

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

INTRODUCED

LLS NO. 01-0752.01 Bob Lackner

HOUSE BILL 01-1276

HOUSE SPONSORSHIP

Daniel,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ASSISTANCE TO COLORADO RESIDENTS WITH THE**
102 **PAYMENT OF HIGH UTILITY COSTS, AND, IN CONNECTION**
103 **THEREWITH, DIRECTING THE DEPARTMENT OF HUMAN SERVICES**
104 **TO REQUEST THAT CERTAIN MONEYS COLLECTED BY THE**
105 **COLORADO ENERGY ASSISTANCE FOUNDATION BE TRANSFERRED**
106 **TO THE LOW-INCOME ENERGY ASSISTANCE PROGRAM FOR THE**
107 **PROVISION OF FINANCIAL ASSISTANCE AND ENERGY AUDITS.**

Bill Summary

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

Directs the department of human services to request the Colorado

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.

energy assistance foundation to transfer to the low-income energy assistance program (LEAP) in the department up to a specified percentage of the moneys collected by the foundation during the 2000-01 state fiscal year, or such other amount as the foundation may make available.

Provides that any such moneys transferred shall be set aside and earmarked to provide assistance to applicants by means of payment of some or all of their electric or gas utility bills, comparable to the assistance provided to eligible recipients under LEAP, subject to specified eligibility requirements.

Requires the department of human services to provide to each applicant who qualifies for and obtains energy assistance under the act an energy audit of the private home or rental unit in which the applicant resides. Authorizes the department to contract with any public or private entity able to perform the required audits as quickly, competently, and cost-effectively as possible.

As part of the required energy audit, requires the entity performing the energy audit to provide a report indicating beneficial and relatively low-cost recommendations for conserving energy as well as sources of grants or other financial assistance that may be available for the purpose of financing any of the recommended energy conservation measures to the owner or tenant of the private home or rental unit on which the audit was performed.

Requires the department of human services to coordinate its efforts with the governor's office of energy management and conservation and any other state or federal agency whose responsibilities include the provision of energy assistance to low- or moderate-income residents of Colorado.

Provides for a repeal. Makes conforming amendments. Defines terms.

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

2 **SECTION 1.** 26-2-122.5, Colorado Revised Statutes, is amended

3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **26-2-122.5. Acceptance of available moneys to finance the**

5 **low-income energy assistance program - rules.** (4) MONEYS ACCEPTED

6 BY THE DEPARTMENT OF HUMAN SERVICES FROM THE FUND CREATED IN

7 SECTION 40-8.5-104, C.R.S., SHALL BE EXPENDED AS PROVIDED IN SECTION

8 26-2-122.7.

1 **SECTION 2.** Part 1 of article 2 of title 26, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

3 **26-2-122.7. Moneys transferred to LEAP from the Colorado**
4 **energy assistance foundation during 2000-01 state fiscal year -**
5 **payment assistance - energy audits - legislative declaration - repeal.**

6 (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

7 (a) THROUGH THE LOW-INCOME ENERGY ASSISTANCE PROGRAM
8 ESTABLISHED IN THE DEPARTMENT AND THE COLORADO ENERGY
9 ASSISTANCE FOUNDATION, THE STATE IS ABLE TO ASSIST LOW- AND
10 MODERATE-INCOME COLORADANS WITH PAYMENT OF THEIR ELECTRIC AND
11 GAS UTILITY BILLS.

12 (b) ELIGIBILITY REQUIREMENTS UNDER THE LOW-INCOME ENERGY
13 ASSISTANCE PROGRAM ARE CURRENTLY SET AT A LEVEL THAT ALLOWS FOR
14 ENERGY ASSISTANCE TO BE TARGETED TO THOSE COLORADO RESIDENTS
15 MOST IN NEED OF SUCH ASSISTANCE. NEVERTHELESS, THESE ELIGIBILITY
16 REQUIREMENTS PRECLUDE SUCH ASSISTANCE FROM BEING DIRECTED TO
17 OTHER RESIDENTS WHOSE INCOME LEVELS MAY FALL SLIGHTLY ABOVE THE
18 ELIGIBILITY CUT-OFF BUT WHO ARE ALSO IN NEED OF SUCH ASSISTANCE.

19 (c) IT IS APPROPRIATE THAT THE GENERAL ASSEMBLY, THROUGH THE
20 DEPARTMENT, REQUEST THAT THE COLORADO ENERGY ASSISTANCE
21 FOUNDATION TRANSFER TO LEAP UP TO FIFTY PERCENT OF MONEYS
22 COLLECTED IN THE FUND DURING THE 2000-01 STATE FISCAL YEAR. ANY
23 SUCH MONEYS TRANSFERRED SHALL BE EARMARKED TO ASSIST IN
24 CONNECTION WITH THE PAYMENT OF UTILITY BILLS OF CERTAIN RESIDENTS,
25 THE YEARLY HOUSEHOLD INCOME OF WHICH PLACES THEM ABOVE THE
26 INCOME REQUIREMENTS NECESSARY TO QUALIFY FOR ASSISTANCE UNDER
27 LEAP. SUCH A TRANSFER IS CONSISTENT WITH THE PURPOSE OF THE FUND

1 AS EXPRESSED IN SECTION 40-8.5-104, C.R.S. IT IS ALSO APPROPRIATE
2 THAT THE FINANCIAL ASSISTANCE MADE AVAILABLE UNDER THIS ACT BE
3 COUPLED WITH A REQUIREMENT THAT AN ENERGY AUDIT BE COMPLETED
4 UPON THE HOME OR RENTAL UNIT RESIDED IN BY THE APPLICANT RECEIVING
5 FINANCIAL ASSISTANCE. ACCORDINGLY, RECIPIENTS OF ENERGY
6 ASSISTANCE SHALL BE BETTER EQUIPPED TO TAKE PREVENTIVE MEASURES
7 THAT MAY REDUCE THEIR UTILITY BILLS IN THE FUTURE.

8 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

11 (b) "FOUNDATION" MEANS THE COLORADO ENERGY ASSISTANCE
12 FOUNDATION ESTABLISHED PURSUANT TO SECTION 40-8.5-104, C.R.S.

13 (c) "FUND" MEANS THE FUND CREATED THROUGH AND MAINTAINED
14 BY THE FOUNDATION ESTABLISHED PURSUANT TO SECTION 40-8.5-104,
15 C.R.S.

16 (d) "LEAP" MEANS THE LOW-INCOME ENERGY ASSISTANCE
17 PROGRAM IN THE DEPARTMENT.

18 (3) THE DEPARTMENT SHALL REQUEST THE FOUNDATION TO
19 TRANSFER TO LEAP UP TO FIFTY PERCENT OF THE MONEYS COLLECTED IN
20 THE FUND DURING THE 2000-01 STATE FISCAL YEAR, OR SUCH OTHER
21 AMOUNT OF MONEYS AS THE FOUNDATION MAY MAKE AVAILABLE,
22 CONSISTENT WITH THE PURPOSES SPECIFIED IN THIS SECTION.

23 (4) ANY MONEYS TRANSFERRED TO LEAP PURSUANT TO
24 SUBSECTION (3) OF THIS SECTION SHALL BE SET ASIDE AND EARMARKED TO
25 PROVIDE ASSISTANCE TO APPLICANTS BY MEANS OF PAYMENT OF SOME OR
26 ALL OF THEIR ELECTRIC OR GAS UTILITY BILLS, COMPARABLE TO THE
27 ASSISTANCE PROVIDED TO ELIGIBLE RECIPIENTS UNDER LEAP, SUBJECT TO

1 THE FOLLOWING ELIGIBILITY REQUIREMENTS:

2 (a) AN APPLICANT, THE YEARLY HOUSEHOLD INCOME OF WHICH IS
3 GREATER THAN ONE HUNDRED EIGHTY-FIVE AND UP TO TWO HUNDRED
4 PERCENT OF THE FEDERAL POVERTY INDEX, SHALL BE ENTITLED, UPON
5 APPLICATION APPROVAL, TO FIFTY PERCENT OF THE ENERGY ASSISTANCE
6 PROVIDED TO AN ELIGIBLE APPLICANT UNDER LEAP; AND

7 (b) AN APPLICANT, THE YEARLY HOUSEHOLD INCOME OF WHICH IS
8 GREATER THAN TWO HUNDRED AND UP TO TWO HUNDRED FIFTY PERCENT
9 OF THE FEDERAL POVERTY INDEX, SHALL BE ENTITLED, UPON APPLICATION
10 APPROVAL, TO TWENTY-FIVE PERCENT OF THE ENERGY ASSISTANCE
11 PROVIDED TO AN ELIGIBLE APPLICANT UNDER LEAP.

12 (5) APPLICATION PROCEDURES FOR ASSISTANCE PROVIDED UNDER
13 THIS SECTION SHALL CONFORM AS NEARLY AS POSSIBLE TO THOSE UNDER
14 LEAP. ENERGY ASSISTANCE PROVIDED TO AN ELIGIBLE APPLICANT UNDER
15 THIS SECTION SHALL CONFORM AS NEARLY AS POSSIBLE TO THAT PROVIDED
16 UNDER LEAP WITH THE EXCEPTION OF THE DIFFERENT ELIGIBILITY
17 CRITERIA AND PAYMENT LEVELS AS SPECIFIED IN SUBSECTION (4) OF THIS
18 SECTION. THE DEPARTMENT SHALL PROMULGATE SUCH RULES AS ARE
19 NECESSARY TO FURTHER IMPLEMENT THE PROVISIONS OF THIS SECTION.
20 SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF
21 TITLE 24, C.R.S.

22 (6) (a) IN ADDITION TO PROVIDING ASSISTANCE WITH THE PAYMENT
23 OF ELECTRIC OR GAS UTILITY BILLS IN ACCORDANCE WITH THE
24 REQUIREMENTS OF THIS SECTION, THE DEPARTMENT SHALL ALSO PROVIDE
25 TO EACH APPLICANT WHO QUALIFIES FOR AND OBTAINS ENERGY
26 ASSISTANCE UNDER SUBSECTION (4) OF THIS SECTION AN ENERGY AUDIT OF
27 THE PRIVATE HOME OR RENTAL UNIT IN WHICH THE APPLICANT RESIDES. IN

1 IMPLEMENTING THE REQUIREMENTS OF THIS SUBSECTION (6), THE
2 DEPARTMENT SHALL BE AUTHORIZED TO CONTRACT WITH ANY PUBLIC OR
3 PRIVATE ENTITY ABLE TO PERFORM THE REQUIRED AUDITS AS QUICKLY,
4 COMPETENTLY, AND COST-EFFECTIVELY AS POSSIBLE.

5 (b) AS PART OF THE ENERGY AUDIT REQUIRED TO BE PROVIDED
6 UNDER PARAGRAPH (a) OF THIS SUBSECTION (6), THE ENTITY PERFORMING
7 THE ENERGY AUDIT SHALL PROVIDE TO THE OWNER OR TENANT OF THE
8 PRIVATE HOME OR RENTAL UNIT ON WHICH THE AUDIT WAS PERFORMED A
9 REPORT INDICATING:

10 (I) BENEFICIAL AND RELATIVELY LOW-COST RECOMMENDATIONS
11 FOR CONSERVING ENERGY, INCLUDING, WITHOUT LIMITATION,
12 INFORMATION PERTAINING TO WEATHERIZATION, INSULATION, CAULKING,
13 DOOR AND WINDOW REPLACEMENT, AND ROOF REPAIRS; AND

14 (II) SOURCES OF GRANTS OR OTHER FINANCIAL ASSISTANCE THAT
15 MAY BE AVAILABLE TO THE OWNER OR TENANT FROM ANY PUBLIC OR
16 PRIVATE SOURCE FOR THE PURPOSE OF FINANCING ANY OF THE ENERGY
17 CONSERVATION MEASURES RECOMMENDED PURSUANT TO SUBPARAGRAPH
18 (I) OF THIS PARAGRAPH (b).

19 (7) IN IMPLEMENTING THE PROVISIONS OF THIS SECTION, THE
20 DEPARTMENT SHALL COORDINATE ITS EFFORTS WITH THE GOVERNOR'S
21 OFFICE OF ENERGY MANAGEMENT AND CONSERVATION AND ANY OTHER
22 STATE OR FEDERAL AGENCY WHOSE RESPONSIBILITIES INCLUDE THE
23 PROVISION OF ENERGY ASSISTANCE TO LOW- OR MODERATE-INCOME
24 RESIDENTS OF COLORADO.

25 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2004.

26 **SECTION 3. Effective date.** This act shall take effect at 12:01
27 a.m. on the day following the expiration of the ninety-day period after

1 final adjournment of the general assembly that is allowed for submitting
2 a referendum petition pursuant to article V, section 1 (3) of the state
3 constitution; except that, if a referendum petition is filed against this act
4 or an item, section, or part of this act within such period, then the act,
5 item, section, or part, if approved by the people, shall take effect on the
6 date of the official declaration of the vote thereon by proclamation of the
7 governor.