

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1040

Introduced by Karpisek, 32.

Read first time January 22, 2014

Committee:

A BILL

1 For AN ACT relating to the Low-Income Home Energy Conservation Act;
2 to amend sections 66-1013, 66-1018, and 66-1019, Reissue
3 Revised Statutes of Nebraska, and sections 66-1014,
4 66-1015 and 66-1016, Revised Statutes Cumulative
5 Supplement, 2012; to change and eliminate grant program
6 provisions for energy conservation improvements; to
7 harmonize provisions; to repeal the original sections; to
8 outright repeal section 66-1017, Reissue Revised Statutes
9 of Nebraska; and to declare an emergency.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 66-1013, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 66-1013 The Legislature finds and declares that:

4 (1) Many residents of this state find it difficult to pay
5 for the cost of heating, cooling, and lighting their homes; home
6 energy conservation measures;

7 (2) Energy conservation helps to maintain affordable
8 energy bills, reduces the amount of money spent on imported energy
9 sources, lessens the need for new power plants and other energy
10 infrastructure, and helps mitigate the impact of energy generation on
11 the environment; and

12 (3) It serves a public purpose to provide funding to the
13 State Energy Office eligible persons for eligible energy conservation
14 improvements in accordance with the Low-Income Home Energy
15 Conservation Act.

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

18 66-1014 For purposes of the Low-Income Home Energy
19 Conservation Act:

20 ~~(1) Department means the Department of Revenue;~~

21 ~~(2) Eligible energy conservation grant means a grant paid~~
22 ~~to an eligible person for an eligible energy conservation~~
23 ~~improvement;~~

24 ~~(3)~~(1) Eligible energy conservation improvement means a
25 device, a method, equipment, or material that reduces consumption of

1 or increases efficiency in the use of electricity or natural gas for
2 ~~a residence owned by~~ the residence of an eligible person, including,
3 but not limited to, insulation and ventilation, storm or thermal
4 doors or windows, awnings, caulking and weatherstripping, furnace
5 efficiency modifications, thermostat or lighting controls,
6 replacement or modification of lighting fixtures or bulbs to increase
7 the energy efficiency of the home's lighting system, and systems to
8 turn off or vary the delivery of energy;

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

17 ~~(5)-(2)~~ Eligible person means any resident of Nebraska
18 ~~who owns his or her residence and whose household income is at or~~
19 ~~below one hundred fifty percent of the federal poverty level, as~~
20 ~~determined in accordance with the Low-Income Home Energy Conservation~~
21 ~~Act; and~~

22 ~~(6)-(3)~~ Fiscal year means the state fiscal year which is
23 the period July 1 to the following June 30; -

24 (4) Office means the State Energy Office; and

25 (5) Subgrantee means an entity selected to receive energy

1 conservation improvement funds awarded by the office.

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

4 66-1015 (1) The Energy Conservation Improvement Fund is
5 created. ~~There shall be a separate subaccount within the fund for~~
6 ~~each eligible entity remitting funds and administering a program of~~
7 ~~eligible energy conservation improvements. The fund shall be~~
8 ~~administered by the office. department. Funds shall be remitted by~~
9 ~~the department to the State Treasurer for deposit in the proper~~
10 ~~subaccount of the fund from funds remitted by the eligible entity and~~
11 ~~state matching funds as provided in subsection (2) of this section.~~
12 ~~(2)(a) No later than September 1, 2012, and no later than September 1~~
13 ~~of each even-numbered year thereafter, any eligible entity planning~~
14 ~~on administering a program of eligible energy conservation~~
15 ~~improvements shall notify the department of the amount the entity~~
16 ~~plans to remit pursuant to subdivision (2)(b) of this section for~~
17 ~~each of the next two fiscal years. (b) Commencing July 1, 2014, any~~
18 ~~eligible entity may remit up to fifty thousand dollars per fiscal~~
19 ~~year for deposit in the subaccount of the fund for that eligible~~
20 ~~entity. The amount deposited shall be matched from the amount~~
21 ~~transferred by the state to the fund as provided in subsection (3) of~~
22 ~~this section and deposited in the subaccount of the eligible entity.~~
23 ~~Amounts for deposit shall be accepted on a first come, first served~~
24 ~~basis, and when a total of two hundred fifty thousand dollars of~~
25 ~~deposits from eligible entities has been received in a fiscal year,~~

1 ~~no further deposits shall be accepted. Any deposits received from~~
2 ~~eligible entities after the dollar limit has been reached shall be~~
3 ~~returned to the eligible entity.~~ Any nonencumbered amount remaining
4 in the fund at the end of the fiscal year shall be transferred to the
5 General Fund.

6 ~~(3)~~ (2) Commencing July 1, 2014, and each fiscal year
7 thereafter, it is the intent of the Legislature to transfer two
8 hundred fifty thousand dollars from the General Fund to the Energy
9 Conservation Improvement Fund for the purposes of this section.

10 ~~(4)~~ (3) Any money in the fund available for investment
11 shall be invested by the state investment officer pursuant to the
12 Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.

14 Sec. 4. Section 66-1016, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 66-1016 (1) ~~An eligible entity that has remitted funds to~~
17 ~~the department as provided in section 66-1015~~ A subgrantee may
18 establish and administer a program of to provide eligible energy
19 conservation grants. improvements to eligible persons. A subgrantee
20 planning on administering such a program shall notify the office of
21 its intent by January 15 of each year.

22 (2) The ~~program office~~ shall provide for ~~an eligible~~
23 ~~energy conservation a grant~~ from the Energy Conservation Improvement
24 Fund to ~~an eligible person~~ the subgrantee for installing an eligible
25 energy conservation improvement. The office shall monitor all work

1 ~~performed by the subgrantee in accordance with guidelines adopted by~~
2 ~~the office. upon certification by the eligible entity that it has~~
3 ~~approved an eligible energy conservation improvement for the~~
4 ~~residence of the eligible person. The eligible entity shall verify~~
5 ~~the purchase and installation of the eligible energy conservation~~
6 ~~improvement at the eligible person's residence.~~

7 ~~(3) The eligible entity may require the eligible person~~
8 ~~to pay for a share of the cost of the eligible energy conservation~~
9 ~~improvement, not to exceed twenty percent of the total cost. The~~
10 ~~share of the cost to be paid by the eligible person may be recovered~~
11 ~~by the eligible entity in monthly installments after completion of~~
12 ~~the eligible energy conservation improvement by adding an amount to~~
13 ~~the eligible person's electrical bill.~~

14 ~~(4) The eligible entity shall certify to the department~~
15 ~~the amount of money to be distributed from the applicable subaccount~~
16 ~~of the Energy Conservation Improvement Fund for payments of the~~
17 ~~energy conservation grants approved in subsection (2) of this~~
18 ~~section. Requests for distribution may be filed no more frequently~~
19 ~~than monthly. The department shall distribute money only to the~~
20 ~~eligible entity.~~

21 Sec. 5. Section 66-1018, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 66-1018 ~~Beginning April 1, 2009, and annually on or~~
24 ~~before April 1 thereafter, each eligible entity administering a~~
25 ~~program for eligible energy conservation grants under the Low Income~~

1 ~~Home Energy Conservation Act shall submit to the department a report~~
2 ~~describing each eligible energy conservation grant made by the~~
3 ~~eligible entity during the preceding calendar year and the eligible~~
4 ~~energy conservation improvement for which each such grant was made.~~

5 Annually, on or before September 1, the office shall
6 submit to the Clerk of the Legislature a report describing the work
7 completed with energy conservation improvement funds for the
8 preceding fiscal year. The report shall be submitted electronically.

9 Sec. 6. Section 66-1019, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 66-1019 The ~~department~~ office may adopt and promulgate
12 rules and regulations to carry out its duties under the Low-Income
13 Home Energy Conservation Act.

14 Sec. 7. Original sections 66-1013, 66-1018, and 66-1019,
15 Reissue Revised Statutes of Nebraska, and sections 66-1014, 66-1015,
16 and 66-1016, Revised Statutes Cumulative Supplement, 2012, are
17 repealed.

18 Sec. 8. The following section is outright repealed:
19 Section 66-1017, Reissue Revised Statutes of Nebraska.

20 Sec. 9. Since an emergency exists, this act takes effect
21 when passed and approved according to law.