

AMENDMENT #6

OFFERED IN THE HOUSE

BY REPRESENTATIVES KAWASAKI

TO: HCS CSSB 4002(FIN)

AND GUTTENBERG, DOLL

1 Page 1, line 3, following "tax;": (title amendment)

2 Insert "relating to emergency energy relief;"

3

4 Page 3, following line 27:

5 Insert a new bill section to read:

6 **"\* Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8 EMERGENCY ENERGY RELIEF. (a) The Alaska Energy Authority shall provide  
9 persons with emergency energy relief payments to offset the cost of fuel used for residences.

10 (b) Subject to (d) of this section, a person may receive an emergency energy relief  
11 payment based on the amount that exceeds \$3.00 a gallon that the person pays for each gallon  
12 of heating oil or propane delivered September 1, 2008, through March 31, 2009, and  
13 September 1, 2009, through March 31, 2010, for a building in the state that is primarily used  
14 for one or more residences. Payments may not be made for more than 600 gallons of heating  
15 oil or propane used for a single family residence during September 1, 2008, through  
16 March 31, 2009, and 600 gallons of heating oil or propane used for a single family residence  
17 during September 1, 2009, through March 31, 2010. Payments may not be made for more than  
18 300 gallons of heating oil or propane for each unit in a multifamily building used for that  
19 building during September 1, 2008, through March 31, 2009, and 300 gallons of heating oil or  
20 propane for each unit in a multifamily building used for that building during September 1,  
21 2009, through March 31, 2010. Subject to (d) of this section, a person may receive an  
22 emergency energy relief payment based on the amount that exceeds \$14.00 an Mcf that the  
23 person pays for each Mcf of natural gas delivered September 1, 2008, through March 31,

1 2009, and September 1, 2009, through March 31, 2010, for a building in the state that is  
2 primarily used for one or more residences. Payments may not be made for more than 100 Mcf  
3 of natural gas used for a single family residence during September 1, 2008, through March 31,  
4 2009, and 100 Mcf used for a single family residence during September 1, 2009, through  
5 March 31, 2010. Payments may not be made for more than 50 Mcf of natural gas for each unit  
6 in a multifamily building used for that building during September 1, 2009, through March 31,  
7 2010, and 50 Mcf for each unit in a multifamily building used for that building during  
8 September 1, 2009, through March 31, 2010. A person may not receive a payment for more  
9 than one type of fuel delivered September 1, 2008, through March 31, 2009, or for more than  
10 one type of fuel delivered September 1, 2009, through March 31, 2010. A payment may not  
11 be made for fuel used for a building owned by a governmental entity. A person may apply for  
12 and receive more than one emergency energy relief payment. If the authority estimates that  
13 appropriations to the authority are insufficient to fully fund emergency energy relief, the  
14 authority may eliminate or reduce the payments on an equitable basis.

15 (c) The authority

16 (1) shall administer this section, but may contract for the performance of some  
17 or all of those administrative duties; and

18 (2) may adopt regulations under AS 44.62 to implement this section.

19 (d) A person who is an individual is eligible to receive a payment under this section  
20 only if the individual is a state resident under AS 01.10.055. In addition, to receive payment  
21 under this section, a person shall

22 (1) apply, before July 1, 2010, for the payment on a form provided by the  
23 authority;

24 (2) provide, with each application, proof of purchase of fuel from a qualified  
25 distributor on the list prepared under (e) of this section;

26 (3) verify that the fuel is used for a building that is primarily used for one or  
27 more residences, identify the building, and identify the number of residential units in the  
28 building;

29 (4) verify that the building is not owned by a government entity;

30 (5) supply other information that may be required by the authority.

31 (e) A business or other entity that supplies fuel for use in residential buildings may

1 apply in a manner required by the authority for inclusion on the qualified distributor list  
2 prepared and kept updated by the authority under this subsection. As a condition of becoming  
3 a qualified distributor, the business or other entity shall submit a signed statement to the  
4 authority, under penalty of unsworn falsification, on a form or in a format prescribed by the  
5 authority, that the business or other entity will not increase its price for fuel solely in response  
6 to the program, and that the business's or other entity's pricing policy will remain consistent  
7 with prior practices and be based on the same criteria, as though the program were not in  
8 place. The authority may audit a qualified distributor's books and records to confirm that the  
9 statement made under this subsection is complete and accurate. If the distributor reasonably  
10 believes a delivery of fuel is made to a building primarily used for one or more residences,  
11 during September 1, 2008, through March 31, 2009, or during September 1, 2009, through  
12 March 31, 2010, the distributor shall agree to identify the delivery as residential on its billing  
13 statement. The distributor shall agree to submit to the authority its billing statements for  
14 purchases of fuel for residences and related customer and sales information that may be  
15 requested by the authority from time to time. The distributor shall provide other information  
16 required by the authority.

17 (f) A person aggrieved by a decision of the authority regarding the person's eligibility  
18 to receive an emergency energy relief payment, other than a determination based on  
19 insufficient funding for emergency energy relief, may request a hearing before the office of  
20 administrative hearings established under AS 44.64.

21 (g) A person is liable to the state for the value of emergency energy relief improperly  
22 paid under this section if the improper payment was based on inaccurate or false information  
23 provided by the person. In a civil action brought by the state to recover from the person the  
24 value of the emergency energy relief improperly paid, the state may recover from the person  
25 the costs of investigation and prosecution of the civil action, including attorney fees as  
26 determined under court rules.

27 (h) In determining the eligibility of an individual under a public assistance program  
28 administered by the Department of Health and Social Services in which eligibility for  
29 assistance is based on financial need, the Department of Health and Social Services may not  
30 consider a payment under this section as income or resources received by the individual or by  
31 a member of the individual's household unless required to do so by federal law. The

1 Department of Health and Social Services shall notify all recipients of public assistance of the  
2 effects of receiving emergency energy relief.

3 (i) An individual who is denied medical assistance under 42 U.S.C. 1396 - 1396v  
4 (Title XIX, Social Security Act) solely because of the receipt of a payment under this section  
5 by the individual or by a member of the individual's household is eligible for state-funded  
6 medical assistance under AS 47.25.120 - 47.25.300 (general relief assistance). The individual  
7 is entitled to receive, for a period not to exceed four months, the same level of medical  
8 assistance as the individual would have received under 42 U.S.C. 1396 - 1396v had the  
9 emergency energy relief not been received.

10 (j) An individual who is denied assistance solely because a payment under this section  
11 received by the individual or by a member of the individual's household is counted as income  
12 or resources under federal law is eligible for cash assistance under AS 47.25.120 - 47.25.300  
13 (general relief assistance). Notwithstanding the limit in AS 47.25.130, the individual is  
14 entitled to receive, for a period not to exceed four months, the same amount as the individual  
15 would have received under other public assistance programs had the emergency energy relief  
16 not been received.

17 (k) A program that is established before the effective date of this section, that is  
18 administered by the state or any of its instrumentalities or municipalities or by a Native  
19 organization under AS 47.27.070, 47.27.200, or 47.27.300, and for which eligibility is based  
20 on financial need may not consider a payment under this section as income or resources  
21 unless required to do so by federal law.

22 (l) A veteran or the spouse or dependent of a living or deceased veteran who is denied  
23 or receives reduced disability payments solely because a payment received under this section  
24 by the individual is counted as income is eligible for veterans' benefits under AS 47.25.120 -  
25 47.25.300 (general relief assistance). Notwithstanding the limit in AS 47.25.130, the veteran  
26 or the spouse or dependent of a living or deceased veteran is entitled to receive the same  
27 amount as the individual would have received under 38 U.S.C. 1315, 1513, 1521, 1541, and  
28 1542 had the emergency energy relief not been received.

29 (m) Notwithstanding any contrary provision of state law, a payment under this section  
30 is exempt from levy, execution, garnishment, or any other remedy for debt collection until  
31 after the payment has been received by the person. No other exemption applies to emergency

1 energy relief payments received under this section.

2 (n) A form provided by the authority under (d) of this section must include a warning  
3 that the submission of incomplete or inaccurate information is punishable as unsworn  
4 falsification in the second degree under AS 11.56.210.

5 (o) A person is guilty of a class A misdemeanor if the person

6 (1) uses fuel, payment for which has been partially reimbursed with a payment  
7 under this section, for a purpose other than use in a building that is primarily used for one or  
8 more residences and that is not owned by a governmental entity; or

9 (2) resells fuel, payment for which has been partially reimbursed with a  
10 payment under this section.

11 (p) In this section,

12 (1) "authority" means the Alaska Energy Authority created under  
13 AS 44.83.020;

14 (2) "fuel" means heating oil, natural gas, and propane."  
15

16 Renumber the following bill sections accordingly.  
17

18 Page 3, following line 30:

19 Insert a new bill section to read:

20 **"\* Sec. 9. Sections 5(a) - (e) and (h) - (n) of this Act are repealed September 1, 2010."**  
21

22 Renumber the following bill section accordingly.