

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

February 9, 2004 LB 828, 969

Legislature, LB 969 is intended to clarify the authority of public entities, such as municipalities, public power districts, and electric cooperatives, to enter into agreements for the purchase of power generated from electric generating facilities. It is intended that these entities have broad authority, as determined by their respective governing bodies, to structure the terms of such purchase agreements. We have a situation where OPPD is building a new power facility. It's more efficient if they build a large one than a small one, and there are many public power companies that are willing to participate. This would allow them to participate. Currently, we have no statutes that prohibit them from participating, but Dillon law... Dillon's law prevails, and so we need to pass legislation that would state that they would have this authority. A Page is circulating a piece of paper to show you how this would be cost shared. So OPPD would build a 600-megawatt facility, and 300 megawatts of that (inaudible) sold off to other entities. We do have some committee amendments.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Thank you, Senator Schrock. As Chairman of the Natural Resources Committee, you're recognized to open on those amendments, Senator Schrock.

SENATOR SCHROCK: Yes, Mr. President, members of the body. Section 11 is actually LB 828. It allows a state-required utility audit report to be filed within 180 days from December 31. Current law requires the audit to be filed within 120 days, and certainly a lot of our other public entities have longer than 120 or 180 days, but the time, this is recommended by all parties concerned. It has no opposition and I think is a good idea. The rest of it was an amendment that we put in for MEAN. It allows a public entity to enter into a contract for the ownership of any electric facility using step-up provisions, notwithstanding other provisions of law, so long as those provisions are specified in the written contract. It includes the costs associated with decommissioning, as well as planning, financing, acquiring, constructing, owning, operating, maintaining, and improving electric generation and transmission facilities. It provides the same capabilities contained in