

AMENDMENTS TO LB867

Introduced by Natural Resources.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 37-201, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5           37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and sections  
6 2 and 3 of this act and the State Park System Construction Alternatives  
7 Act shall be known and may be cited as the Game Law.

8           Sec. 2. (1) For purposes of this section:

9           (a) Guide means a person who advertises or otherwise holds himself  
10 or herself out to the public for hire as a guide for hunting or fishing,  
11 or both, to provide services to any person for the purpose of hunting or  
12 fishing for any animal; and

13           (b) Outfitter means a person who advertises or otherwise holds  
14 himself or herself out to the public for hire to assist any person in the  
15 taking of animals by providing facilities, equipment, accommodations, or  
16 other services for use in hunting or fishing for any animal. Outfitter  
17 does not mean any self-guided excursion or group hunt.

18           (2) The commission may establish and maintain on its website a  
19 voluntary hunting and fishing guide and outfitter database. The  
20 commission may establish a registration fee for guides and outfitters  
21 applying for placement on the database. Such fee shall be in a reasonable  
22 amount the commission deems necessary to cover the costs of administering  
23 the database.

24           (3) A person may apply to the commission for placement as a guide or  
25 an outfitter on the database for a period of three years. An applicant  
26 for placement on the database as a guide or an outfitter may be included  
27 in the database if such applicant:

1       (a) Has never been convicted of any felony, has never been cited for  
2 trespassing, has not violated any state or federal game law within the  
3 three years prior to application, and does not have his or her privilege  
4 or right to hunt or fish suspended in Nebraska, another state, or a  
5 participating state in the Interstate Wildlife Violator Compact;

6       (b) Has completed a commission-sponsored hunter education program or  
7 a similar program approved by the commission. This subdivision does not  
8 apply to fishing guides or fishing outfitters;

9       (c) Provides proof of adequate liability insurance or similar bond  
10 security;

11       (d) Is a registered business in the State of Nebraska; and

12       (e) Agrees to comply with any other requirements established under  
13 the Game Law and pursuant to the rules and regulations of the commission.

14       (4) The commission may remove a guide or an outfitter from the  
15 database for any violation of the Game Law or the rules and regulations  
16 of the commission or for any failure by such guide or outfitter to  
17 maintain compliance with the requirements set forth in subsection (3) of  
18 this section. The commission shall not be liable for any such failure by  
19 a guide or outfitter.

20       (5) The commission may adopt and promulgate rules and regulations to  
21 carry out this section. This section does not apply to licensees of  
22 licensed game breeding and controlled shooting areas.

23       Sec. 3. (1) For purposes of this section:

24       (a) Member of the armed forces means any member of the armed forces  
25 on active duty, including any member of the National Guard or reserves on  
26 active duty other than active duty for training; and

27       (b) Veteran has the same meaning as in 38 U.S.C. 101, as such  
28 section existed on January 1, 2024.

29       (2) The commission shall prescribe a migratory waterfowl hunting  
30 season for veterans and members of the armed forces.

31       (3) Any veteran or member of the armed forces may hunt during such

1 season as long as such veteran or member of the armed forces has a valid  
2 hunting permit issued under the Game Law and all required stamps  
3 necessary to hunt migratory waterfowl in Nebraska.

4 (4) No motor vehicle entry permit or fee shall be required for entry  
5 into a permit area as defined in section 37-435 by such veteran or member  
6 of the armed forces during such season.

7 (5) Nothing in this section shall affect the applicability of  
8 statutes, rules, regulations, and orders other than the permit and stamp  
9 requirements described in this section.

10 (6) The commission may adopt and promulgate rules and regulations  
11 and pass and publish orders to carry out this section.

12 Sec. 4. Section 37-420, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 37-420 (1) Any veteran who is a legal resident of the State of  
15 Nebraska shall, upon application and without payment of any fee, be  
16 issued a combination fishing, fur-harvesting, and hunting permit, habitat  
17 stamp, aquatic habitat stamp, and Nebraska migratory waterfowl stamp if  
18 the veteran:

19 (a) Was discharged or separated with a characterization of honorable  
20 or general (under honorable conditions); and

21 (b)(i) Is rated by the United States Department of Veterans Affairs  
22 as fifty percent or more disabled as a result of service in the armed  
23 forces of the United States; or

24 (ii) Is receiving a pension from the department as a result of total  
25 and permanent disability, which disability was not incurred in the line  
26 of duty in the military service.

27 (2) If disabled persons are unable by reason of physical infirmities  
28 to hunt and fish in the normal manner, the commission may issue special  
29 permits without cost to those persons to hunt and fish from a vehicle,  
30 but such permits shall not authorize any person to shoot from any public  
31 highway.

1 (3) All permits issued without the payment of any fees pursuant to  
2 this section shall be perpetual and become void only upon termination of  
3 eligibility as provided in this section.

4 (4) The commission may adopt and promulgate rules and regulations  
5 necessary to carry out this section.

6 (5) Permits issued under subdivision (3) of this section as it  
7 existed prior to January 1, 2006, shall not expire as provided in  
8 subsection (1) of section 37-421.

9 Sec. 5. Section 37-421, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 37-421 (1)(a) ~~(1)~~ The commission may issue an annual combination  
12 fishing, fur-harvesting, and hunting permit, habitat stamp, aquatic  
13 habitat stamp, and Nebraska migratory waterfowl stamp upon application  
14 and payment of a fee of five dollars to (i) ~~(a)~~ any Nebraska resident who  
15 is a veteran, who is sixty-four years of age or older, and who was  
16 discharged or separated with a characterization of honorable or general  
17 (under honorable conditions) or (ii) ~~(b)~~ any Nebraska resident who is  
18 sixty-nine years of age or older.

19 (b) ~~(2)~~ A permit issued as provided in this subsection ~~section~~ shall  
20 expire as provided in subdivision (3)(a) of section 37-405. Permits  
21 issued under this section as it existed before January 1, 2006, shall not  
22 expire as provided in section 37-405.

23 (2) The commission shall issue a one-day hunting permit, habitat  
24 stamp, and Nebraska migratory waterfowl stamp upon application and  
25 without payment of any fee to any veteran who is a Nebraska resident who  
26 was discharged or separated with a characterization of honorable or  
27 general (under honorable conditions) for use on Veterans Day. A permit  
28 and stamps issued under this subsection shall only be valid on November  
29 11 in the year in which such permit and stamps are issued.

30 (3) If disabled persons are unable by reason of physical infirmities  
31 to hunt and fish in the normal manner, the commission may issue special

1 permits without cost to those persons to hunt and fish from a vehicle,  
2 but such permits shall not authorize any person to shoot from any public  
3 highway.

4 (4) The commission may adopt and promulgate rules and regulations  
5 necessary to carry out this section.

6 Sec. 6. Section 37-438, Revised Statutes Cumulative Supplement,  
7 2022, is amended to read:

8 37-438 (1) The commission shall devise annual, temporary, ~~and~~  
9 disabled veteran, and active-duty military permits.

10 (2) The annual permit may be purchased by any person and shall be  
11 valid through December 31 in the year for which the permit is issued. The  
12 fee for the annual permit for a resident motor vehicle shall be not more  
13 than thirty-five dollars per permit. The fee for the annual permit for a  
14 nonresident motor vehicle shall be two times the fee for a resident motor  
15 vehicle or sixty dollars, whichever is greater. The commission shall  
16 establish such fees by the adoption and promulgation of rules and  
17 regulations.

18 (3) A temporary permit may be purchased by any person and shall be  
19 valid until noon of the day following the date of issue. The fee for the  
20 temporary permit for a resident motor vehicle shall be not more than  
21 seven dollars. The fee for the temporary permit for a nonresident motor  
22 vehicle shall be two times the fee for a resident motor vehicle or twelve  
23 dollars, whichever is greater. The commission shall establish such fees  
24 by the adoption and promulgation of rules and regulations. The commission  
25 may issue temporary permits which are either valid for any area or valid  
26 for a single area.

27 (4)(a) A veteran who is a resident of Nebraska shall, upon  
28 application and without payment of any fee, be issued one disabled  
29 veteran permit for a resident motor vehicle if the veteran:

30 (i) was discharged or separated with a characterization of honorable  
31 or general (under honorable conditions); and

1 (ii)(A) Is rated by the United States Department of Veterans Affairs  
2 as fifty percent or more disabled as a result of service in the armed  
3 forces of the United States; or

4 (B) Is receiving a pension from the United States Department of  
5 Veterans Affairs as a result of total and permanent disability, which  
6 disability was not incurred in the line of duty in the military service.

7 (b) All disabled veteran permits issued pursuant to this subsection  
8 shall be perpetual and shall become void only upon termination of  
9 eligibility as provided in this subsection.

10 ~~(c) The commission may adopt and promulgate rules and regulations~~  
11 ~~necessary to carry out this subsection.~~

12 (5) An active-duty military permit may be purchased by any  
13 individual who is active-duty military and shall be valid through  
14 December 31 in the year for which the permit is issued. The fee for the  
15 active-duty military permit is five dollars, regardless of residency. To  
16 qualify for an active-duty military permit, the individual shall present:

17 (a) Such individual's military identification card; and

18 (b) Proof that such individual is stationed at a military base  
19 located in Nebraska for active-duty military service.

20 (6) {5} The commission may offer permits or combinations of permits  
21 at temporarily reduced rates for specific events or during specified  
22 timeframes.

23 (7) The commission may adopt and promulgate rules and regulations to  
24 carry out this section.

25 Sec. 7. Section 66-1519, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27 66-1519 (1) There is hereby created the Petroleum Release Remedial  
28 Action Cash Fund to be administered by the department. Revenue from the  
29 following sources shall be remitted to the State Treasurer for credit to  
30 the fund:

31 (a) The fees imposed by sections 66-1520 and 66-1521;

1 (b) Money paid under an agreement, stipulation, cost-recovery award  
2 under section 66-1529.02, or settlement; and

3 (c) Money received by the department in the form of gifts, grants,  
4 reimbursements, property liquidations, or appropriations from any source  
5 intended to be used for the purposes of the fund.

6 (2) Money in the fund may be spent for: (a) Reimbursement for the  
7 costs of remedial action by a responsible person or his or her designated  
8 representative and costs of remedial action undertaken by the department  
9 in response to a release first reported after July 17, 1983, and on or  
10 before June 30, 2028 2024, including reimbursement for damages caused by  
11 the department or a person acting at the department's direction while  
12 investigating or inspecting or during remedial action on property other  
13 than property on which a release or suspected release has occurred; (b)  
14 payment of any amount due from a third-party claim; (c) fee collection  
15 expenses incurred by the State Fire Marshal; (d) direct expenses incurred  
16 by the department in carrying out the Petroleum Release Remedial Action  
17 Act; (e) other costs related to fixtures and tangible personal property  
18 as provided in section 66-1529.01; (f) interest payments as allowed by  
19 section 66-1524; (g) claims approved by the State Claims Board authorized  
20 under section 66-1531; (h) the direct and indirect costs incurred by the  
21 department in responding to spills and other environmental emergencies  
22 related to petroleum or petroleum products; and (i) up to one million  
23 five hundred thousand dollars each fiscal year of the department's cost-  
24 share obligations and operation and maintenance obligations under the  
25 federal Comprehensive Environmental Response, Compensation, and Liability  
26 Act of 1980, 42 U.S.C. 9601 et seq.

27 ~~(3) Transfers may be made from the Petroleum Release Remedial Action~~  
28 ~~Cash Fund to the General Fund at the direction of the Legislature.~~

29 (3) ~~(4)~~ Transfers may be made from the Petroleum Release Remedial  
30 Action Cash Fund to the Superfund Cost Share Cash Fund at the direction  
31 of the Legislature.

1           (4) ~~(5)~~ Any money in the Petroleum Release Remedial Action Cash Fund  
2 available for investment shall be invested by the state investment  
3 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
4 State Funds Investment Act. Investment earnings on and after the  
5 operative date of this section shall be credited to the fund.

6           Sec. 8. Section 66-1523, Revised Statutes Cumulative Supplement,  
7 2022, is amended to read:

8           66-1523 (1) Except as provided in subsection (2) of this section,  
9 the department shall provide reimbursement from the fund in accordance  
10 with section 66-1525 to eligible responsible persons for the cost of  
11 remedial action for releases reported after July 17, 1983, and on or  
12 before June 30, ~~2028~~ 2024, and for the cost of paying third-party claims.  
13 The reimbursement for the cost of remedial action shall not exceed nine  
14 hundred seventy-five thousand dollars per occurrence. The total of the  
15 claims paid under section 66-1531 and the reimbursement for third-party  
16 claims shall not exceed one million dollars per occurrence. The  
17 responsible person shall pay the first ten thousand dollars of the cost  
18 of the remedial action or third-party claim, twenty-five percent of the  
19 remaining cost of the remedial action or third-party claim not to exceed  
20 fifteen thousand dollars, and the amount of any reduction authorized  
21 under subsection (5) of section 66-1525. If the department determines  
22 that a responsible person was ordered to take remedial action for a  
23 release which was later found to be from a tank not owned or operated by  
24 such person, (a) such person shall be fully reimbursed and shall not be  
25 required to pay the first cost or percent of the remaining cost as  
26 provided in this subsection and (b) the first cost and percent of the  
27 remaining cost not required to be paid by the person ordered to take  
28 remedial action shall be paid to the fund as a cost of remedial action by  
29 the owner or operator of the tank found to be the cause of the release.  
30 In no event shall reimbursements or payments from the fund exceed the  
31 annual aggregate of one million nine hundred seventy-five thousand



1 dollars per responsible person. Reimbursement of a cost incurred as a  
2 result of a suspension ordered by the department shall not be limited by  
3 this subsection if the suspension was caused by insufficiency in the fund  
4 to provide reimbursement.

5 (2) Upon the determination by the department that the responsible  
6 person sold no less than two thousand gallons of petroleum and no more  
7 than two hundred fifty thousand gallons of petroleum during the calendar  
8 year immediately preceding the first report of the release or stored less  
9 than ten thousand gallons of petroleum in the calendar year immediately  
10 preceding the first report of the release, the department shall provide  
11 reimbursement from the fund in accordance with section 66-1525 to such an  
12 eligible person for the cost of remedial action for releases reported  
13 after July 17, 1983, and on or before June 30, 2028 2024, and for the  
14 cost of paying third-party claims. The reimbursement for the cost of  
15 remedial action shall not exceed nine hundred eighty-five thousand  
16 dollars per occurrence. The total of the claims paid under section  
17 66-1531 and the reimbursement for third-party claims shall not exceed one  
18 million dollars per occurrence. The responsible person shall pay the  
19 first five thousand dollars of the cost of the remedial action or third-  
20 party claim, twenty-five percent of the remaining cost of the remedial  
21 action or third-party claim not to exceed ten thousand dollars, and the  
22 amount of any reduction authorized under subsection (5) of section  
23 66-1525. If the department determines that a responsible person was  
24 ordered to take remedial action for a release which was later found to be  
25 from a tank not owned or operated by such person, (a) such person shall  
26 be fully reimbursed and shall not be required to pay the first cost or  
27 percent of the remaining cost as provided in this subsection and (b) the  
28 first cost and percent of the remaining cost not required to be paid by  
29 the person ordered to take remedial action shall be paid to the fund as a  
30 cost of remedial action by the owner or operator of the tank found to be  
31 the cause of the release. In no event shall reimbursements or payments

1 from the fund exceed the annual aggregate of one million nine hundred  
2 eighty-five thousand dollars per responsible person. Reimbursement of a  
3 cost incurred as a result of a suspension ordered by the department shall  
4 not be limited by this subsection if the suspension was caused by  
5 insufficiency in the fund to provide reimbursement.

6 (3) The department may make partial reimbursement during the time  
7 that remedial action is being taken if the department is satisfied that  
8 the remedial action being taken is as required by the department.

9 (4) If the fund is insufficient for any reason to reimburse the  
10 amount set forth in this section, the maximum amount that the fund shall  
11 be required to reimburse is the amount in the fund. If reimbursements  
12 approved by the department exceed the amount in the fund, reimbursements  
13 with interest shall be made when the fund is sufficiently replenished in  
14 the order in which the applications for them were received by the  
15 department, except that an application pending before the department on  
16 January 1, 1996, submitted by a local government as defined in section  
17 13-2202 shall, after July 1, 1996, be reimbursed first when funds are  
18 available. This exception applies only to local government applications  
19 pending on and not submitted after January 1, 1996.

20 (5) Applications for reimbursement properly made before, on, or  
21 after April 16, 1996, shall be considered bills for goods or services  
22 provided for third parties for purposes of the Prompt Payment Act.

23 (6) There shall be no reimbursement from the fund for the cost of  
24 remedial action or for the cost of paying third-party claims for any  
25 releases reported on or after July 1, ~~2028~~ 2024.

26 (7) For purposes of this section, occurrence shall mean an accident,  
27 including continuous or repeated exposure to conditions, which results in  
28 a release from a tank.

29 Sec. 9. Section 66-1525, Revised Statutes Cumulative Supplement,  
30 2022, is amended to read:

31 66-1525 (1) Any responsible person or his or her designated

1 representative who has taken remedial action in response to a release  
2 first reported after July 17, 1983, and on or before June 30, ~~2028~~ 2024,  
3 or against whom there is a third-party claim may apply to the department  
4 under the rules and regulations adopted and promulgated pursuant to  
5 section 66-1518 for reimbursement for the costs of the remedial action or  
6 third-party claim. Partial payment of such reimbursement to the  
7 responsible person may be authorized by the department at the approved  
8 stages prior to the completion of remedial action when a remedial action  
9 plan has been approved. If any stage is projected to take more than  
10 ninety days to complete partial payments may be requested every sixty  
11 days. Such partial payment may include the eligible and reasonable costs  
12 of such plan or pilot projects conducted during the remedial action.

13 (2) No reimbursement may be made unless the department makes the  
14 following eligibility determinations:

15 (a) The tank was in substantial compliance with any rules and  
16 regulations of the United States Environmental Protection Agency, the  
17 State Fire Marshal, and the department which were applicable to the tank.  
18 Substantial compliance shall be determined by the department taking into  
19 consideration the purposes of the Petroleum Release Remedial Action Act  
20 and the adverse effect that any violation of the rules and regulations  
21 may have had on the tank thereby causing or contributing to the release  
22 and the extent of the remedial action thereby required;

23 (b) Either the State Fire Marshal or the department was given notice  
24 of the release in substantial compliance with the rules and regulations  
25 adopted and promulgated pursuant to the Environmental Protection Act and  
26 the Petroleum Products and Hazardous Substances Storage and Handling Act.  
27 Substantial compliance shall be determined by the department taking into  
28 consideration the purposes of the Petroleum Release Remedial Action Act  
29 and the adverse effect that any violation of the notice provisions of the  
30 rules and regulations may have had on the remedial action being taken in  
31 a prompt, effective, and efficient manner;

1 (c) The responsible person reasonably cooperated with the department  
2 and the State Fire Marshal in responding to the release;

3 (d) The department has approved the plan submitted by the  
4 responsible person for the remedial action in accordance with rules and  
5 regulations adopted and promulgated by the department pursuant to the  
6 Environmental Protection Act or the Petroleum Products and Hazardous  
7 Substances Storage and Handling Act or that portion of the plan for which  
8 payment or reimbursement is requested. However, responsible persons may  
9 undertake remedial action prior to approval of a plan by the department  
10 or during the time that remedial action at a site was suspended at any  
11 time after April 1995 because the fund was insufficient to pay  
12 reimbursements and be eligible for reimbursement at a later time if the  
13 responsible person complies with procedures provided to the responsible  
14 party by the department or set out in rules and regulations adopted and  
15 promulgated by the Environmental Quality Council;

16 (e) The costs for the remedial action were actually incurred by the  
17 responsible person or his or her designated representative after May 27,  
18 1989, and were eligible and reasonable;

19 (f) If reimbursement for a third-party claim is involved, the cause  
20 of action for the third-party claim accrued after April 26, 1991, and the  
21 Attorney General was notified by any person of the service of summons for  
22 the action within ten days of such service; and

23 (g) The responsible person or his or her designated representative  
24 has paid the amount specified in subsection (1) or (2) of section  
25 66-1523.

26 (3) The State Fire Marshal shall review each application prior to  
27 consideration by the department and provide to the department any  
28 information the State Fire Marshal deems relevant to subdivisions (2)(a)  
29 through (g) of this section. The State Fire Marshal shall issue a  
30 determination with respect to an applicant's compliance with rules and  
31 regulations adopted and promulgated by the State Fire Marshal. The State

1 Fire Marshal shall issue a compliance determination to the department  
2 within thirty days after receiving an application from the department.

3 (4) The department may withhold taking action on an application  
4 during the pendency of an enforcement action by the state or federal  
5 government related to the tank or a release from the tank.

6 (5) Reimbursements made for a remedial action may be reduced as much  
7 as one hundred percent for failure by the responsible person to comply  
8 with applicable statutory or regulatory requirements. In determining the  
9 amount of the reimbursement reduction, the department shall consider:

10 (a) The extent of and reasons for noncompliance;

11 (b) The likely environmental impact of the noncompliance; and

12 (c) Whether noncompliance was negligent, knowing, or willful.

13 (6) Except as provided in subsection (4) of this section, the  
14 department shall notify the responsible person of its approval or denial  
15 of the remedial action plan within one hundred twenty days after receipt  
16 of a remedial action plan which contains all the required information. If  
17 after one hundred twenty days the department fails to either deny,  
18 approve, or amend the remedial action plan submitted, the proposed plan  
19 shall be deemed approved. If the remedial action plan is denied, the  
20 department shall provide the reasons for such denial.

21 Sec. 10. Section 66-1529.02, Revised Statutes Cumulative Supplement,  
22 2022, is amended to read:

23 66-1529.02 (1) The department may undertake remedial actions in  
24 response to a release first reported after July 17, 1983, and on or  
25 before June 30, ~~2028~~ 2024, with money available in the fund if:

26 (a) The responsible person cannot be identified or located;

27 (b) An identified responsible person cannot or will not comply with  
28 the remedial action requirements; or

29 (c) Immediate remedial action is necessary, as determined by the  
30 Director of Environment and Energy, to protect human health or the  
31 environment.

1 (2) The department may pay the costs of a third-party claim meeting  
2 the requirements of subdivision (2)(f) of section 66-1525 with money  
3 available in the fund if the responsible person cannot or will not pay  
4 the third-party claim.

5 (3) Reimbursement for any damages caused by the department or a  
6 person acting at the department's direction while investigating or  
7 inspecting or during remedial action on property other than property on  
8 which a release or suspected release has occurred shall be considered as  
9 part of the cost of remedial action involving the site where the release  
10 or suspected release occurred. The costs shall be reimbursed from money  
11 available in the fund. If such reimbursement is deemed inadequate by the  
12 party claiming the damages, the party's claim for damages caused by the  
13 department shall be filed as provided in section 76-705.

14 (4) All expenses paid from the fund under this section, court costs,  
15 and attorney's fees may be recovered in a civil action in the district  
16 court of Lancaster County. The action may be brought by the county  
17 attorney or Attorney General at the request of the director against the  
18 responsible person. All recovered expenses shall be deposited into the  
19 fund.

20 Sec. 11. Section 70-1003, Revised Statutes Cumulative Supplement,  
21 2022, is amended to read:

22 70-1003 (1)(a) (1) There is hereby established an independent board  
23 to be known as the Nebraska Power Review Board. The board shall ~~to~~  
24 consist of five members, including at least one of whom shall be an  
25 engineer, at least  ~~, one an~~ attorney, and three additional persons. No  
26 more than one  ~~, one an~~ accountant, and two laypersons. No person who is  
27 or who has within four years preceding such person's ~~his or her~~  
28 appointment been either a director, an officer, or an employee of any  
29 electric utility or an elective state officer shall serve ~~be eligible for~~  
30 membership on the board at the same time. Any board member who previously  
31 was either a director, an officer, or an employee of any electric utility

1 within four years preceding such board member's appointment shall refrain  
2 from taking any action or making any decision in any proceeding before  
3 the board that involves such electric utility for a period of four years  
4 after the date such board member ceased being a director, an officer, or  
5 an employee of such electric utility.

6 (b) Members of the board shall be appointed by the Governor subject  
7 to the approval of the Legislature. Upon expiration of the terms of the  
8 members first appointed, the successors shall be appointed for terms of  
9 four years. No member of the board shall serve more than three ~~two~~  
10 consecutive terms. Any vacancy on the board arising other than from the  
11 expiration of a term shall be filled by appointment for the unexpired  
12 portion of the term, and any person appointed to fill a vacancy on the  
13 board shall be eligible for reappointment for two more consecutive terms.  
14 No more than three members of the board shall be registered members of  
15 that political party represented by the Governor.

16 (2) Each member of the board shall receive one hundred sixty dollars  
17 per day for each day actually and necessarily engaged in the performance  
18 of his or her duties, but not to exceed seven ~~six~~ thousand dollars in any  
19 one year, except for the member designated to represent the board on the  
20 Southwest Power Pool Regional State Committee or its equivalent  
21 successor, who shall receive two hundred fifty dollars for each day  
22 actually and necessarily engaged in the performance of his or her duties,  
23 not to exceed thirty-five thousand dollars in any one year. If the member  
24 designated to represent the board on the Southwest Power Pool Regional  
25 State Committee should for any reason no longer serve in that capacity  
26 during a year, the pay received while serving in such capacity shall not  
27 be used for purposes of calculating the seven-thousand-dollar ~~six-~~  
28 ~~thousand-dollar~~ limitation for board members not serving in that  
29 capacity. When another board member acts as the proxy for the designated  
30 Southwest Power Pool Regional State Committee member, he or she shall  
31 receive the same pay as the designated member would have for that

1 activity. Pay received while serving as proxy for such designated member  
2 shall not be used for purposes of determining whether the seven-thousand-  
3 dollar ~~six-thousand-dollar~~ limitation has been met for board members not  
4 serving as such designated member. Total pay to board members for  
5 activities related to the Southwest Power Pool shall not exceed an  
6 aggregate total of forty thousand dollars in any one year. Each member  
7 shall be reimbursed for expenses while so engaged as provided in sections  
8 81-1174 to 81-1177. The board shall have jurisdiction as provided in  
9 Chapter 70, article 10.

10 (3) The board shall elect from their members a chairperson and a  
11 vice-chairperson. Decisions of the board shall require the approval of a  
12 majority of the members of the board.

13 (4) The board shall employ an executive director and may employ such  
14 other staff necessary to carry out the duties pursuant to Chapter 70,  
15 article 10. The executive director shall serve at the pleasure of the  
16 board and shall be solely responsible to the board. The executive  
17 director shall be responsible for the administrative operations of the  
18 board and shall perform such other duties as may be delegated or assigned  
19 to him or her by the board. The board may obtain the services of experts  
20 and consultants necessary to carry out the board's duties pursuant to  
21 Chapter 70, article 10.

22 (5) The board shall publish and submit a biennial report with annual  
23 data to the Governor, with copies to be filed with the Clerk of the  
24 Legislature and with the Department of Environment and Energy. The report  
25 submitted to the Clerk of the Legislature shall be submitted  
26 electronically. The department shall consider the information in the  
27 Nebraska Power Review Board's report when the department prepares its own  
28 reports pursuant to sections 81-1606 and 81-1607. The report of the board  
29 shall include:

30 (a) The assessments for the fiscal year imposed pursuant to section  
31 70-1020;



1 (b) The gross income totals for each category of the industry and  
2 the industry total;

3 (c) The number of suppliers against whom the assessment is levied,  
4 by category and in total;

5 (d) The projected dollar costs of generation, transmission, and  
6 microwave applications, approved and denied;

7 (e) The actual dollar costs of approved applications upon  
8 completion, and a summary of an informational hearing concerning any  
9 significant divergence between the projected and actual costs;

10 (f) A description of Nebraska's current electric system and  
11 information on additions to and retirements from the system during the  
12 fiscal year, including microwave facilities;

13 (g) A statistical summary of board activities and an expenditure  
14 summary;

15 (h) A roster of power suppliers in Nebraska and the assessment each  
16 paid; and

17 (i) Appropriately detailed historical and projected electric supply  
18 and demand statistics, including information on the total generating  
19 capacity owned by Nebraska suppliers and the total peak load demand of  
20 the previous year, along with an indication of how the industry will  
21 respond to the projected situation.

22 (6) The board may, in its discretion, hold public hearings  
23 concerning the conditions that may indicate that retail competition in  
24 the electric industry would benefit Nebraska's citizens and what steps,  
25 if any, should be taken to prepare for retail competition in Nebraska's  
26 electricity market. In determining whether to hold such hearings, the  
27 board shall consider the sufficiency of public interest.

28 (7) The board may, at any time deemed beneficial by the board,  
29 submit a report to the Governor with copies to be filed with the Clerk of  
30 the Legislature and the Natural Resources Committee of the Legislature.  
31 The report filed with the Clerk of the Legislature and the committee

1 shall be filed electronically. The report may include:

2 (a) Whether or not a viable regional transmission organization and  
3 adequate transmission exist in Nebraska or in a region which includes  
4 Nebraska;

5 (b) Whether or not a viable wholesale electricity market exists in a  
6 region which includes Nebraska;

7 (c) To what extent retail rates have been unbundled in Nebraska;

8 (d) A comparison of Nebraska's wholesale electricity prices to the  
9 prices in the region; and

10 (e) Any other information the board believes to be beneficial to the  
11 Governor, the Legislature, and Nebraska's citizens when considering  
12 whether retail electric competition would be beneficial, such as, but not  
13 limited to, an update on deregulation activities in other states and an  
14 update on federal deregulation legislation.

15 (8) The board may establish working groups of interested parties to  
16 assist the board in carrying out the powers set forth in subsections (6)  
17 and (7) of this section.

18 Sec. 12. Sections 1, 2, 3, 4, 5, 6, 11, and 13 of this act become  
19 operative three calendar months after the adjournment of this legislative  
20 session. The other sections of this act become operative on their  
21 effective date.

22 Sec. 13. Original sections 37-420 and 37-421, Reissue Revised  
23 Statutes of Nebraska, and sections 37-201, 37-438, and 70-1003, Revised  
24 Statutes Cumulative Supplement, 2022, are repealed.

25 Sec. 14. Original sections 66-1519, 66-1523, 66-1525, and  
26 66-1529.02, Revised Statutes Cumulative Supplement, 2022, are repealed.

27 Sec. 15. Since an emergency exists, this act takes effect when  
28 passed and approved according to law.