



General Assembly

**Bill No. 7601**

October 25 Special  
Session, 2005

LCO No. 8620

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Referred to Committee on No Committee

Introduced by:

REP. AMANN, 118<sup>th</sup> Dist.

SEN. WILLIAMS, 29<sup>th</sup> Dist.

***AN ACT CONCERNING MINOR REVISIONS TO THE EMERGENCY  
HOME HEATING ASSISTANCE ACT.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 2 of public act 05-2 of the October 25 special  
2 session is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) For purposes of this section:

5 (1) "HEARTH program" means the home energy assistance and  
6 reimbursements for tune-ups on heating equipment grant program, as  
7 established by this section;

8 (2) "Eligible contractor" means a [petroleum product dealer  
9 registered pursuant to section 16a-22a of the general statutes]  
10 contractor, as defined in section 20-330 of the general statutes, licensed  
11 pursuant to chapter 393 of the general statutes, a public service gas  
12 technician, as defined in section 20-540 of the general statutes, a gas

13 company, as defined in section 16-1 of the general statutes, as amended  
14 by sections 1 and 2 of public act 05-1 of the June special session, an  
15 electric distribution company, as defined in said section 16-1, or a  
16 municipal utility;

17 (3) "Eligible good or service" means home heating equipment tune-  
18 ups or the installation [or provision] of water heater blankets, window  
19 film or programmable thermostats; and

20 (4) "Secretary" means the Secretary of the Office of Policy and  
21 Management.

22 (b) The Secretary of the Office of Policy and Management, in  
23 conjunction with the Commissioner of Social Services, shall establish a  
24 home energy assistance and reimbursements for tune-ups on heating  
25 equipment grant program for the fiscal year ending June 30, 2006.  
26 Pursuant to such program, the secretary shall reimburse an eligible  
27 contractor in an amount not exceeding fifty dollars per household for  
28 an eligible good provided or eligible service performed.

29 (c) The commissioner shall administer the HEARTH program for  
30 households that are eligible for the Connecticut energy assistance  
31 program, as amended by the provisions of section 1 of [this act] public  
32 act 05-2 of the October 25 special session, in accordance with  
33 Connecticut energy assistance program procedures for households  
34 heating with deliverable fuels or natural gas.

35 (d) (1) The secretary shall administer the HEARTH program for  
36 households that are not eligible for the Connecticut energy assistance  
37 program, as amended by the provisions of section 1 of [this act] public  
38 act 05-2 of the October 25 special session. The secretary may, subject to  
39 the provisions of chapter 67 of the general statutes, employ such  
40 agents, assistants and employees as he or she deems necessary to carry  
41 out the provisions of this section. The secretary may adopt regulations,  
42 in accordance with the provisions of chapter 54, to implement the  
43 provisions of this section.

44 (2) Households that do not qualify for the Connecticut energy  
45 assistance program, as amended by the provisions of section 1 of [this  
46 act] public act 05-2 of the October 25 special session, may request from  
47 the secretary a prequalification certificate for not more than fifty  
48 dollars of eligible goods or services. An eligible contractor shall not  
49 apply to the secretary for reimbursement pursuant to the HEARTH  
50 program for eligible goods and services unless the eligible contractor  
51 submits such certificate, along with a copy of the invoice, with its  
52 application to the secretary.

53 (e) An eligible contractor that submits an application pursuant to  
54 the HEARTH program shall not charge the subject customer a price for  
55 a good or service that is in excess of a price for the same good or  
56 service for a customer who does not have a prequalification certificate  
57 for the HEARTH program or who is not eligible for the Connecticut  
58 energy assistance program, as amended by the provisions of section 1  
59 of [this act] public act 05-2 of the October 25 special session. Eligible  
60 contractors who will receive reimbursement pursuant to this program  
61 shall deduct the amount of such reimbursement from any invoice  
62 provided to the subject customer for the eligible good or service.  
63 Failure to comply with the provisions of this subsection shall be  
64 deemed to be an unfair trade practice within the provisions of chapter  
65 735a of the general statutes.

66 Sec. 2. Section 4 of public act 05-2 of the October 25 special session is  
67 repealed and the following is substituted in lieu thereof (*Effective*  
68 *December 15, 2005, and applicable to sales occurring on or after December 15,*  
69 *2005*):

70 (a) For purposes of this section, "residential weatherization  
71 products" means programmable thermostats, window film, caulking,  
72 window and door weather strips, insulation, water heater blankets,  
73 water heaters, [that meet the federal Energy Star standard,] natural gas  
74 and propane furnaces and boilers that meet the federal Energy Star  
75 standard, windows and doors that meet the federal Energy Star

76 standard, [and oil furnaces] oil furnaces and boilers that are not less  
77 than eighty-five per cent efficient and ground-based heat pumps that  
78 meet the minimum federal energy efficiency rating.

79 (b) Notwithstanding the provisions of the general statutes, from  
80 November 25, 2005, to April 1, 2006, the provisions of chapter 219 of  
81 the general statutes shall not apply to sales of any residential  
82 weatherization products.

83 Sec. 3. Section 10 of public act 05-2 of the October 25 special session  
84 is repealed and substituted in lieu thereof (*Effective from passage*):

85 (a) As used in this section:

86 (1) "Energy resource" shall include, but not be limited to, middle  
87 distillate, residual fuel oil, motor gasoline, propane, aviation gasoline  
88 and aviation turbine fuel, natural gas, electricity, coal and coal  
89 products, wood fuels and any other resource yielding energy;

90 (2) "Seller" shall include, but not be limited to, a supplier,  
91 wholesaler, distributor or retailer involved in the sale or distribution in  
92 this state of an energy resource;

93 (3) "Abnormal market disruption" refers to any stress to an energy  
94 resource market resulting from weather conditions, acts of nature,  
95 failure or shortage of a source of energy, strike, civil disorder, war,  
96 national or local emergency, oil spill or other extraordinary [averse]  
97 adverse circumstance.

98 (b) No seller during any period of abnormal market disruption or  
99 during any period in which an imminent abnormal market disruption  
100 is reasonably anticipated shall sell or offer to sell an energy resource  
101 for an amount that represents an unconscionably excessive price.

102 (c) Evidence that (1) the amount charged represents a gross  
103 disparity between the price of an energy resource that was the subject  
104 of the transaction and the price at which such energy resource was

105 sold or offered for sale by the seller in the usual course of business  
106 immediately prior to (A) the onset of an abnormal market disruption,  
107 or (B) any period in which an imminent abnormal market disruption is  
108 reasonably anticipated, and (2) the amount charged by the seller was  
109 not attributable to additional costs incurred by the seller in connection  
110 with the sale of such product, shall constitute prima facie evidence that  
111 a price is unconscionably excessive.

112 (d) This section shall not be construed to limit the ability of the  
113 Commissioner of Consumer Protection or the courts to establish  
114 certain acts or practices as unfair or unconscionable in the absence of  
115 abnormal market disruptions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	PA 05-2 of the October 25 Sp. Sess., Sec. 2
Sec. 2	<i>December 15, 2005, and applicable to sales occurring on or after December 15, 2005</i>	PA 05-2 of the October 25 Sp. Sess., Sec. 4
Sec. 3	<i>from passage</i>	PA 05-2 of the October 25 Sp. Sess., Sec. 10