

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 978

Introduced by Harr, 8; Haar, 21; Kolowski, 31; Mello, 5.
Read first time January 17, 2014
Committee: Revenue

A BILL

1 FOR AN ACT relating to the Low-Income Home Energy Conservation Act;
2 to amend sections 66-1017 and 66-1018, Reissue Revised
3 Statutes of Nebraska, and sections 66-1012, 66-1014, and
4 66-1015, Revised Statutes Cumulative Supplement, 2012; to
5 authorize funding for on-bill payment programs; to
6 harmonize provisions; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 66-1012, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 66-1012 Sections 66-1012 to 66-1019.01 and section 4 of
4 this act shall be known and may be cited as the Low-Income Home
5 Energy Conservation Act.

6 Sec. 2. Section 66-1014, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 66-1014 For purposes of the Low-Income Home Energy
9 Conservation Act:

10 (1) Department means the Department of Revenue;

11 (2) Eligible energy conservation grant means a grant paid
12 to an eligible person for an eligible energy conservation improvement
13 or to an eligible entity for an on-bill payment program;

14 (3) Eligible energy conservation improvement means a
15 device, a method, equipment, or material that reduces consumption of
16 or increases efficiency in the use of electricity or natural gas for
17 a residence owned by an eligible person, including, but not limited
18 to, insulation and ventilation, storm or thermal doors or windows,
19 awnings, caulking and weatherstripping, furnace efficiency
20 modifications, thermostat or lighting controls, replacement or
21 modification of lighting fixtures or bulbs to increase the energy
22 efficiency of the home's lighting system, and systems to turn off or
23 vary the delivery of energy;

24 (4) Eligible entity means an entity providing funds
25 pursuant to section 66-1015 and which is a public power district

1 organized under Chapter 70, article 6, a rural public power district
2 organized under Chapter 70, article 8, an electric cooperative
3 corporation organized under the Electric Cooperative Corporation Act,
4 a nonprofit corporation organized for the purpose of furnishing
5 electric service, a joint entity organized under the Interlocal
6 Cooperation Act, or a municipality;

7 (5) Eligible person means any resident of Nebraska who
8 owns his or her residence and whose household income is at or below
9 one hundred fifty percent of the federal poverty level, as determined
10 in accordance with the Low-Income Home Energy Conservation Act; ~~and~~

11 (6) Fiscal year means the state fiscal year which is the
12 period July 1 to the following June 30; ~~and -~~

13 (7) On-bill payment program means a program to make
14 eligible energy conservation improvements to be performed by a
15 private sector entity with financing through a private sector lending
16 entity that may use federal, state, or local matching funds which
17 collects payments for such energy conservation improvements on a
18 customer's energy bill through savings resulting from the
19 conservation improvement.

20 Sec. 3. Section 66-1015, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 66-1015 (1) The Energy Conservation Improvement Fund is
23 created. There shall be a separate subaccount within the fund for
24 each eligible entity remitting funds and administering a program of
25 eligible energy conservation improvements or an on-bill payment

1 program. The fund shall be administered by the department. Funds
2 shall be remitted by the department to the State Treasurer for
3 deposit in the proper subaccount of the fund from funds remitted by
4 the eligible entity and state matching funds as provided in
5 subsection (2) of this section.

6 (2)(a) No later than ~~September 1, 2012, and no later than~~
7 September 1 of each even-numbered year, ~~thereafter,~~ any eligible
8 entity planning on administering a program of eligible energy
9 conservation improvements or an on-bill payment program shall notify
10 the department of the amount the entity plans to remit pursuant to
11 subdivision (2)(b) of this section for each of the next two fiscal
12 years.

13 (b) ~~Commencing July 1, 2014, any~~ An eligible entity may
14 remit up to fifty thousand dollars per fiscal year for deposit in the
15 subaccount of the fund for that eligible entity. The amount deposited
16 shall be matched from the amount transferred by the state to the fund
17 as provided in subsection (3) of this section and deposited in the
18 subaccount of the eligible entity, except that until January 1, 2016,
19 an eligible entity shall be eligible for state funds for establishing
20 and administering an on-bill payment program up to an amount of fifty
21 thousand dollars per fiscal year without the requirement of remitting
22 funds to the fund set forth in this subdivision. Amounts for deposit
23 shall be accepted on a first-come, first-served basis, and when a
24 total of two hundred fifty thousand dollars of deposits from eligible
25 entities has been received in a fiscal year, no further deposits

1 shall be accepted. Any deposits received from eligible entities after
2 the dollar limit has been reached shall be returned to the eligible
3 entity. Any nonencumbered amount remaining in the fund at the end of
4 the fiscal year shall be transferred to the General Fund.

5 (3) Commencing July 1, 2014, and each fiscal year
6 thereafter, it is the intent of the Legislature to transfer two
7 hundred fifty thousand dollars from the General Fund to the Energy
8 Conservation Improvement Fund for the purposes of this section.

9 (4) Any money in the fund available for investment shall
10 be invested by the state investment officer pursuant to the Nebraska
11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 4. An eligible entity may establish and administer
13 an on-bill payment program. The eligible entity shall give eligible
14 persons the first priority in the on-bill payment program. The
15 eligible entity shall certify to the department the amount of money
16 to be distributed from the Energy Conservation Improvement Fund for
17 the costs relating to the on-bill payment program. Requests for
18 distribution may be filed no more frequently than monthly. The
19 department shall distribute money only to the eligible entity.

20 Sec. 5. Section 66-1017, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 66-1017 An eligible entity may contract with any
23 qualified person, agency, or business entity to administer a program
24 for eligible energy conservation grants or an on-bill payment program
25 under the Low-Income Home Energy Conservation Act or to make

1 eligibility determinations for eligible energy conservation grants.

2 Sec. 6. Section 66-1018, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 66-1018 ~~Beginning April 1, 2009, and annually~~ Annually on
5 or before April 1, ~~thereafter,~~ each eligible entity administering a
6 program for eligible energy conservation grants or an on-bill payment
7 program under the Low-Income Home Energy Conservation Act shall
8 submit to the department a report describing each eligible energy
9 conservation grant made by the eligible entity during the preceding
10 calendar year and the eligible energy conservation improvement for
11 which each such grant was made and amounts expended for an on-bill
12 payment program during the preceding calendar year.

13 Sec. 7. Original sections 66-1017 and 66-1018, Reissue
14 Revised Statutes of Nebraska, and sections 66-1012, 66-1014, and
15 66-1015, Revised Statutes Cumulative Supplement, 2012, are repealed.