

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING RESTRICTIONS ON A UTILITY'S ABILITY TO DISCONNECT CERTAIN RESIDENTIAL CUSTOMERS' HEATING SERVICE DURING COLD WEATHER MONTHS.

Prime Sponsors: Senator Boyd

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Summary of Amendments Made to the Bill After the 05/03/12 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs

Does Not Concur

Updated Analysis

Reason for the Non-Concurrence

As indicated on page two of the Legislative Council Staff Fiscal Note, the fiscal note assumes that any gifts, grants, and donations received to implement the bill will be deposited into the Department of Human Services Low-Income Energy Assistance Fund (Fund), that the bill is expected to increase expenditures from the Fund, and for FY 2012-13 the Department of Human Services requires an appropriation of \$50,000 from the Fund for the purposes of the bill.

The "Legislative Commission on Low-Income Energy Assistance" (Commission), created in section 40-8.5-103.5, C.R.S., that is identified in the bill as being the commission responsible for making recommendations to the Governor and the General Assembly as required by the bill, is not located in the Department of Human Services. The Commission is not specified as being located in any state department.

Therefore, the bill appears to require a provision specifying that the Department of Human Services shall fund the Commission for the purposes of the bill, if it is determined that the Department of Human Services should fund the Commission for this purpose.

Furthermore, the Department of Human Services Low-Income Energy Assistance Fund created in section 40-8.7-112 (1) (a), C.R.S., is statutorily funded from severance tax moneys and continuously appropriated to the Department. If the Fund is determined to be the repository and source of funds for the purposes of the bill, it appears that an additional provision is required in the bill allowing the fund to serve as the repository for the purposes of the bill, and allowing the Department to accept and expend gifts, grants, and donations for the purposes of the bill.

Amendments/Appropriation Status

As delineated in the Legislative Council Staff Fiscal Note, \$50,000 from the Department of Human Services Low-Income Energy Assistance Fund is anticipated to be required for FY 2012-13. However, because this fund is continuously appropriated to the Department and cannot currently receive gifts, grants, and donations, no appropriation clause has been drafted.

Bill Sponsor Amendments

Staff is not aware of any sponsor amendments to be offered.

Points to Consider

As explained in the *Reason for the Non-Concurrence* section:

1. The Commission charged with carrying out the purpose of the bill is not statutorily located in any state department for the purpose of appropriation.
2. The bill does not specify that the Department of Human Services shall fund the Commission.
3. The Department of Human Services Low-Income Energy Assistance Fund is statutorily funded from severance tax moneys, is continuously appropriated, and cannot currently receive gifts, grants, and donations.