8.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

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

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

17 (3) "ENERGY ASSISTANCE PROGRAM" OR "PROGRAM" MEANS THE  
18 LOW-INCOME ENERGY ASSISTANCE PROGRAM CREATED BY SECTION  
19 40-8.7-104 AND DESIGNED TO PROVIDE FINANCIAL ASSISTANCE,  
20 RESIDENTIAL ENERGY EFFICIENCY, AND ENERGY CONSERVATION  
21 ASSISTANCE.

22 (4) "ORGANIZATION" MEANS ENERGY OUTREACH COLORADO, A  
23 COLORADO NONPROFIT CORPORATION, FORMERLY KNOWN AS THE  
24 COLORADO ENERGY ASSISTANCE FOUNDATION.

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

28 (6) "UTILITY" MEANS A CORPORATION, ASSOCIATION,  
29 PARTNERSHIP, COOPERATIVE ELECTRIC ASSOCIATION, OR MUNICIPALLY  
30 OWNED ENTITY THAT PROVIDES RETAIL ELECTRIC SERVICE OR RETAIL GAS  
31 SERVICE TO CUSTOMERS IN COLORADO.

32 **40-8.7-104. Energy assistance program - creation - energy**  
33 **assistance charge - rules.** THERE IS HEREBY CREATED THE LOW-INCOME  
34 ENERGY ASSISTANCE PROGRAM TO COLLECT AND DISBURSE AN OPTIONAL

1 ENERGY ASSISTANCE CONTRIBUTION IN COLORADO IN ACCORDANCE WITH  
2 THIS ARTICLE.

3 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, EVERY  
4 UTILITY DOING BUSINESS IN COLORADO SHALL PARTICIPATE IN THE  
5 ENERGY ASSISTANCE PROGRAM AND SHALL PROVIDE THE OPPORTUNITY  
6 FOR UTILITY CUSTOMERS TO MAKE AN OPTIONAL ENERGY ASSISTANCE  
7 CONTRIBUTION ON THE MONTHLY REMITTANCE DEVICE ON THEIR UTILITY  
8 BILLING STATEMENT BEGINNING NOVEMBER 1, 2005. EACH UTILITY SHALL  
9 PROVIDE THE OPPORTUNITY FOR CUSTOMERS TO DONATE THE OPTIONAL  
10 ENERGY ASSISTANCE CONTRIBUTION AS PROVIDED IN SECTION 40-8.7-105  
11 (2).

12 (3) ANY REASONABLE COSTS THAT A UTILITY INCURS IN  
13 CONNECTION WITH THE PROGRAM, INCLUDING THE INITIAL COSTS OF  
14 SETTING UP THE COLLECTION MECHANISM AND REFORMATTING ITS BILLING  
15 SYSTEMS TO SOLICIT THE OPTIONAL CONTRIBUTION, SHALL BE REIMBURSED  
16 FROM THE MONEYS COLLECTED BY THE PROGRAM, AND THIS AMOUNT  
17 SHALL BE ESTABLISHED BY THE PUBLIC UTILITIES COMMISSION BY RULE.  
18 THE REIMBURSED AMOUNTS SHALL BE TRANSMITTED TO THE UTILITIES  
19 BEFORE THE REMAINING MONEYS ARE DISTRIBUTED TO THE ORGANIZATION.

20 **40-8.7-105. Customer opt-in provision.** (1) THE PUBLIC  
21 UTILITIES COMMISSION SHALL DETERMINE THE MECHANISM FOR AN OPT-IN  
22 PROVISION WHEREBY THE ENERGY ASSISTANCE CONTRIBUTIONS  
23 DESCRIBED IN SECTION 40-8.7-104 WILL BE COLLECTED FROM THOSE  
24 CUSTOMERS WHO GIVE NOTICE OF THEIR INTENT TO PARTICIPATE IN THE  
25 ENERGY ASSISTANCE PROGRAM.

26 (2) EACH UTILITY SHALL SOLICIT VOLUNTARY DONATIONS  
27 THROUGH A CHECK-OFF MECHANISM DISPLAYED ON THE MONTHLY  
28 REMITTANCE DEVICE OR THROUGH AN ALTERNATIVE METHOD APPROVED  
29 BY THE COMMISSION. RECOMMENDED CHECK-OFF CATEGORIES OF FIVE  
30 DOLLARS, TEN DOLLARS, TWENTY-FIVE DOLLARS, FIFTY DOLLARS, AND  
31 "OTHER AMOUNT" SHALL BE DISPLAYED.

32 (3) ONCE A CUSTOMER VOLUNTARILY OPTS INTO THE PROGRAM,  
33 THE APPROPRIATE CONTRIBUTION SHALL BE ASSESSED ON A MONTHLY  
34 BASIS UNTIL THE CUSTOMER NOTIFIES THE UTILITY OF HIS OR HER DESIRE  
35 TO REMOVE THE CONTRIBUTION. EACH UTILITY SHALL ESTABLISH  
36 PROCEDURES TO NOTIFY CUSTOMERS ABOUT THEIR ABILITY TO CANCEL  
37 ANY VOLUNTARY CONTRIBUTION.

1 (4) ONCE THE UTILITY CUSTOMER OPTS INTO THE PROGRAM, THE  
2 ENERGY ASSISTANCE CONTRIBUTION SHALL APPEAR AS A SEPARATE LINE  
3 ITEM AND SHALL BE IDENTIFIED IN THE BILLING STATEMENT AS A  
4 CONTRIBUTION. THE LINE ITEM SHALL IDENTIFY THE OPTIONAL  
5 LOW-INCOME CONTRIBUTION, STATE THE AMOUNT OF THE OPTIONAL  
6 CONTRIBUTION, AND BE INCLUDED IN THE TOTAL AMOUNT DUE.

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

32 **40-8.7-106. Municipally owned gas, electric, and gas and**  
33 **electric utilities and cooperative electric associations.** (1) IF A  
34 MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR  
35 A COOPERATIVE ELECTRIC ASSOCIATION OPERATES AN ALTERNATIVE  
36 ENERGY ASSISTANCE PROGRAM TO SUPPORT ITS LOW-INCOME CUSTOMERS  
37 WITH THEIR HOME ENERGY NEEDS, THEN THE GOVERNING BODY OF THE  
38 MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR  
39 COOPERATIVE ELECTRIC ASSOCIATION MAY SELF-CERTIFY ITS  
40 ALTERNATIVE ENERGY ASSISTANCE PROGRAM AND UPON

1 SELF-CERTIFICATION SHALL HAVE NO OBLIGATIONS UNDER THIS ARTICLE.  
2 THE MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC  
3 ASSOCIATION SHALL SUBMIT A STATEMENT TO THE ORGANIZATION THAT  
4 SUCH UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION HAS AN  
5 ALTERNATIVE ENERGY ASSISTANCE PROGRAM. IN ORDER FOR SUCH  
6 UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION TO SELF-CERTIFY, SUCH  
7 ALTERNATIVE ENERGY ASSISTANCE PROGRAM SHALL MEET THE  
8 FOLLOWING CRITERIA:

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

11 (b) PROGRAM MONEYS SHALL BE COLLECTED AND DISTRIBUTED IN  
12 A MANNER AND UNDER ELIGIBILITY CRITERIA DETERMINED BY THE  
13 GOVERNING BODY FOR THE PURPOSE OF RESIDENTIAL ENERGY ASSISTANCE  
14 TO CUSTOMERS WHO ARE CHALLENGED WITH PAYING ENERGY BILLS FOR  
15 FINANCIAL REASONS, INCLUDING TO SENIORS ON FIXED INCOMES,  
16 INDIVIDUALS WITH DISABILITIES, AND LOW-INCOME INDIVIDUALS.

17 (2) IF THE GOVERNING BODY OF A MUNICIPALLY OWNED GAS,  
18 ELECTRIC, OR GAS AND ELECTRIC UTILITY OR A COOPERATIVE ELECTRIC  
19 ASSOCIATION DETERMINES THAT THE SERVICE AREA OF SUCH UTILITY OR  
20 COOPERATIVE HAS A LIMITED NUMBER OF PEOPLE WHO QUALIFY FOR  
21 ENERGY ASSISTANCE, SUCH UTILITY OR COOPERATIVE ELECTRIC  
22 ASSOCIATION MAY BE EXEMPT FROM THE OBLIGATIONS OF THIS ARTICLE.

23 (3) IF A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND  
24 ELECTRIC UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION HAS NOT  
25 SELF-CERTIFIED AN ALTERNATIVE ENERGY ASSISTANCE PROGRAM  
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION, OR HAS NOT EXEMPTED  
27 ITSELF PURSUANT TO SUBSECTION (2) OF THIS SECTION, SUCH UTILITY OR  
28 COOPERATIVE ELECTRIC ASSOCIATION SHALL COLLECT AN OPTIONAL  
29 ENERGY ASSISTANCE CHARGE FROM ITS CUSTOMERS AS PROVIDED IN  
30 SECTION 40-8.7-104. IN SUCH CIRCUMSTANCES, THE GOVERNING BODY OF  
31 SUCH UTILITY OR COOPERATIVE SHALL DETERMINE THE DISPOSITION AND  
32 DELIVERY OF THE OPTIONAL ENERGY ASSISTANCE CHARGE THAT IT  
33 COLLECTS ON THE FOLLOWING BASIS:

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

37 (b) IF THE GOVERNING BODY DOES NOT MAKE SUCH ELECTION

1 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE ENERGY  
2 ASSISTANCE MONEYS COLLECTED SHALL BE DISTRIBUTED UNDER  
3 ELIGIBILITY CRITERIA DETERMINED BY THE GOVERNING BODY FOR THE  
4 PURPOSE SET FORTH IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS  
5 SECTION.

6 (4) A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC  
7 UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION MAY PROVIDE FUNDING  
8 FOR ENERGY ASSISTANCE TO THE ORGANIZATION BY USING A SOURCE OF  
9 FUNDING OTHER THAN THE OPTIONAL CUSTOMER CONTRIBUTION ON EACH  
10 BILL.

11 (5) ANY REASONABLE COSTS THAT A MUNICIPALLY OWNED GAS,  
12 ELECTRIC, OR GAS AND ELECTRIC UTILITY OR COOPERATIVE ELECTRIC  
13 ASSOCIATION INCURS IN CONNECTION WITH THE PROGRAM, INCLUDING THE  
14 INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM, MAY BE  
15 REIMBURSED AT THE DISCRETION OF THE GOVERNING BODY FROM THE  
16 ENERGY ASSISTANCE MONEYS COLLECTED.

17 **40-8.7-107. Disposition of moneys.** (1) EACH GAS AND ELECTRIC  
18 UTILITY SHALL TRANSFER THE MONEYS FROM THE ENERGY ASSISTANCE  
19 CONTRIBUTIONS COLLECTED UNDER THIS ARTICLE TO THE ORGANIZATION  
20 ON THE FOLLOWING SCHEDULE:

21 (a) FOR THE MONEYS COLLECTED DURING THE PERIOD OF JANUARY  
22 1 TO MARCH 31 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE  
23 COLLECTED MONEYS TO THE ORGANIZATION BEFORE MAY 1 OF SUCH YEAR;

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

27 (c) FOR MONEYS COLLECTED DURING THE PERIOD OF JULY 1 TO  
28 SEPTEMBER 30 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE  
29 COLLECTED MONEYS TO THE ORGANIZATION BEFORE NOVEMBER 1 OF SUCH  
30 YEAR; AND

31 (d) FOR MONEYS COLLECTED DURING THE PERIOD OF OCTOBER 1  
32 TO DECEMBER 31 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE  
33 COLLECTED MONEYS TO THE ORGANIZATION BEFORE FEBRUARY 1 OF THE  
34 NEXT YEAR.

35 (2) EACH UTILITY SHALL PROVIDE THE ORGANIZATION WITH A

1 SUMMARY OF HOW THE MONEYS COLLECTED WERE GENERATED,  
2 INCLUDING THE NUMBER OF CUSTOMERS PARTICIPATING IN THE PROGRAM.

3 (3) THE ORGANIZATION SHALL PAY THE PUBLIC UTILITIES  
4 COMMISSION FROM THE MONEYS TRANSFERRED TO THE ORGANIZATION  
5 PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR ANY ADMINISTRATIVE  
6 COSTS INCURRED PURSUANT TO THIS ARTICLE.

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

23 (2) THE ORGANIZATION SHALL USE THE ENERGY ASSISTANCE  
24 CONTRIBUTION TO PROVIDE LOW-INCOME ENERGY ASSISTANCE AND TO  
25 IMPROVE ENERGY EFFICIENCY. THE FINANCIAL ASSISTANCE MONEYS  
26 SHALL BE PAID TO EACH UTILITY AS VENDOR PAYMENTS. THE MONEYS  
27 SHALL NOT BE USED FOR PROPANE, GAS, OR ELECTRIC ASSISTANCE FOR  
28 CUSTOMERS WHOSE PROPANE, GAS, ELECTRIC, OR GAS AND ELECTRIC  
29 COMPANIES OR COOPERATIVE ELECTRIC ASSOCIATIONS DO NOT  
30 PARTICIPATE IN THE PROGRAM. THE ORGANIZATION MAY USE UP TO FIVE  
31 PERCENT OF THE MONEYS COLLECTED FOR ADMINISTRATION OF THE  
32 ENERGY ASSISTANCE PROGRAM IN ACCORDANCE WITH GENERALLY  
33 ACCEPTED ACCOUNTING PRINCIPLES.

34 (3) THE ORGANIZATION SHALL, ON AN ANNUAL BASIS, DEVELOP A  
35 BUDGET FOR THE ENERGY ASSISTANCE PROGRAM TO DETERMINE THE  
36 ALLOCATION OF THE ENERGY ASSISTANCE CONTRIBUTIONS COLLECTED  
37 UNDER THIS ARTICLE.

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

5           (a) AN OLD AGE PENSION AS SET FORTH IN SECTION 26-2-111 (2),  
6 C.R.S.;

7           (b) AID TO THE NEEDY DISABLED AS SET FORTH IN SECTION  
8 26-2-111 (4), C.R.S.;

9           (c) AID TO THE BLIND AS SET FORTH IN SECTION 26-2-111 (5),  
10 C.R.S.;

11           (d) SUPPLEMENTAL SOCIAL SECURITY DISABILITY BENEFITS UNDER  
12 42 U.S.C. SEC. 1396 ET SEQ.;

13           (e) COLORADO WORKS ASSISTANCE AS SET FORTH IN SECTION  
14 26-2-706 AND 26-2-707, C.R.S.

15           **40-8.7-110. Reports.** (1) THE ORGANIZATION SHALL SUBMIT A  
16 WRITTEN REPORT TO THE GENERAL ASSEMBLY, THE LEGISLATIVE AUDIT  
17 COMMITTEE, AND THE OFFICE OF THE STATE AUDITOR ON OR BEFORE  
18 MARCH 31 OF EACH YEAR, BEGINNING IN 2007, THAT COVERS THE  
19 IMMEDIATELY PRECEDING CALENDAR YEAR. THE REPORT SHALL INCLUDE:

20           (a) AN ITEMIZED ACCOUNT OF MONEYS RECEIVED BY THE  
21 ORGANIZATION FROM EACH UTILITY;

22           (b) THE AMOUNT OF MONEYS DISTRIBUTED, THE TYPE OF  
23 ASSISTANCE PROVIDED, THE GEOGRAPHIC AREA OF THE STATE SERVED, AND  
24 AN ITEMIZATION OF THE PROGRAMS THROUGH WHICH THE MONEYS ARE  
25 EXPENDED;

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

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

29           (2) THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC FOR  
30 REVIEW.

1           **40-8.7-111. Jurisdiction of the public utilities commission.**  
2   NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO EXPAND OR ALTER THE  
3   JURISDICTION OF THE PUBLIC UTILITIES COMMISSION.

4           **40-8.7-112. Repeal of article.**   THIS ARTICLE IS REPEALED,  
5   EFFECTIVE JULY 1, 2011.

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

8           **24-34-104. General assembly review of regulatory agencies and**  
9   **functions for termination, continuation, or reestablishment.** (42) The  
10   following agencies, functions, or both, shall terminate on July 1, 2011:

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

13           **SECTION 3. Effective date.** This act shall take effect at 12:01  
14   a.m. on the day following the expiration of the ninety-day period after  
15   final adjournment of the general assembly that is allowed for submitting  
16   a referendum petition pursuant to article V, section 1 (3) of the state  
17   constitution (August 10, 2005, if adjournment sine die is on May 11,  
18   2005); except that, if a referendum petition is filed against this act or an  
19   item, section, or part of this act within such period, then the act, item,  
20   section, or part, if approved by the people, shall take effect on the date of  
21   the official declaration of the vote thereon by proclamation of the  
22   governor."

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