



Senate Bill No. 1102

August Special Session, Public Act No. 08-2

AN ACT CONCERNING HOME HEATING RELIEF.

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

Section 1. (*Effective from passage*) (a) The unappropriated surplus remaining in the General Fund for the fiscal year ending June 30, 2008, shall be credited to the resources of the General Fund for use as General Fund revenue for the fiscal year ending June 30, 2009.

(b) The funds credited to the General Fund pursuant to subsection (a) of this section shall be available for expenditure during the fiscal year ending June 30, 2009, for the purposes specified in sections 4, 5 and 7 to 10, inclusive, of this act.

Sec. 2. Subsection (a) of section 16a-22b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective September 1, 2008*):

(a) No retail dealer of fuel oil or propane shall assess a surcharge on the price of fuel oil or propane delivered to a customer if the delivery of the fuel oil or propane is in an amount in excess of one hundred [twenty-five] gallons, except that a surcharge may be assessed if a delivery is made outside the normal service area or the normal business hours of the dealer or extraordinary labor costs are involved

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in making a delivery.

Sec. 3 (NEW) (*Effective from passage*) The Secretary of the Office of Policy and Management shall establish a program to provide rebates to eligible state residents for repairing or upgrading their existing boilers and furnaces to achieve greater heating efficiency. Eligibility for rebates pursuant to this subsection shall be determined using eligibility criteria established for rebates pursuant to subsection (a) of section 16a-46e of the 2008 supplement to the general statutes. Persons may apply to the secretary, on a form prescribed by the secretary, to receive such rebate for furnace or boiler repairs or upgrades made on or after August 1, 2008. The rebate shall be available only for residential structures containing not more than four dwelling units. No rebate shall exceed five hundred dollars, nor shall a rebate equal more than fifty per cent of the cost of the repair or upgrade.

Sec. 4. (*Effective from passage*) The sum of \$3,000,000 is appropriated from the funds credited to the General Fund for the fiscal year ending June 30, 2009, pursuant to subsection (a) of section 1 of this act to the Office of Policy and Management, for the fiscal year ending June 30, 2009, to provide additional funding for the rebate program for residential furnace or boiler replacement established pursuant to section 16a-46e of the 2008 supplement to the general statutes. Any unexpended funds appropriated for purposes of this section shall not lapse on June 30, 2009, but shall be available for expenditure during the fiscal year ending June 30, 2010.

Sec. 5. (*Effective from passage*) The sum of \$2,000,000 is appropriated from the funds credited to the General Fund for the fiscal year ending June 30, 2009, pursuant to subsection (a) of section 1 of this act to the Office of Policy and Management, for the fiscal year ending June 30, 2009, to provide rebates to eligible state residents for repairing or upgrading their existing boilers or furnaces to achieve greater heating efficiency pursuant to the program established in section 3 of this act.

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Any unexpended funds appropriated for purposes of this section shall not lapse on June 30, 2009, but shall be available for expenditure during the fiscal year ending June 30, 2010.

Sec. 6. Subsections (b) and (c) of section 16a-40b of the 2008 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any such loan or deferred loan shall be available only for a residential structure containing not more than four dwelling units, shall be not less than four hundred dollars and not more than twenty-five thousand dollars per structure and, with respect to any application received on or after November 29, 1979, shall be made only to an applicant who submits evidence, satisfactory to the commissioner, that the adjusted gross income of the household member or members who contribute to the support of his household was not in excess of [one hundred fifty] two hundred per cent of the median area income by household size. In the case of a deferred loan, the contract shall require that payments on interest are due immediately but that payments on principal may be made at a later time. Repayment of [all] loans made under this subsection shall be subject to (1) a rate of interest (A) of zero per cent for loans for natural gas furnaces or boilers that meet or exceed federal Energy Star standards and propane and oil furnaces and boilers that are not less than eighty-four per cent efficient or as may otherwise be provided in subsection (a) of section 16a-46e of the 2008 supplement to the general statutes, or (B) to be determined in accordance with subsection (t) of section 3-20 and this subsection for loans for other purposes, and (2) such terms and conditions as the commissioner may establish. The State Bond Commission shall establish a range of rates of interest payable on [all] loans [under] pursuant to subparagraph (B) of subdivision (1) of this subsection and shall apply the range to applicants in accordance with a formula which reflects their income. Such range shall be not less than zero per cent for

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any applicant in the lowest income class and not more than one per cent above the rate of interest borne by the general obligation bonds of the state last issued prior to the most recent date such range was established for any applicant for whom the adjusted gross income of the household member or members who contribute to the support of his household does not exceed [one hundred fifty] two hundred per cent of the median area income by household size.

(c) The commissioner shall establish a program under which he shall make funds deposited in the Energy Conservation Loan Fund available for low-cost loans or deferred loans under subsection (a) of this section for residential structures containing more than four dwelling units, or for contracts guaranteeing payment of loans or deferred loans provided by private institutions for such structures for the purposes specified under subsection (a) of this section. Any such loan or deferred loan shall be an amount equaling not more than two thousand dollars multiplied by the number of dwelling units in such structure, provided no such loan or deferred loan shall exceed sixty thousand dollars. If the applicant seeks a loan or deferred loan for a structure containing more than thirty dwelling units, he shall include in his application a commitment to make comparable energy improvements of benefit to all dwelling units in the structure in addition to the thirty units which are eligible for the loan or deferred loan. Applications for contracts of guarantee shall be limited to structures containing not more than thirty dwelling units and the amount of the guarantee shall be not more than three thousand dollars for each dwelling unit benefiting from the loan or deferred loan. There shall not be an income eligibility limitation for applicants for such loans, deferred loans or guarantees, but the commissioner shall give preference to applications for loans, deferred loans or guarantees for such structures which are occupied by persons of low or moderate income. Repayment of such loans or deferred loans shall be subject to [such rates] (1) a rate of interest [,] (A) of zero per cent for loans for

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natural gas furnaces or boilers that meet or exceed federal Energy Star standards and propane and oil furnaces and boilers that are not less than eighty-four per cent efficient or as may otherwise be provided in subsection (a) of section 16a-46e of the 2008 supplement to the general statutes, or (B) to be determined in accordance with subsection (t) of section 3-20 for loans for other purposes, and (2) such terms and conditions as the commissioner shall establish. The state shall have a lien on each property for which a loan, deferred loan or guarantee has been made under this section to ensure compliance with such terms and conditions.

Sec. 7. (*Effective from passage*) The sum of \$2,000,000 is appropriated from the funds credited to the General Fund for the fiscal year ending June 30, 2009, pursuant to subsection (a) of section 1 of this act to the Department of Economic and Community Development, for the fiscal year ending June 30, 2009, to provide additional funding for the loan program for the purchase and installation in residential structures of insulation, alternative energy devices, energy conservation materials and replacement furnaces and boilers established pursuant to section 16a-40b of the 2008 supplement to the general statutes, as amended by this act. The department may spend up to \$250,000 of the amount appropriated pursuant to this section for administrative expenses and promotion of said program.

Sec. 8. (*Effective from passage*) (a) After all appropriations have been made pursuant to this act and public act 08-1 of the August special session from the funds credited to the General Fund for the fiscal year ending June 30, 2009, pursuant to subsection (a) of section 1 of this act, the remainder of such funds shall be appropriated to the Office of Policy and Management, for the fiscal year ending June 30, 2009, provided no more than \$35,000,000 shall be appropriated to the Office of Policy and Management. Such funds appropriated to the Office of Policy and Management shall be deposited in an energy contingency

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account, which shall be established for such purpose. Funds in the account may be used to provide emergency home heating assistance to state residents, with consideration given to households with preexisting all electric heating, and to supplement federal funding for the Connecticut energy assistance program. Any funds remaining in the energy contingency account on June 30, 2009, shall not lapse, but shall be available for expenditure during the fiscal year ending June 30, 2010.

(b) (1) Whenever, during the fiscal year ending June 30, 2009, the Secretary of the Office of Policy and Management determines that funds in the energy contingency account are needed to provide the assistance permitted under subsection (a) of this section, said secretary shall submit a plan to the speaker of the House of Representatives and the president pro tempore of the Senate recommending allocations of such funds. The secretary may submit one or more plans during said fiscal year, provided the first such plan shall be submitted after November 1, 2008. Any such plan may allocate a portion of the moneys to be used for administrative expenses. Not later than five days after receipt of any such plan, the speaker and the president pro tempore shall submit the plan to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the joint standing committee or committees of the General Assembly having cognizance of the subject matter relating to the plan, as determined by the speaker and the president pro tempore. Not later than thirty days after receipt of the plan, the committee having cognizance of matters relating to appropriations and the budgets of state agencies, in concurrence with the committee or committees of cognizance, shall advise the secretary and Governor of their approval or modifications, if any, of such plan. If the joint standing committees do not concur, the committee chairpersons shall appoint a committee on conference which shall be comprised of three members from each joint standing

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committee. At least one member appointed from each committee shall be a member of the minority party. The report of the committee on conference shall be made to each committee, which shall vote to accept or reject the report. The report of the committee on conference may not be amended. If a joint standing committee rejects the report of the committee on conference, the plan shall be deemed approved. If the joint standing committees accept the report, the committee having cognizance of matters relating to appropriations and the budgets of state agencies shall advise the secretary and Governor of their approval of the report. If the committees do not act during such thirty-day period, the plan shall be deemed approved.

(2) If the joint standing committees modify the plan, the Governor shall, not later than five days after receipt of notification of such modification, accept or reject such modification. If the Governor rejects such modification, the Governor shall notify the secretary of the rejection and the secretary shall, not later than five days after such notification, submit a revised plan to the speaker of the House of Representatives and the president pro tempore of the Senate. Not later than five days after receipt of the revised plan, the speaker and the president pro tempore shall submit the revised plan to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the joint standing committee or committees of the General Assembly having cognizance of the subject matter relating to such recommended allocations, as determined by the speaker and the president pro tempore. Not later than fifteen days after receipt of the revised plan, the committee having cognizance of matters relating to appropriations and the budgets of state agencies, in concurrence with the committee or committees of cognizance, shall advise the secretary and Governor of their approval or modifications, if any, of the revised plan. If the joint standing committees do not concur, the committee chairpersons shall appoint a committee on conference which shall be

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comprised of three members from each joint standing committee. At least one member appointed from each committee shall be a member of the minority party. The report of the committee on conference shall be made to each committee, which shall vote to accept or reject the report. The report of the committee on conference may not be amended. If a joint standing committee rejects the report of the committee on conference, the revised plan shall be deemed approved. If the joint standing committees accept the report, the committee having cognizance of matters relating to appropriations and the budgets of state agencies shall advise the secretary and Governor of their approval of the report. If the committees do not act during such fifteen-day period, the revised plan shall be deemed approved.

(3) If the joint standing committees modify the revised plan, the Governor shall, not later than five days after receipt of notification of such modification, accept or reject such modified revised plan. If the Governor rejects such modified revised plan, the modified revised plan shall immediately be submitted to the clerks of the House of Representatives and the Senate. The General Assembly may, not later than thirty days after receipt of the modified revised plan, approve, reject or modify such plan. The General Assembly may approve or modify the modified revised plan by a majority vote of each house and may reject the modified revised plan by a majority vote of either house. If either house fails to act during such thirty-day period, the modified revised plan shall be deemed rejected. If the modified revised plan is rejected by the General Assembly, the revised plan shall be deemed approved. If the modified revised plan is approved, such approved plan, with modifications made by the General Assembly, if any, shall be transmitted to the Governor for approval or rejection. The Governor shall, not later than five days after receipt of such approved modified revised plan, accept or reject such plan. If the Governor rejects the modified revised plan as approved or modified by the General Assembly, the General Assembly may reconsider the modified

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revised plan in the same manner as a vetoed bill.

Sec. 9. (NEW) (*Effective from passage*) (a) The Office of Policy and Management shall establish an energy audit subsidy program for qualified oil companies and other entities that conduct energy audits for people who heat their homes by a means other than electricity or natural gas, including, but not limited to, residential home heating oil customers. The program shall cover the balance of the cost of such audits conducted from September 1, 2008, to June 30, 2009, inclusive, by qualified oil companies and other entities that can show they (1) provided an energy audit to a residential customer, and (2) collected a seventy-five-dollar fee from the customer for such audit.

(b) The sum of \$7,000,000 is appropriated from the funds credited to the General Fund for the fiscal year ending June 30, 2009, pursuant to subsection (a) of section 1 of this act to the Office of Policy and Management for the energy audit subsidy program established pursuant to subsection (a) of this section.

(c) Any unexpended funds appropriated for purposes of this section shall not lapse at the end of the fiscal year ending June 30, 2009, but shall be available for expenditure during the next fiscal year.

Sec. 10. (NEW) (*Effective from passage*) The sum of \$2,000,000 is appropriated from the funds credited to the General Fund for the fiscal year ending June 30, 2009, pursuant to subsection (a) of section 1 of this act to the Department of Social Services to develop a plan for (1) providing funds for weatherization projects for low-income households participating in the Connecticut energy assistance program, (2) prioritizing assistance to households with incomes below two hundred per cent of the federal poverty level, and (3) coordinating provision of assistance to maximize effectiveness of the funds with the weatherization assistance provided to low-income households by the municipal electric utility and public service utility companies under

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programs overseen by the Energy Conservation Management Board pursuant to section 7-233y of the general statutes and sections 16-245m and 16-32f of the 2008 supplement to the general statutes and the Fuel Oil Conservation Board pursuant to section 16a-22l of the 2008 supplement to the general statutes, as amended by section 7 of public act 08-2 of the June special session. No later than November 1, 2008, and at least forty-five days before implementation, the department shall submit such plan to the Connecticut Energy Advisory Board, the Fuel Oil Conservation Board and the Energy Conservation Management Board for input and advice. The Energy Conservation Management Board may order modification of the plan to ensure effective prioritization and coordination of weatherization assistance in accordance with this section.

Approved August 26, 2008