

**AMENDMENT**

OFFERED IN THE HOUSE

BY REPRESENTATIVE ██████████

TO: CSHB 305(ENE), Draft Version "E"

1 Page 1, line 5, following "credit,"

2 Insert "to the Alaska heating assistance program,"

3

4 Page 19, following line 16:

5 Insert new bill sections to read:

6 **\* Sec. 34.** AS 47.25.621 is amended to read:

7 **Sec. 47.25.621. Alaska affordable heating [ASSISTANCE] program.** (a)

8 The Alaska affordable heating [ASSISTANCE] program is established in the  
9 Department of Health and Social Services to provide expanded eligibility for Alaska  
10 residents for home heating assistance, to the extent funds are available in the Alaska  
11 affordable heating fund [APPROPRIATED BY THE LEGISLATURE FOR THAT  
12 PURPOSE].

13 (b) The Alaska affordable heating [ASSISTANCE] program established  
14 under this section is in addition to the federal low-income heating and energy  
15 assistance provided under 42 U.S.C. 8621 - 8629 (Low-Income Home Energy  
16 Assistance Act of 1981), as amended, and implementing regulations.

17 **\* Sec. 35.** AS 47.25.621 is amended by adding a new subsection to read:

18 (c) The Alaska affordable heating fund is established as a separate fund to be  
19 managed by the Department of Revenue. The fund consists of appropriations made to  
20 it. Interest earned by the fund may be appropriated to it. The Department of Health and  
21 Social Services shall use money in the fund for Alaska affordable heating payments.

22 **\* Sec. 36.** AS 47.25.622 is amended to read:

23 **Sec. 47.25.622. Duties.** The Department of Health and Social Services

1 [DEPARTMENT] shall

2 (1) administer the Alaska **affordable** heating [ASSISTANCE]  
3 program provided under AS 47.25.621;

4 (2) adopt regulations under AS 44.62 (Administrative Procedure Act)  
5 to carry out the purpose of the program;

6 (3) coordinate payments among other heating assistance programs to  
7 avoid duplication of payments.

8 \* **Sec. 37.** AS 47.25.623 is amended to read:

9 **Sec. 47.25.623. Eligibility; payment amount.** An individual is eligible for  
10 home heating assistance payments under the Alaska **affordable** heating  
11 [ASSISTANCE] program if the individual

12 (1) is a resident of the state;

13 (2) is physically present and resides in a home in the state when the  
14 home heating costs are incurred;

15 (3) **for assistance calculated under (b) and (c) of this section, has**  
16 **gross household income not to exceed, as a percentage of the federal poverty**  
17 **guideline for Alaska set by the United States Department of Health and Human**  
18 **Services and revised under 42 U.S.C. 9902(2),**

19 **(A) 225 percent for a determination to be made under (c)(1)**  
20 **- (3) of this section; and**

21 **(B) 250 percent for a determination to be made under (c)(4)**  
22 **of this section; and** [HAS GROSS HOUSEHOLD INCOME ABOVE 150  
23 PERCENT BUT THAT DOES NOT EXCEED 225 PERCENT OF THE  
24 FEDERAL POVERTY GUIDELINE FOR ALASKA SET BY THE UNITED  
25 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND  
26 REVISED UNDER 42 U.S.C. 9902(2);]

27 (4) meets other eligibility requirements specified in regulations  
28 adopted under AS 47.25.622.

29 \* **Sec. 38.** AS 47.25.623 is amended by adding new subsections to read:

30 (b) The Department of Health and Social Services shall determine the number  
31 of points for each eligible individual based on the point formula used under 42 U.S.C.

1 8621 - 8629 (Low-Income Home Energy Assistance Act of 1981), as amended, and  
2 implementing regulations. Except as provided in (d) of this section, the amount of the  
3 Alaska affordable heating payment for an individual equals the base amount calculated  
4 under (c) of this section minus the amount the individual is eligible to receive under  
5 the federal low-income home energy assistance program under 42 U.S.C. 8621 - 8629,  
6 as amended, and implementing regulations.

7 (c) The Department of Health and Social Services shall calculate the base  
8 amount of the Alaska affordable heating payment for the individual based on points  
9 determined under (b) of this section and on the average price a barrel of Alaska North  
10 Slope crude oil for sale on the United States West Coast during September through  
11 February of the preceding fiscal year as follows:

12 (1) \$130 a point when the average price is not more than \$75 a barrel;

13 (2) \$140 a point when the average price is more than \$75 and not more  
14 than \$100 a barrel;

15 (3) \$150 a point when the average price is more than \$100 and not  
16 more than \$150 a barrel;

17 (4) \$165 a point when the average price is more than \$150 a barrel.

18 (d) Under the program authorized by AS 47.25.621 - 47.25.626, taking into  
19 consideration the gross household income rates established in (a) of this section and  
20 the base amounts to be calculated under (b) and (c) of this section,

21 (1) if insufficient money is appropriated to fully fund the Alaska  
22 affordable heating payments during the fiscal year, the department

23 (A) shall, for the duration of that fiscal year, suspend  
24 calculation and payment under (a)(3)(B) of this section and calculate and pay  
25 all eligible individuals under (a)(3)(A) of this section; and

26 (B) may, to the extent there is or may be an appropriation  
27 balance surplus to the amount required to make all payments under (A) of this  
28 paragraph, by regulation, establish at any time during the fiscal year a  
29 prospective pro rata reduction of the payment rates that the department will  
30 pay to eligible individuals under the program during that fiscal year qualifying  
31 under (a)(3)(B) of this section and, thereafter, may provide for prorated

1 payments; and

2 (2) if the commissioner reasonably determines that the total of  
3 appropriations from all sources during the fiscal year may exceed the amount required  
4 to fully fund all applications for assistance for Alaska affordable heating payments, the  
5 commissioner may expend the amount of excess money, not to exceed the total  
6 amount of the appropriations, to carry out the purpose of AS 47.25.621 - 47.25.626;  
7 under the authority of this paragraph, the commissioner shall distribute the estimated  
8 excess money pro rata among individuals receiving assistance under this section  
9 without regard to the limitations set out in the dollar value of the point formula  
10 expressed in (c)(1) - (4) of this section.

11 \* **Sec. 39.** AS 47.25.626(a) is amended to read:

12 (a) The **Department of Health and Social Services** [DEPARTMENT] may  
13 develop a regional Alaska heating [ASSISTANCE] program for the administration of  
14 AS 47.25.621 - 47.25.626 to provide home heating assistance in a uniform and cost-  
15 effective manner in a region of this state if an Alaska Native organization is authorized  
16 to implement a federally approved tribal family assistance plan that includes that  
17 region and has been awarded a tribal energy assistance grant for a program that  
18 includes that region under 42 U.S.C. 8623(d).

19 \* **Sec. 40.** AS 47.25.626(b) is amended to read:

20 (b) The department may award contracts to implement a program developed  
21 under (a) of this section. A contract authorized for delivery of home heating assistance  
22 under a regional Alaska heating [ASSISTANCE] program under this section is exempt  
23 from the competitive bid requirements of AS 36.30 (State Procurement Code). Subject  
24 to appropriation, a contract under this section must be in an amount that represents a  
25 fair and equitable share of the money appropriated for the Alaska **affordable** heating  
26 [ASSISTANCE] program under AS 47.25.621 - 47.25.626 to serve the state residents  
27 specified in (a) of this section. The authority provided under this section to contract is  
28 in addition to the authority to contract in AS 47.05.015 or other law.

29 \* **Sec. 41.** AS 47.25.626(f) is amended to read:

30 (f) If the department establishes a regional Alaska heating [ASSISTANCE]  
31 program and awards a contract to provide home heating assistance under this section,

1 a person applying for home heating assistance under AS 47.25.621 - 47.25.626 in the  
2 region of the state covered by the regional Alaska heating [ASSISTANCE] program  
3 may obtain home heating assistance from the department only through the  
4 organization designated by the department to serve the region."  
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6 Renumber the following bill sections accordingly.  
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8 Page 20, line 5:

9 Delete "INSTRUCTION."

10 Insert "INSTRUCTIONS. (a) The revisor of statutes shall change the heading of art. 6  
11 of AS 18.56 from "Article 6. Energy Conservation" to "Article 6. Energy Efficiency and  
12 Conservation Programs."  
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(b)"