

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 337

Introduced by Harr, 8.

Read first time January 15, 2015

Committee: Natural Resources

1 A BILL FOR AN ACT relating to energy conservation; to amend sections
2 66-1013, 66-1017, 66-1018, and 66-1019, Reissue Revised Statutes of
3 Nebraska, and sections 66-1012, 66-1014, 66-1015, 66-1016, and
4 66-1019.01, Revised Statutes Cumulative Supplement, 2014; to rename
5 and change the Low-Income Home Energy Conservation Act as
6 prescribed; to harmonize provisions; to repeal the original
7 sections; and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 66-1012, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 66-1012 Sections 66-1012 to 66-1019.01 shall be known and may be
4 cited as the ~~Low-Income Home~~ Energy Conservation and Demand Reduction
5 Act.

6 Sec. 2. Section 66-1013, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 66-1013 The Legislature finds and declares that:

9 ~~(1) Many residents of this state find it difficult to pay for the~~
10 ~~cost of heating, cooling, and lighting their homes;~~

11 (1 2) Energy conservation and the reduction of energy usage help
12 ~~helps~~ to maintain affordable energy bills, reduce ~~reduces~~ the amount of
13 money spent on imported energy sources, lessen energy demand and ~~lessens~~
14 the need for new power plants and other energy infrastructure, and help
15 ~~helps~~ mitigate the impact of energy generation on the environment; and

16 (2 3) It serves a public purpose to provide funding to eligible
17 customers persons for eligible energy conservation projects improvements
18 in accordance with the ~~Low-Income Home~~ Energy Conservation and Demand
19 Reduction Act.

20 Sec. 3. Section 66-1014, Revised Statutes Cumulative Supplement,
21 2014, is amended to read:

22 66-1014 For purposes of the ~~Low-Income Home~~ Energy Conservation and
23 Demand Reduction Act:

24 (1) Department means the Department of Revenue;

25 (2) Eligible energy conservation grant means a grant paid to an
26 eligible customer person for an eligible energy conservation project
27 improvement;

28 (3) Eligible energy conservation project improvement means a device,
29 a method, equipment, or material that reduces consumption of or demand
30 for or increases efficiency in the use of electricity or natural gas for
31 a building residence owned or occupied by an eligible customer person,

1 including, but not limited to, insulation and ventilation, storm or
2 thermal doors or windows, awnings, caulking and weatherstripping, space
3 heating and cooling equipment furnace efficiency modifications,
4 thermostat or lighting controls, replacement or modification of lighting
5 fixtures or bulbs to increase the energy efficiency of the eligible
6 customer's home's lighting system, and systems to turn off or vary the
7 delivery of energy, and any in-person or online educational program
8 regarding customer-specific energy conservation or demand reduction
9 efforts;

10 (4) Eligible entity means an entity providing funds pursuant to
11 section 66-1015 and which is a public power district organized under
12 Chapter 70, article 6, a rural public power district organized under
13 Chapter 70, article 8, an electric cooperative corporation organized
14 under the Electric Cooperative Corporation Act, a nonprofit corporation
15 organized for the purpose of furnishing electric service, a joint entity
16 organized under the Interlocal Cooperation Act, or a municipality; and

17 (5) Eligible customer person means any natural person, political
18 subdivision, corporation, or other business entity receiving energy
19 service from an eligible entity at a building that receives no greater
20 than a one thousand kilowatt demand. resident of Nebraska who owns his or
21 her residence and whose household income is at or below one hundred fifty
22 percent of the federal poverty level, as determined in accordance with
23 the Low Income Home Energy Conservation Act; and

24 (6) ~~Fiscal year means the state fiscal year which is the period July~~
25 ~~1 to the following June 30.~~

26 Sec. 4. Section 66-1015, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 66-1015 (1) The Energy Conservation Improvement Fund is created.
29 There shall be a separate subaccount within the fund for each eligible
30 entity remitting funds and administering a program of eligible energy
31 conservation projects improvements. The fund shall be administered by the

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

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

11 (2 b) Commencing on July 1 and concluding on September 30 of each
12 fiscal year ~~Commencing July 1, 2014,~~ any eligible entity may remit up to
13 three hundred fifty thousand dollars per fiscal year for deposit in the
14 subaccount of the fund for that eligible entity. The amount deposited
15 shall be matched from the amount transferred by the state to the fund as
16 provided in subsection (3) of this section and deposited in the
17 subaccount of the eligible entity. Amounts for deposit shall be accepted
18 on a first-come, first-served basis, and when a total of five hundred ~~two~~
19 ~~hundred~~ fifty thousand dollars of deposits from eligible entities has
20 been received during the annual deposit period prescribed in this
21 subsection ~~in a fiscal year,~~ no further deposits shall be accepted. Any
22 deposits received from eligible entities after the dollar limit has been
23 reached shall be returned to the eligible entity. Any nonencumbered
24 amount remaining in the fund at the end of the fiscal year shall be
25 transferred to the General Fund.

26 ~~(3) It Commencing July 1, 2014, and each fiscal year thereafter, it~~
27 is the intent of the Legislature to transfer five hundred ~~two hundred~~
28 ~~fifty~~ thousand dollars from the General Fund to the Energy Conservation
29 Improvement Fund in each of fiscal years 2015-16 and 2016-17 for the
30 purposes of this section.

31 (4) Any money in the fund available for investment shall be invested

1 by the state investment officer pursuant to the Nebraska Capital
2 Expansion Act and the Nebraska State Funds Investment Act.

3 Sec. 5. Section 66-1016, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 66-1016 (1) An eligible entity that has remitted funds to the
6 department as provided in section 66-1015 may establish and administer a
7 program of eligible energy conservation grants.

8 (2) The program shall provide for an eligible energy conservation
9 grant from the Energy Conservation Improvement Fund to an eligible
10 ~~customer person~~ for ~~installing~~ an eligible energy conservation project
11 ~~improvement~~ upon certification by the eligible entity that it has
12 approved an eligible energy conservation project improvement for the
13 ~~residence of the eligible customer person~~. The eligible entity shall
14 verify the completion purchase and installation of the eligible energy
15 conservation project improvement at the eligible customer's building
16 ~~person's residence~~.

17 (3) The eligible entity may require the eligible ~~customer person~~ to
18 pay for a share of the cost of the eligible energy conservation project
19 ~~improvement~~, not to exceed twenty percent of the total cost. The share of
20 the cost to be paid by the eligible ~~customer person~~ may be recovered by
21 the eligible entity in monthly installments after completion of the
22 eligible energy conservation project improvement by adding an amount to
23 the eligible customer's monthly person's electrical bill.

24 (4) The eligible entity shall certify to the department the amount
25 of money to be distributed from the applicable subaccount of the Energy
26 Conservation Improvement Fund for payments of the energy conservation
27 grants approved in subsection (2) of this section. Requests for
28 distribution may be filed no more frequently than monthly. The department
29 shall distribute money only to the eligible entity.

30 Sec. 6. Section 66-1017, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 66-1017 An eligible entity may contract with any qualified person,
2 agency, or business entity to administer a program for eligible energy
3 conservation grants under the ~~Low-Income Home~~ Energy Conservation and
4 Demand Reduction Act or to make eligibility determinations for eligible
5 energy conservation grants.

6 Sec. 7. Section 66-1018, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 66-1018 Beginning April 1, 2009, and annually on or before April 1
9 thereafter, each eligible entity administering a program for eligible
10 energy conservation grants under the ~~Low-Income Home~~ Energy Conservation
11 and Demand Reduction Act shall submit to the department a report
12 describing each eligible energy conservation grant made by the eligible
13 entity during the preceding calendar year and the eligible energy
14 conservation project improvement for which each such grant was made.

15 Sec. 8. Section 66-1019, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 66-1019 The department may adopt and promulgate rules and
18 regulations to carry out its duties under the ~~Low-Income Home~~ Energy
19 Conservation and Demand Reduction Act.

20 Sec. 9. Section 66-1019.01, Revised Statutes Cumulative Supplement,
21 2014, is amended to read:

22 66-1019.01 The ~~Low-Income Home~~ Energy Conservation and Demand
23 Reduction Act terminates on July 1, 2019.

24 Sec. 10. Original sections 66-1013, 66-1017, 66-1018, and 66-1019,
25 Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014,
26 66-1015, 66-1016, and 66-1019.01, Revised Statutes Cumulative Supplement,
27 2014, are repealed.

28 Sec. 11. Since an emergency exists, this act takes effect when
29 passed and approved according to law.