

SECOND REGULAR SESSION

# SENATE BILL NO. 810

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DOUGHERTY.

Pre-filed December 10, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2809S.011

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## AN ACT

To repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.135 and 660.136, RSMo, relating to the utilicare program, and to enact in lieu thereof seven new sections relating to the same subject.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.135 and 660.136, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 660.100, 660.105, 660.110, 660.115, 660.122, 660.135 and 660.136, to read as follows:

660.100. 1. The department of social services is directed to establish a plan for providing financial assistance to elderly households, disabled households and qualified individual households for the payment of charges for the primary or secondary heating or cooling source for the household. This plan shall be known as "Utilicare".

2. For purposes of sections 660.100 to 660.136, the term "elderly" shall mean having reached the age of sixty-five and the term "disabled" shall mean totally and permanently disabled or blind and receiving federal Social Security disability benefits, federal supplemental security income benefits, veterans administration benefits, state blind pension pursuant to sections 209.010 to 209.160, RSMo, state aid to blind persons pursuant to section 209.240, RSMo, or state supplemental payments pursuant to section 208.030, RSMo. For the

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

purposes of sections 660.100 to 660.136, but not for the purpose of determining "eligible subscribers" pursuant to subdivision (4) of section 660.138, the term "qualified individual household" shall mean a household in which:

(1) One or more residents of the state of Missouri reside and whose combined household income is less than or equal to one hundred and [ten] **fifty** percent of the current federal poverty level **or sixty percent of the state median income** for the relevant household; and

(2) While the Federal Low Income Home Energy Assistance Program remains in effect, the household is also determined to be eligible for assistance under such program and related state programs of the Missouri department of social services.

660.105. Every qualified individual household for which an application is made, and every applicant household in which the head of the household or spouse is elderly or disabled and the income for the prior calendar year does not exceed one hundred and [ten] **fifty** percent of the current federal poverty level **or sixty percent of the state median income**, shall be an "eligible household" and shall be entitled to receive assistance under the utilicare program if moneys have been appropriated by the general assembly to the utilicare stabilization fund established pursuant to section 660.136. "Income" shall be as defined in section 135.010, RSMo.

660.110. The department of social services shall be responsible for coordination of all federal heating assistance programs [as well as] **into** the utilicare program and shall provide plans for the implementation and administration of these programs. [Except as otherwise provided in sections 660.100 to 660.136, the utilicare program shall be administered in the same manner as the Federal Low Income Emergency Assistance Program.] The department may contract with local not-for-profit community agencies which render energy assistance pursuant to affiliation or contract with the United States Community Service Administration or another federal agency to distribute the federal moneys [and], to administer the federal heating and cooling assistance programs in accordance with the plan developed by the department[. The department may contract with local not-for-profit community agencies which render energy assistance pursuant to affiliation or contract with the United States Community Service Administration or another federal agency] **and** to provide certain administrative services in connection with the utilicare program

which may include the processing of utilicare applications and any other service which the department deems practical. Insofar as possible, within the provisions of federal law and regulations, all payments made from funds available from the Crude Oil Windfall Profit Tax Act of 1980 and other federal sources shall be made directly to energy suppliers in a manner similar to payments made under the state utilicare program.

660.115. 1. For each eligible household, an amount not exceeding [one hundred fifty] **six hundred** dollars for each fiscal year may be paid from the utilicare stabilization fund to the primary or secondary heating source supplier, or both, including suppliers of heating fuels, such as gas, electricity, wood, coal, propane and heating oil. For each eligible household, an amount not exceeding [one hundred fifty] **six hundred** dollars for each fiscal year may be paid from the utilicare stabilization fund to the primary or secondary cooling source supplier, or both. [Notwithstanding any other provision of sections 610.100 to 660.136 to the contrary, the amount paid from the utilicare stabilization fund for cooling assistance in any single cooling season shall not exceed the lesser of five percent of the total amount appropriated by the general assembly to the fund for the most recent fiscal year or five hundred thousand dollars.]

2. For an eligible household, other than a household located in publicly owned or subsidized housing, an adult boarding facility, an intermediate care facility, a residential care facility or a skilled nursing facility, whose members rent their dwelling and do not pay a supplier directly for the household's primary or secondary heating or cooling source, utilicare payments shall be paid directly to the head of the household, except that total payments shall not exceed eight percent of the household's annual rent or one hundred dollars, whichever is less.

[660.120. 1. Funds for the utilicare program may come from state, federal, or other sources.

2. Any household which is eligible to receive both federal assistance and utilicare assistance in paying for its primary or secondary heating or cooling source may receive utilicare assistance only as follows: In the event that the federal assistance available to such household is less than the total benefits available to the household under the provisions of section 660.115, then the household may receive utilicare assistance only in an amount equal to the amount of the difference between the federal assistance available in paying for its primary or secondary heating or

cooling source and the total benefits available to such household under the provisions of section 660.115.]

660.122. [Notwithstanding any other provision of sections 660.100 to 660.136 to the contrary,] Funds appropriated under the authority of sections 660.100 to 660.136 may be used to pay the expenses of reconnecting or maintaining service to households that have had their primary or secondary heating or cooling source disconnected or service discontinued because of their failure to pay their bill. Any qualified household or other household which has as its head a person who is elderly or disabled, as defined in section 660.100, shall be eligible for assistance under this section if the income for the household is no more than one hundred [ten] **fifty** percent of the current federal poverty level **or sixty percent of the state median income** and if moneys have been appropriated by the general assembly to the utilicare stabilization fund established pursuant to section 660.136. Payments under this section shall be made directly to the primary or secondary heating or cooling source supplier. Any primary or secondary heating or cooling source supplier subject to the supervision and regulation of the public service commission shall, at any time during the period of the cold weather rule specified in the cold weather rule as established and as amended by the public service commission, reconnect and provide services to each household eligible for assistance under this section in compliance with the terms of such cold weather rule. All home energy suppliers receiving funds under this section shall provide service to eligible households consistent with their contractual agreements with the department of social services. [Notwithstanding the above, the division of family services shall only utilize general revenue funds appropriated in conjunction with this chapter after such time as the division has obligated all federal emergency funds available for the purposes enumerated above.]

660.135. 1. [Not more than five million dollars from state general revenue shall be appropriated by] The general assembly **shall appropriate funds** to the utilicare stabilization fund established pursuant to section 660.136 for the support of the utilicare program established by sections 660.100 to 660.136 for any fiscal year[, except in succeeding years the amount of state funds may be increased by a percentage which reflects the national cost-of-living index or seven percent, whichever is lower].

2. The department of social services may, in coordination with the

department of natural resources, apply a portion of the funds appropriated annually by the general assembly to the utilicare stabilization fund established pursuant to section 660.136 to the low income weatherization assistance program of the department of natural resources; provided that any project financed with such funds shall [have a full energy savings payback period of no greater than ten years] **be consistent with federal guidelines for the Weatherization Assistance Program for Low-Income Persons as authorized by 42 U.S.C. 6861.**

660.136. **1.** The "Utilicare Stabilization Fund" is hereby created in the state treasury to support the provisions of sections 660.100 to 660.136. **Funds for the utilicare program may come from state, federal or other sources including funds received by this state from the federal government under the provisions of the Community Opportunities Accountability and Training and Educational Services Act of 1998 (Title III, Section 301-309, Public Law 93.568), together with any interest or other earnings on the principal of this fund.** Moneys in the utilicare stabilization fund [that are not required to meet or augment the utilicare funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the utilicare stabilization fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources, and make investments of the unexpended balances thereof] **shall be used for the purposes established in the Federal Low Income Home Energy Assistance Program and Sections 660.100 to 660.136.**

**2.** The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund, which shall lapse, is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year. Moneys in the utilicare fund not needed currently for the purposes designated in sections 660.100 to 660.136, may be invested by the state treasurer in the manner that other moneys of the state are authorized by law to be invested. All interest, income and

**returns from moneys of the utilicare stabilization fund shall be deposited in the state treasury to the credit of the utilicare stabilization fund.**

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