

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB399

Hearing Date: Wednesday February 22, 2023
Committee On: Natural Resources
Introducer: Brewer
One Liner: Change provisions relating to privately developed renewable energy generation facilities and other electric generation facilities

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Bostelman, Brandt, Hughes, Jacobson, Moser, Slama
Nay:	2	Senators Cavanaugh, J., Fredrickson
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Tom Brewer
David Hutchinson

Representing:

Opening Presenter
Save Our Sandhills

Opponents:

David Bracht
Al Davis
William Bevans
John Hansen
John McClure
Kat Woerner

Representing:

Catalyst Public Affairs; Kutak Rock
Nebraska Chapter Sierra Club
Self
Nebraska Farmers Union
Nebraska Public Power District
Self

Neutral:

Bill Hawkins
Tim Texel
Shelley Sahling-Zart

Representing:

Self
Nebraska Power Review Board
Lincoln Electric System; Nebraska Power Association

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB399 (Brewer) amends several sections of chapter 70 related to jurisdiction and procedures of the Nebraska Power Review Board (PRB), to restore authority and change how privately-owned wind generation projects are approved in Nebraska by requiring an application be filed with the PRB, that the PRB review, and a public hearing be held, and the project be approved by the PRB prior to the commencement of construction of a privately developed renewable energy generation facility.



LB399 directs that the applicant certify to the PRB in its application those items specified in subsection (2) (a) (i)-(IV) of section 70-1014.02. LB399 also sets forth hearing and notice requirements and a timeline for application approval or denial by the PRB.

LB399 directs the PRB to approve or deny an application after first making findings regarding the criteria set forth and certified in the application and determining whether it is outweighed by any testimony or evidence in opposition to the application.

Finally, LB399 strikes subsections (2) through (6) of section 70-1015 to eliminate authority of the executive director relating to violation provisions applying to private electric suppliers.

Explanation of amendments:

LB399, brought by Senator Brewer, as amended, allows for review by the Power Review Board (PRB) of both public and privately developed electric generation projects prior to construction. LB399 also requires noticed public meetings for either private or public proposed projects and sets guidelines and procedures for those public meetings.

LB399 applies to industrial facilities and private development projects generating greater than ten megawatts (10Mw) of electricity and requires that each developers have a noticed, public meeting, with an opportunity for public input and interaction with the developer.

LB399 adds private developers to the requirement that a private developer of a proposed electrical generation facility make application to the Power Review Board before beginning construction of a proposed project and follow the same hearing and other procedures required of public power developers and requires a noticed public meeting. The bill provides that if a private developer follows the list of requirements that are already in Nebraska law, and has a noticed public meeting and provides a report, such as minutes to the PRB and has a power purchase agreement with a Nebraska Public Power utility the PRB shall approve the project.

Section by Section

Sec. 1 Amends Section 70-1001.01 to harmonize definition language within the statute; clarify that a private electric supplier is limited to the development of those facilities provided in the section.

Sec. 2 Amends Section 70-1014 to outline requirements for public participation in a public meeting regarding proposed projects involving electric generation facilities greater than ten megawatts (10Mw) .

Sec. 3 Amends Section 70-1014 to outline requirements for private developed renewable energy generation facility greater than ten megawatts (10Mw) to have a power purchase agreement with a Nebraska consumer-owned utility, and participate in at least one noticed public meeting in one the counties in which the facility will be located.

Sec. 4 Strikes provisions in Section 70-1015 made obsolete by LB399.

Sec. 5 Amends section 84-1411 to provide that virtual participation by utility boards for purposes of this section do not count towards the number of such meetings for the purposes of section 84—1411.

Sec. 6 Repealer.

Bruce Bostelman, Chairperson

