

No. 1987-42

## AN ACT

SB 586

Amending the act of July 10, 1986 (P.L.1398, No.122), entitled "An act establishing a special fund for moneys received by the Commonwealth from resolution of oil overcharge matters; designating certain low-income energy conservation and assistance programs for funding from this special fund; and making appropriations," further expanding the definition of "energy conservation and assistance programs"; and making adjustments to the duration of the programs.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "energy conservation and assistance programs" in section 3 and sections 5 and 7(a) of the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, are amended to read:

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Energy conservation and assistance programs." Includes any of the following:

(1) The programs established under Part D of Title III of the Energy Policy and Conservation Act (Public Law 94-163, 42 U.S.C. § 6321 et seq.), providing for state energy conservation programs.

(2) The programs established under Part G of Title III of the Energy Policy and Conservation Act, providing for energy conservation investments in schools and hospitals.

(3) The programs established under the National Energy Extension Service Act (Public Law 95-39, 42 U.S.C. § 7001 et seq.), providing for, inter alia, energy conservation outreach programs to small businesses and individual consumers.

(4) The programs established under the Low-Income Home Energy Assistance Act of 1981 (Public Law 97-35, 42 U.S.C. § 8621 et seq.), providing for energy assistance and weatherization assistance to low-income households.

(5) *The programs established under Part A of the Energy Conservation in Existing Buildings Act of 1976 (Public Law 94-385, 42 U.S.C. § 6851 et seq.), establishing the Low Income Weatherization Program.*

(6) *The programs established by the Governor's Energy Council which promote energy conservation and energy development, in compliance with the terms and conditions of oil overcharge settlement agreements, oil overcharge orders issued by the courts or the Department of Energy or fund distribution requirements of the Department of Energy.*

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Section 5. Supplemental low-income energy conservation and assistance programs.

(a) Establishment of programs.—The following supplemental low-income energy conservation and assistance programs are hereby established:

(1) Pennsylvania Supplemental Low-Income Weatherization Program. This program shall supplement the programs set forth in **[paragraph (4)] paragraph (4) or (5)** of the definition of “energy conservation and assistance programs” in section 3.

(2) Pennsylvania Supplemental Low-Income Energy Assistance Program. This program shall supplement the programs set forth in paragraph (4) of the definition of “energy conservation and assistance programs” in section 3.

(b) Eligibility requirements.—Households applying for benefits under the programs established in subsection (a) shall meet the following eligibility requirements:

(1) Households to be eligible will be those dwelling units which are occupied by persons with annual income at or below 150% of the Federal poverty guidelines or contain a member who has, during the past 12 months, received cash assistance under Title IV or XVI of the Social Security Act (Public Law 74-271, 42 U.S.C. §§ 601-662) and section 2605(b)(2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357).

(2) In addition to the income eligibility requirements specified in paragraph (1), households applying for benefits under this act shall meet the eligibility requirements for energy assistance as provided for by the Omnibus Budget Reconciliation Act of 1981, pursuant to the authority of section 201(2) of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(c) Administration of programs.—The programs established in subsection (a) shall be administered as follows:

(1) The Pennsylvania Supplemental Low-Income Weatherization Program established in subsection (a)(1) shall be administered by the Department of Community Affairs as a part of the programs authorized under the Low-Income Home Energy Assistance Act of 1981 (Public Law 97-35, 42 U.S.C. § 8621 et seq.) or *the Energy Conservation in Existing Buildings Act of 1976 (Public Law 94-385, 42 U.S.C. § 6851 et seq.)*. Community action agencies, existing low-income weatherization providers or other county, municipal or nonprofit corporations may apply for a portion of these funds. The Department of Community Affairs shall establish regulations necessary for administering this program consistent with the requirements of section 6.

(2) (i) The Pennsylvania Supplemental Low-Income Energy Assistance Program established in subsection (a)(2) shall be administered by the Department of Public Welfare as part of the program authorized under the Low-Income Home Energy Assistance Act of 1981. The Department of Public Welfare shall establish regulations necessary for administering this program.

(ii) The Department of Public Welfare shall provide the General Assembly with an annual report, which shall include an independent audit, not later than September 30 of each year, covering all expenditures made in administering this program.

Section 7. Administration of certain energy conservation and assistance programs.

(a) Governor's Energy Council.—The energy conservation and assistance programs set forth in paragraphs (1), (2) **[and (3)], (3) and (6)** of the definition of "energy conservation and assistance programs" in section 3 shall be administered by the Governor's Energy Council. The council shall establish regulations necessary for administering these programs.

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Section 2. Section 9(c) and (d) of the act, amended December 12, 1986 (P.L.1583, No.173), are amended to read:

Section 9. Appropriations.

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(c) Governor's Energy Council.—The sum of \$5,000,000, or as much thereof as may be necessary, is hereby appropriated to the Governor's Energy Council for the fiscal **[year] period** July 1, 1986, to June 30, **[1987] 1988**, for the programs set forth in section 7. At least 75% of these funds must be used to fund those programs listed as priorities in section 7(b).

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(d) Lapse.—Except as provided in **[subsection] subsections (c) and (c.1)**, any funds unexpended, uncommitted and unencumbered as of June 30, 1987, shall lapse and shall be available for appropriation from the fund for future fiscal years.

Section 3. This act shall take effect immediately.

APPROVED—The 9th day of July, A. D. 1987.

ROBERT P. CASEY