

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:

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.