

LEGISLATIVE BILL 385

Approved by the Governor April 26, 2011

Introduced by Utter, 33; at the request of the Governor.

FOR AN ACT relating to the Low-Income Home Energy Conservation Act; to amend sections 66-1012, 66-1014, 66-1015, and 66-1016, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the Energy Conservation Improvement Fund, matching funds, and eligible energy conservation grants; to state intent regarding funding; to provide a termination date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 66-1012, Reissue Revised Statutes of Nebraska, is amended to read:

66-1012 Sections 66-1012 to 66-1019 and section 5 of this act shall be known and may be cited as the Low-Income Home Energy Conservation Act.

Sec. 2. Section 66-1014, Reissue Revised Statutes of Nebraska, is amended to read:

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

- (1) Department means the Department of Revenue;
- (2) Eligible energy conservation grant means a grant paid to an eligible person for an eligible energy conservation improvement;
- (3) Eligible energy conservation improvement means a device, a method, equipment, or material that reduces consumption of or increases efficiency in the use of electricity or natural gas for a residence owned by an eligible person, including, but not limited to, insulation and ventilation, storm or thermal doors or windows, awnings, caulking and weatherstripping, furnace efficiency modifications, thermostat or lighting controls, replacement or modification of lighting fixtures or bulbs to increase the energy efficiency of the home's lighting system, and systems to turn off or vary the delivery of energy;
- (4) Eligible entity means an entity providing ~~matching~~ funds pursuant to section 66-1015 and which is a public power district organized under Chapter 70, article 6, a rural public power district organized under Chapter 70, article 8, an electric cooperative corporation organized under the Electric Cooperative Corporation Act, a nonprofit corporation organized for the purpose of furnishing electric service, a joint entity organized under the Interlocal Cooperation Act, or a municipality; ~~and~~
- (5) Eligible person means any resident of Nebraska who owns his or her residence and whose household income is at or below one hundred fifty percent of the federal poverty level, as determined in accordance with the Low-Income Home Energy Conservation Act; ~~and-~~

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

Sec. 3. Section 66-1015, Reissue Revised Statutes of Nebraska, is amended to read:

66-1015 (1) The Energy Conservation Improvement Fund is created. There shall be a separate subaccount within the fund for each eligible entity remitting ~~matching~~ funds and administering a program of eligible energy conservation improvements. The fund shall be administered by the department. Funds shall be remitted by the department to the State Treasurer for deposit in the proper subaccount of the fund from ~~state sales taxes and matching funds~~ remitted by the eligible entity and state matching funds as provided in subsection (2) of this section.

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

(b) Commencing July 1, 2009, 2014, any eligible entity may designate state sales taxes collected from customers remit up to fifty thousand dollars per fiscal year for deposit in the subaccount of the fund for that eligible entity. Any such designation shall be accompanied by an equal amount of matching funds from the eligible entity. The total amount designated in any calendar year shall not exceed five percent of the total state sales tax collected in the prior calendar year. The amount deposited shall be matched from the amount transferred by the state to the fund as provided in subsection (3) of this section and deposited in the subaccount of the eligible entity.

Amounts for deposit shall be accepted on a first-come, first-served basis, and when a total of two hundred fifty thousand dollars of deposits from eligible entities has been received in a fiscal year, no further deposits shall be accepted. Any deposits received from eligible entities after the dollar limit has been reached shall be returned to the eligible entity. Any nonencumbered amount remaining in the fund at the end of the fiscal year shall be transferred to the General Fund.

~~(3) The department shall adopt a form to (a) designate part of the state sales tax to be remitted for administering a program of eligible energy conservation improvements and (b) remit the matching funds.~~

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

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

Sec. 4. Section 66-1016, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) The program shall provide for an eligible energy conservation grant from the Energy Conservation Improvement Fund to an eligible person for installing an eligible energy conservation improvement upon certification by the eligible entity that it has approved an eligible energy conservation improvement for the residence of the eligible person. The eligible entity shall verify the purchase and installation of the eligible energy conservation improvement at the eligible person's residence.

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

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

Sec. 5. The Low-Income Home Energy Conservation Act terminates on July 1, 2019.

Sec. 6. Original sections 66-1012, 66-1014, 66-1015, and 66-1016, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.