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FIRST REPRINT

A.B. 111

ASSEMBLY BILL NO. 111—ASSEMBLYMEN THOMPSON; ARAUJO,
CARRILLO, DALY, FUMO, MILLER AND NEAL

PREFILED FEBRUARY 7, 2017

JOINT SPONSORS: SENATORS CANCELA AND SEGERBLOM

Referred to Committee on Health and Human Services

SUMMARY—Authorizes the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist certain low-income households in paying for Internet service. (BDR 58-641)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to energy assistance; authorizing the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist certain low-income households in paying for Internet service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires certain customers of an electric or gas utility to pay a
2 universal energy charge of 3.30 mills on each therm of natural gas purchased for
3 consumption in this State and 0.39 mills on each kilowatt-hour of electricity
4 purchased for consumption in this State. (NRS 702.160) Under existing law, the
5 Public Utilities Commission of Nevada collects the universal energy charge and,
6 after deducting its administrative charge, deposits the remaining money collected
7 for the universal energy charge in the Fund for Energy Assistance and
8 Conservation. (NRS 702.160, 702.170, 702.250) Existing law requires 75 percent
9 of the money in the Fund to be distributed to the Division of Welfare and
10 Supportive Services of the Department of Health and Human Services for programs
11 to assist certain low-income households in paying for natural gas and electricity.
12 (NRS 702.260) The remaining 25 percent of the money in the Fund must be
13 distributed to the Housing Division of the Department of Business and Industry for



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14 programs of energy conservation, weatherization and energy efficiency for certain
15 low-income households. (NRS 702.270) **Section 2** of this bill authorizes the
16 Division of Welfare and Supportive Services to use money from the Fund
17 distributed to the Division to pay for programs to assist certain low-income
18 households in paying for Internet service. **Section 2** also provides that the amount
19 of assistance received by a household to pay for Internet service must: (1) equal the
20 lowest cost available for Internet service in the area that the Internet service is
21 being provided; and (2) exclude any costs for cable or satellite television service,
22 including, without limitation, joint packages that provide Internet service with cable
23 or satellite television service.

24 Existing law provides that certain persons who are exempt from paying the
25 universal energy charge are not eligible to receive assistance from the Division of
26 Welfare and Supportive Services for utility service or from the Housing Division
27 for energy conservation, weatherization or energy efficiency. **Section 1** of this bill
28 specifies that a person who is exempt from paying the universal energy charge is
29 not eligible to receive assistance from the Division of Welfare and Supportive
30 Services in paying for Internet service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 702.150 is hereby amended to read as follows:

2 702.150 1. The provisions of NRS 702.160 do not apply to
3 any therm of natural gas or any kilowatt-hour of electricity that a
4 retail customer purchases from:

5 (a) A rural electric cooperative established pursuant to chapter
6 81 of NRS.

7 (b) A general improvement district established pursuant to
8 chapter 318 of NRS.

9 (c) A cooperative association, nonprofit corporation, nonprofit
10 association or provider of service which is declared to be a public
11 utility pursuant to NRS 704.673 and which provides service only to
12 its members.

13 2. If a retail customer is exempted from paying the universal
14 energy charge pursuant to subsection 1, the retail customer may not
15 receive money or other assistance from:

16 (a) The Division of Welfare and Supportive Services pursuant to
17 NRS 702.260 for ~~any~~ :

18 (1) *Any* utility service for which the retail customer is
19 exempted from paying the universal energy charge; or

20 (2) *Internet service; or*

21 (b) The Housing Division pursuant to NRS 702.270.

22 **Sec. 2.** NRS 702.260 is hereby amended to read as follows:

23 702.260 1. Seventy-five percent of the money in the Fund
24 must be distributed to the Division of Welfare and Supportive
25 Services for programs to assist eligible households in paying for
26 natural gas , ~~and~~ electricity ~~+~~ *and Internet service.* The Division



1 may use not more than 5 percent of the money distributed to it
2 pursuant to this section for its administrative expenses.

3 2. Except as otherwise provided in NRS 702.150, after
4 deduction for its administrative expenses, the Division may use the
5 money distributed to it pursuant to this section only to:

6 (a) Assist eligible households in paying for natural gas , ~~and~~
7 electricity ~~+~~ *and Internet service.*

8 (b) Carry out activities related to consumer outreach.

9 (c) Pay for program design.

10 (d) Pay for the annual evaluations conducted pursuant to
11 NRS 702.280.

12 3. Except as otherwise provided in subsection 4, to be eligible
13 to receive assistance from the Division pursuant to this section, a
14 household must have a household income that is not more than 150
15 percent of the federally designated level signifying poverty, as
16 determined by the Division.

17 4. The Division is authorized to render emergency assistance to
18 a household if an emergency related to the cost or availability of
19 natural gas , ~~or~~ electricity *or Internet service* threatens the health
20 or safety of one or more of the members of the household. Such
21 emergency assistance may be rendered upon the good faith belief
22 that the household is otherwise eligible to receive assistance
23 pursuant to this section.

24 5. Before July 1, 2002, if a household is eligible to receive
25 assistance pursuant to this section, the Division shall determine the
26 amount of assistance that the household will receive by using the
27 existing formulas set forth in the state plan for low-income home
28 energy assistance.

29 6. On or after July 1, 2002, if a household is eligible to receive
30 assistance pursuant to this section, the Division:

31 (a) Shall, to the extent practicable, determine the amount of
32 assistance that the household will receive *for natural gas and*
33 *electricity* by determining the amount of assistance that is sufficient
34 to reduce the percentage of the household's income that is spent on
35 natural gas and electricity to the median percentage of household
36 income spent on natural gas and electricity statewide.

37 (b) May adjust the amount of assistance that the household will
38 receive *for natural gas and electricity* based upon such factors as:

39 (1) The income of the household;

40 (2) The size of the household;

41 (3) The type of energy that the household uses; and

42 (4) Any other factor which, in the determination of the
43 Division, may make the household particularly vulnerable to
44 increases in the cost of natural gas or electricity.



1 7. *If a household is eligible to receive assistance in paying for*
2 *Internet service pursuant to this section, the Division shall*
3 *determine the amount of such assistance to:*

4 (a) *Be equal to the lowest cost available for Internet service in*
5 *the area that such Internet service is being provided.*

6 (b) *Exclude any costs for cable or satellite television service or*
7 *for joint packages that provide Internet service with cable or*
8 *satellite television service.*

9 8. The Division shall adopt regulations to carry out and enforce
10 the provisions of this section and NRS 702.250.

11 ~~8.1~~ 9. In carrying out the provisions of this section, the
12 Division shall:

13 (a) Solicit advice from the Housing Division and from other
14 knowledgeable persons;

15 (b) Identify and implement appropriate delivery systems to
16 distribute money from the Fund and to provide other assistance
17 pursuant to this section;

18 (c) Coordinate with other federal, state and local agencies that
19 provide energy assistance or conservation services to low-income
20 persons and, to the extent allowed by federal law and to the extent
21 practicable, use the same simplified application forms as those other
22 agencies;

23 (d) Establish a process for evaluating the programs conducted
24 pursuant to this section;

25 (e) Develop a process for making changes to such programs; and

26 (f) Engage in annual planning and evaluation processes with the
27 Housing Division as required by NRS 702.280.

28 ~~9.1~~ 10. For the purposes of this section, "eligible household"
29 includes, without limitation:

30 (a) A tenant of a manufactured home park or mobile home park
31 subject to the provisions of NRS 704.905 to 704.960, inclusive; and

32 (b) A tenant who purchases electricity from a landlord as
33 described in paragraph (c) of subsection 2 of NRS 702.090 based on
34 the actual usage of electricity by the tenant.

35 **Sec. 3.** This act becomes effective on July 1, 2017.

