

By Mr. Pedone of Worcester, petition of Vincent A. Pedone for legislation to establish a home energy assistance fund within the Department of Community Affairs. Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT PROVIDING FOR INCREASED HOME ENERGY ASSISTANCE.

1 *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to immediately provide fuel oil assis-  
3 tance to low income residents of the commonwealth, therefore it  
4 is hereby declared an emergency law, necessary for the immediate  
5 preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 10 of the General Laws is hereby  
2 amended by inserting after Section 62, the following new  
3 section:—

4 Section 63. There shall be established upon the books of the  
5 commonwealth a separate fund known as the Fuel Oil Assistance  
6 Fund consisting of all revenues received by the commonwealth  
7 under the provisions of section thirty of chapter twenty-three B of  
8 the General Laws. All revenues credited to said Fund under this  
9 section shall remain in said Fund, not subject to appropriation, to  
10 be used for the purposes set forth in said section thirty-one. The  
11 state treasurer shall deposit monies in said Fund in accordance  
12 with the provisions of sections thirty-four and thirty-four A of  
13 chapter twenty-nine in such a manner as will secure the highest  
14 interest rates available consistent with the safety of the fund with  
15 the requirement that all amounts on deposit shall be available for  
16 immediate withdrawal at any time. The state treasurer shall not  
17 deposit said revenues in, or transfer said revenues to, the General  
18 Fund or any other fund other than the Fuel Oil Assistance Fund.

1 SECTION 2. Chapter 23B of the General Laws is hereby  
2 amended by inserting, after section 29, the following four new  
3 sections:—

4 Section 30. As used in sections thirty, thirty-one, thirty-two and  
5 thirty-three the following terms shall, unless the context otherwise  
6 requires, have the following meanings:—

7 “Department”, the department of community affairs.

8 “Fuel Oil”, an oil product and distillate derivative known as  
9 Number 2 oil used in the space heating of residences.

10 “Low income home energy assistance program” (LIHEAP), the  
11 federally funded grant program administered by the executive  
12 office of communities and development which distributes money  
13 to assist eligible low income households in the payment of energy  
14 costs.

15 “Weatherization assistance for low income persons program”,  
16 the federally funded grant program administered by the executive  
17 office of communities and development that provides conserva-  
18 tion and weatherization services to eligible low income house-  
19 holds.

20 “Wholesale oil vendor”, any person, corporation or firm or any  
21 part or subsidiary of any person, corporation or firm doing busi-  
22 ness in the commonwealth which supplies, sells, transfers or oth-  
23 erwise furnishes fuel oil to resellers.

24 Section 31. Wholesale oil venders shall pay on a monthly basis,  
25 the amount of one half of one cent on each gallon of fuel oil sold  
26 for retail by said wholesale oil vendors in the commonwealth and  
27 such monies shall be deposited with the state treasurer in the Fuel  
28 Oil Assistance Fund established by section sixty-two of Chapter  
29 10. No payment shall be required on (a) fuel oil with is sold in the  
30 commonwealth for transport and sale outside the commonwealth,  
31 or (b) on sales between wholesale oil vendors.

32 Section 32. There shall be a Fuel Oil Assistance Fund set up in  
33 department of community affairs. The monies in said Fund shall  
34 be distributed pursuant to a program which shall be established  
35 and implemented by said department; provided, however, that any  
36 monies distributed under said program shall only be used for the  
37 payment of Number 2 fuel oil bills for low income households;  
38 and, provided further, that none of the monies deposited into the  
39 Fuel Oil Assistance Fund shall be used to reduce or diminish, in

40 any way, the percentage of funds distributed, under the LIHEAP  
41 program for fiscal year two thousand and three, to fuel users as  
42 compared to the total amount of funds distributed under said pro-  
43 gram. For the purposes of this program, the standard which shall  
44 be used to determine “low income” eligibility shall be the same  
45 standard as the one used for the distribution of funds under the  
46 LIHEAP program.

47 Any surplus in said Fund may be used for the purposes of the  
48 “weatherization assistance for low income persons program”; pro-  
49 vided, however, that any conservation and weatherization services  
50 provided as a result of funds from this surplus shall only be pro-  
51 vided to oil heated, low-income households.

52 Section 33. The department shall promulgate rules, regulations  
53 and guidelines for the implementation of this program within  
54 thirty days of enactment of this legislation.

