

CHAPTER 1246**AFFORDABLE HEATING PROGRAM***H.F. 2294*

AN ACT relating to the establishment of an Iowa affordable heating program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 601K.103 IOWA AFFORDABLE HEATING PROGRAM ESTABLISHED.

1. The division shall establish an Iowa affordable heating program for the purpose of assisting low-income persons in paying for primary heating fuel costs.

2. In order to be eligible for participation in the Iowa affordable heating program, an applicant must meet all of the following requirements:

a. Meet the income guidelines established pursuant to the federal low-income home energy assistance program, with income at or below one hundred percent of the federal poverty income guidelines established by the office of management and budget. The division may adjust the income threshold by rule as necessitated by budgetary restrictions.

b. Participate in annual level payment plans for both gas and electric services if such plans are available to the participant. The division shall develop an alternative plan for participants whose energy providers do not provide such plans.

c. Participate in the weatherization assistance program, if eligible.

d. Have insufficient finances, as determined by rule, which prohibit the payment of the entire cost of the heating of the applicant's home.

e. Submit to the administering agency within thirty days of application for participation in the program third-party verification of all of the following:

(1) The gross income of all of the members of the applicant's household in accordance with the rules adopted for the low-income home energy assistance program.

(2) The applicant's unreimbursed medical expenses for the time period corresponding to that used for the income calculation with proof of personal responsibility for these expenses.

f. Participate in counseling, provided by the administering agency, regarding energy efficiency.

3. In determination of the amount of the affordable heating payment for which the participant is eligible, the following formula shall be used:

a. An annual adjusted income amount shall be calculated.

(1) To be eligible, an applicant must also participate in the low-income home energy assistance program. A participant's income shall be determined as the amount verified on a low-income home energy assistance program application.

(2) A participant's adjusted income shall be determined by subtracting from the verified income, the actual costs incurred for each of the following:

(a) Annual rental or mortgage payments, real estate taxes, and real estate insurance payments not to exceed a maximum established by division rule based on the statewide low-income housing cost average.

(b) Annual unreimbursed medical expenses, not to exceed two hundred dollars.

(c) Annual child support and alimony payments.

(d) The annual costs of water, basic local telephone, and nonheating electric services as defined by division rule.

b. A predicted heating cost shall be calculated.

(1) When applicable, the predicted heating costs shall be the annual total calculated under section 601K.103, subsection 2, paragraph "b", for level payment plans.

(2) Where subsection 3, paragraph "b", subparagraph (1) does not apply, the predicted heating cost shall be based upon, but is not limited to, primary heating fuel usage incurred during the twelve-month period immediately preceding application, first adjusted for weather and then adjusted for rate changes occurring during the twelve-month period immediately preceding application.

c. Following the calculation of the participant's adjusted income and predicted heating cost, the participant's adjusted heating cost shall be calculated by:

(1) Adding the predicted heating cost figure to any scheduled repayment of an arrearage which has been negotiated between the participant and the primary heating fuel provider. The arrearage shall not exceed three hundred dollars annually. Any remaining arrearage shall be considered in subsequent years.

(2) Subtracting from the figure determined under subparagraph "b" the federal low-income home energy assistance program grants for which the participant is eligible.

d. The division shall promulgate rules to establish a standard percentage not to exceed twenty-five percent of household heating costs to adjusted income, taking into consideration household family size. For each participant, the administering agency shall determine the percentage of adjusted heating cost to adjusted income. If the participant's percentage exceeds the standard percentage, an affordable heating payment shall be made as prescribed by rule. The payment shall be made to the participant's primary heating fuel provider and credited to the participant's heating account for the year in which the participant is eligible.

(1) When offered by the primary heating fuel provider, the provider shall calculate or recalculate the participant's annual level payment plan after all forms of assistance are credited. A monthly level payment shall be established. However, each level payment shall not be less than a monthly minimum as established by division rule.

(2) Reconciliation shall occur as prescribed in the rules of the Iowa utilities board or, at a minimum, annually, for unregulated heating fuel providers.

4. A participant in the Iowa affordable heating program who maintains the monthly level payment shall be protected from disconnection of service by the participant's primary heating fuel provider.

5. The administrator shall adopt rules pursuant to chapter 17A which establish the criteria under which a participant in the Iowa affordable heating program would be determined ineligible for continued participation in the program. The criteria shall include but are not limited to a requirement that the participant maintains the monthly level payment in order to maintain eligibility in the program.

6.* An affordable heating program advisory council is created to provide guidance in the development and administration of the affordable heating program.

a. The department coordinator of the department of human rights shall appoint nine members to the council. The appointed members shall include all of the following:

(1) A representative of the investor-owned utility industry.

(2) A representative of the municipal utility industry.

(3) A representative of the rural electric cooperative industry.

(4) A representative of dealers of deliverable fuels.

(5) A representative of the association of community action agencies.

(6) The chairperson of the Iowa utilities board or the chairperson's designee.

(7) Three representatives of consumer or advocacy agencies.

b. Advisory council members shall serve without compensation, but shall be reimbursed for actual expenses from funds appropriated to the division.

c. The advisory council shall elect a chairperson and such other officers as it deems necessary, on an annual basis.

d. Advisory council members shall serve one-year terms beginning July 1 of each year.

e. A majority of the members of the advisory council is a quorum, and a majority of the quorum may act in any manner within the jurisdiction of the advisory council.

f. The advisory council shall maintain minutes which shall include a record of voting on each recommendation made or considered by the council.

Sec. 2. FUNDING CONTINGENCY.

Implementation of this Act by the division is contingent upon the availability of funding including the funding of administrative costs.

Approved May 6, 1990

*See chapter 1242, section 7 herein

CHAPTER 1247**BUDGETARY AND FINANCIAL PROCEDURES OF STATE AGENCIES***S.F. 2427*

AN ACT codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 8.36A FULL-TIME EQUIVALENT POSITION.**

For purposes of making appropriations and financial reports and as used in appropriations statutes, "full-time equivalent position" means a budgeting and monitoring unit that equates the aggregate of full-time positions, part-time positions, a vacancy and turnover factor, and other adjustments. One full-time equivalent position represents two thousand eighty working hours, which is the regular number of hours one full-time person works in one fiscal year. The number of full-time equivalent positions shall be calculated by totaling the regular number of hours that could be annually worked by persons in all authorized positions, reducing those hours by a vacancy and turnover factor and dividing that amount by two thousand eighty hours. In order to achieve the full-time equivalent position level, the number of filled positions may exceed the number of full-time equivalent positions during parts of the fiscal year to compensate for time periods when the number of filled positions is below the authorized number of full-time equivalent positions.

Sec. 2. **NEW SECTION. 10A.107 REPAYMENT RECEIPTS.**

The department may charge state departments, agencies, and commissions for services rendered and the payment received shall be considered repayment receipts as defined in section 8.2.

Sec. 3. **NEW SECTION. 11.21A REPAYMENT OF AUDIT EXPENSES BY STATE DEPARTMENTS AND AGENCIES.**

The auditor of state shall be reimbursed by a department or agency for performing examinations of the following state departments or agencies, or funds received by a department or agency:

1. Department of commerce.
2. Department of human services.
3. State department of transportation.
4. Iowa department of public health.
5. State board of regents.
6. Department of agriculture and land stewardship.
7. Department of economic development.
8. Department of education.
9. Department of employment services.
10. Department of natural resources.
11. Offices of the clerks of the district court of the judicial department.
12. The Iowa public employees' retirement system.
13. Federal financial assistance, as defined in Pub. L. No. 98-502, received by all other departments.

Sec. 4. Section 218.56, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of human services shall mail vendor warrants for the department of corrections.

Sec. 5. Section 232A.1, Code 1989, is amended to read as follows:

232A.1 DEFINITION.

For purposes of this chapter, "agency department" means the criminal and juvenile justice planning agency established in chapter 80C judicial department.