

*Reprinted*

HOUSE FILE 2294  
BY COMMITTEE ON ENERGY  
AND ENVIRONMENTAL PROTECTION

FEB 5 1990

Place On Calendar

(SUCCESSOR TO HSB 561)

Passed House, Date 2-9-90 (p. 362) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 80 Nays 12 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the establishment of an Iowa affordable
- 2 heating program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

**HOUSE FILE 2294**

H-5083

- 1 Amend House File 2294 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "in" the following: "annual".
- 4 2. Page 3, by striking lines 23 through 25, and
- 5 inserting the following: "annual level payment plan
- 6 after all forms of assistance are credited. A monthly
- 7 level payment shall be established. However, each
- 8 level payment shall not be less than a monthly minimum
- 9 as established by division rule."
- 10 3. Page 3, line 30, by striking the word
- 11 "minimum".
- 12 4. Page 4, line 3, by striking the word
- 13 "minimum".

By HATCH of Polk

H-5083 FILED FEBRUARY 6, 1990  
*Accepted 2/7/90*

HF 2294

**HOUSE FILE 2294**

H-5116

- 1 Amend House File 2294 as follows:
- 2 1. Page 1, by inserting after line 34, the
- 3 following:
- 4 "f. Participate in counseling, provided by the
- 5 administering agency, regarding energy efficiency."

By MCKEAN of Jones

H-5116 FILED FEBRUARY 8, 1990  
*Accepted 2/4/90*

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

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

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

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

508315 b. Participate in level payment plans for both gas and  
16 electric services if such plans are available to the  
17 participant. The division shall develop an alternative plan  
18 for participants whose energy providers do not provide such  
19 plans.

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

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

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

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

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

5116 35 3. In determination of the amount of the affordable

1 heating payment for which the participant is eligible, the  
2 following formula shall be used:

3 a. An annual adjusted income amount shall be calculated.

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

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

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

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

18 (c) Annual child support and alimony payments.

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

21 b. A predicted heating cost shall be calculated.

22 (1) When applicable, the predicted heating costs shall be  
23 the annual total calculated under section 601K.103, subsection  
24 2, paragraph "b", for level payment plans.

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

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

35 (1) Adding the predicted heating cost figure to any

1 scheduled repayment of an arrearage which has been negotiated  
2 between the participant and the primary heating fuel provider.  
3 The arrearage shall not exceed three hundred dollars annually.  
4 Any remaining arrearage shall be considered in subsequent  
5 years.

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

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

5083 21 (1) When offered by the primary heating fuel provider, the  
22 provider shall calculate or recalculate the participant's  
23 level payment amount after all forms of assistance are  
24 credited. A monthly minimum level payment shall be  
25 established by division rule.

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

29 4. A participant in the Iowa affordable heating program  
5083 30 who maintains the monthly minimum level payment shall be  
31 protected from disconnection of service by the participant's  
32 primary heating fuel provider.

33 5. The administrator shall adopt rules pursuant to chapter  
34 17A which establish the criteria under which a participant in  
35 the Iowa affordable heating program would be determined

1 ineligible for continued participation in the program. The  
2 criteria shall include but are not limited to a requirement  
3 that the participant maintains the monthly minimum level  
4 payment in order to maintain eligibility in the program.

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

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

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

13 (2) A representative of the municipal utility industry.

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

16 (4) A representative of dealers of deliverable fuels.

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

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

21 (7) Three representatives of consumer or advocacy  
22 agencies.

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

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

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

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

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



HOUSE FILE 2294  
BY COMMITTEE ON ENERGY  
AND ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 561)

(As Amended and Passed by the House February 9, 1990)

<sup>H-6168</sup>  
Passed House, Date 4/7/90 (p. 2242) Passed Senate, Date 4/7/90 (p. 1662)  
Vote: Ayes 90 Nays 0 Vote: Ayes 43 Nays 6  
Approved May 6, 1990

**A BILL FOR**

- 1 An Act relating to the establishment of an Iowa affordable  
2 heating program.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4

**HOUSE FILE 2294**

**S-5968**

- 1 Amend House File 2294, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 5, line 6, by striking the word "state".  
By MICHAEL E. GRONSTAL

**S-5968 FILED APRIL 6, 1990**

*Adopted 5/7 (p. 1661)*

**SENATE AMENDMENT TO HOUSE FILE 2294**

**H-6168**

- 1 Amend House File 2294, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 5, line 6, by striking the word "state".  
RECEIVED FROM THE SENATE

**H-6168 FILED APRIL 7, 1990**

CONCURRED (*p. 2242*)

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

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

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

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

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

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

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

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

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

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

35 f. Participate in counseling, provided by the

1 administering agency, regarding energy efficiency.

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

5 a. An annual adjusted income amount shall be calculated.

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

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

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

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

20 (c) Annual child support and alimony payments.

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

23 b. A predicted heating cost shall be calculated.

24 (1) When applicable, the predicted heating costs shall be  
25 the annual total calculated under section 601K.103, subsection  
26 2, paragraph "b", for level payment plans.

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

34 c. Following the calculation of the participant's adjusted  
35 income and predicted heating cost, the participant's adjusted

1 heating cost shall be calculated by:

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

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

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

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

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

32 4. A participant in the Iowa affordable heating program  
\*33 who maintains the monthly level payment shall be protected  
34 from disconnection of service by the participant's primary  
35 heating fuel provider.

1 5. The administrator shall adopt rules pursuant to chapter  
2 17A which establish the criteria under which a participant in  
3 the Iowa affordable heating program would be determined  
4 ineligible for continued participation in the program. The  
5 criteria shall include but are not limited to a requirement  
\*6 that the participant maintains the monthly level payment in  
7 order to maintain eligibility in the program.

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

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

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

16 (2) A representative of the municipal utility industry.

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

19 (4) A representative of dealers of deliverable fuels.

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

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

24 (7) Three representatives of consumer or advocacy  
25 agencies.

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

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

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

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

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

4 Sec. 2. FUNDING CONTINGENCY.

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

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HSB 561

ENERGY AND ENVIRONMENTAL PROTECTION

HOUSE FILE 2294

BY (PROPOSED COMMITTEE ON ENERGY  
AND ENVIRONMENTAL PROTECTION  
BILL BY CHAIRPERSON ROSENBERG)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of an Iowa energy stamp  
2 program.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 601K.103 IOWA ENERGY STAMP  
2 PROGRAM ESTABLISHED.

3 1. The division shall establish an Iowa energy stamp  
4 program for the purpose of assisting low-income persons in  
5 paying for natural gas, electricity, or deliverable heating  
6 fuels necessary to maintain this service.

7 2. To be eligible for participation in the Iowa energy  
8 stamp program, a person must meet all of the following  
9 requirements:

10 a. Qualify for assistance under the federal low-income  
11 home energy assistance program.

12 b. Participate in weatherization and conservation  
13 counseling services provided by the division.

14 c. Have a financial shortfall, as determined under  
15 subsection 3, which prohibits the person from paying for the  
16 costs of heating the person's home.

17 3. A person's shortfall shall be determined by the  
18 community action agency or delegate agency when an application  
19 is made for participation in the federal low-income home  
20 energy assistance program.

21 a. In determining the shortfall of the person, the  
22 community action agency or delegate agency shall initially  
23 determine the person's "affordable heating resource amount" by  
24 subtracting from the estimated income of the person, including  
25 the value of food stamps received, during the heating period  
26 in which federal low-income heating assistance payments are  
27 received, all of the following:

28 (1) Actual housing costs.

29 (2) A food allowance as specified by division rule.

30 (3) Child support payments and alimony payments.

31 (4) Predictable medical expenses as provided by division  
32 rule.

33 (5) An amount allowed for clothing, nonfood necessities,  
34 and education and transportation expenses determined by  
35 division rule.

1 (6) The estimated costs of water, telephone, and utility  
2 services other than those of the primary energy supplier for  
3 heating.

4 b. A "predicted heating cost" shall be calculated for the  
5 period during which federal low-income home energy assistance  
6 payments are received. The predicted heating cost shall be  
7 based upon, but not limited to, expenses in previous winters,  
8 utility rate changes, and long-range forecasts of the United  
9 States weather bureau.

10 c. The shortfall amount shall then be calculated by:

11 (1) Adding the "predicted heating cost" figure determined  
12 under subsection 4 and any scheduled repayment of an  
13 arrearage, not to exceed two hundred and forty dollars during  
14 the heating period, which was negotiated with the supplier.

15 (2) Subtracting from the figure determined under  
16 subparagraph (1) the federal low-income home energy assistance  
17 program grants for the heating period and the applicant's  
18 "affordable heating resource amount" determined under  
19 paragraph "a".

20 4. If the shortfall amount is less than thirty dollars, a  
21 single energy stamp for the amount of the shortfall shall be  
22 issued to the applicant. The stamp is redeemable by the  
23 community action agency or delegate agency at any time during  
24 the heating period.

25 5. If the shortfall amount is thirty dollars or more for  
26 the heating period the applicant shall be issued energy stamps  
27 for use during each month of the heating period as payment for  
28 heating fuel or utilities as provided by division rule.

29 6. An energy stamp program advisory council is created to  
30 provide guidance in the development and administration of the  
31 energy stamp program.

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

35 (1) A representative of the investor-owned utility

1 industry.

2 (2) A representative of a municipal utility.

3 (3) A representative of a rural electric cooperative.

4 (4) A representative of dealers of deliverable fuels.

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

7 (6) A representative of the Iowa utilities board.

8 (7) Three representatives of consumer or advocacy  
9 agencies.

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

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

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

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

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

23 EXPLANATION

24 This bill establishes an Iowa energy stamp program within  
25 the division of community action agencies of the department of  
26 human rights. The purpose of the program is to assist low-  
27 income persons in paying for natural gas, electricity, or  
28 deliverable heating fuels when the person's income falls below  
29 the level necessary to maintain this essential service.

30 Eligibility in the program is based on a formula prescribed  
31 by the bill. If a person is eligible for participation in the  
32 program, energy stamps are issued for the amount of the  
33 shortfall.

34 The bill also provides for the establishment of an energy  
35 stamp advisory council to provide guidance in the development

1 and administration of the program.

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HOUSE FILE 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.

---

DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2294, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 6, 1990

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TERRY E. BRANSTAD  
Governor