

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB385**

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**Hearing Date:** Wednesday March 09, 2011  
**Committee On:** Revenue  
**Introducer:** Utter  
**One Liner:** Terminate provisions of the Low-Income Home Energy Conservation Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

**Aye:** 8 Senators Adams, Cornett, Fischer, Hadley, Louden, Pankonin, Pirsch, Utter  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

Sen. Dennis Utter  
Ginger Willson

**Representing:**

Introducer  
NE Energy Office

**Opponents:**

Tom Richards

**Representing:**

OPPD

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 385 would terminate the "Energy Conservation Improvement Fund" on June 30, 2012, and would require any money from "designated state sales tax" in that fund on that date to be deposited into the state's General Fund. Any matching funds contributed by an "eligible entity" to the fund that remain in the fund on that date would be refunded to the eligible entity. [LB 385, section 1, amending Neb. Rev. Stat. section 66-1015(2) and (4).]

Background: The Energy Conservation Improvement Fund was created by Laws 2008, LB 1001, which adopted the Low-Income Home Energy Conservation Act. That act provided for earmarking up to 5% of the total sales tax collected on sales of electricity by utilities, which would then match the earmarked amount and fund conservation improvements for low-income customers. However, due to budgetary constraints during the 2008 legislative session, LB 1001 was amended on Final Reading to postpone earmarking such revenue until FY2009-10.

Note: "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. . . ." [Neb. Rev. Stat. section 66-1014(4).]

Additionally, LB 385 would prohibit the distribution of any money in the Energy Conservation Improvement Fund to an eligible entity on or after June 30, 2012. [LB 385, section 2, amending Neb. Rev. Stat. section 66-1016(4).]

Finally, LB 385 would repeal the current version of the statutes that it amends and it contains the emergency clause. [LB 385, sections 3 and 4.]

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Abbie Cornett, Chairperson