

SECOND REGULAR SESSION

HOUSE BILL NO. 1685

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES OXFORD (Sponsor), YOUNG,
LOW (39) AND BOWMAN (Co-sponsors).

Read 1st time February 7, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3744L.01I

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to provision of heat-related utility services to low-income persons.

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

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be
2 known as section 386.820, to read as follows:

**386.820. 1. The Missouri public service commission shall implement an energy
2 assurance program pilot project beginning no later than October 1, 2006. The public
3 service commission and the participating utilities shall mutually agree upon the
4 components of such program, but at a minimum the project shall include the following
5 components:**

6 **(1) The permissible level for household eligibility shall not be greater than one
7 hundred twenty-five percent of poverty;**

8 **(2) A process by which participants make payments toward current heating bills
9 based upon a percentage of their income;**

10 **(3) A process by which households may earn credits to retire all or part of their
11 preprogram arrearages;**

12 **(4) A conservation education program directed specifically toward energy
13 assurance program customers;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (5) The energy assistance program shall be targeted toward low-income, high
15 energy users, and low-income heating energy assistance program funds, emergency crisis
16 intervention program funds, and weatherization program funds shall be targeted toward,
17 but not exclusively used for, highest energy users.

18 2. Any determination of eligibility, as well as any verification of income for the state
19 low-income home energy assistance program, shall be considered a determination of
20 eligibility for the energy assurance program as well as an income verification for the
21 energy assurance program.

22 3. The public service commission shall commission an evaluation of the project and
23 shall provide a report to the general assembly no later than January 1, 2007, and January
24 first of each year thereafter.

25 4. The energy assurance program shall involve electric utilities and gas companies
26 serving persons in this state. The public service commission and the participating utilities
27 shall agree upon the number of customers who shall be enrolled in the project.

28 5. The public service commission, the office of public counsel, and the department
29 of social services shall provide the necessary cooperation for this project to meet the
30 requirements of this section.

31 6. The costs necessary to administer and evaluate this project shall be considered
32 an administrative cost of the public service commission.

33 7. The public service commission may adopt appropriate cost-recovery mechanisms
34 for the net costs, if any, to participating utilities arising from participation in the energy
35 assurance program.

36 8. The commission may promulgate rules to implement the provisions of this
37 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
38 that is created under the authority delegated in this section shall become effective only if
39 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
40 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
41 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
42 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
43 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
44 adopted after August 28, 2006, shall be invalid and void.

45 9. Under section 23.253, RSMo, of the Missouri Sunset Act:

46 (1) The provisions of the new program authorized under this section shall
47 automatically sunset six years after the effective date of this section unless reauthorized by
48 an act of the general assembly; and

49 (2) If such program is reauthorized, the program authorized under this section
50 shall automatically sunset twelve years after the effective date of the reauthorization of this
51 section; and

52 (3) This section shall terminate on September first of the calendar year immediately
53 following the calendar year in which the program authorized under this section is sunset.

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