

AMENDMENTS TO LB565

(Amendments to Standing Committee amendments, AM827)

Introduced by Natural Resources.

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

3           Sec. 29. Section 70-619, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           70-619 (1) The corporate powers of the district shall be vested in  
6 and exercised by the board of directors of the district. No person shall  
7 be qualified to hold office as a member of the board of directors unless  
8 (a) he or she is a registered voter (i) of such chartered territory, (ii)  
9 of the subdivision from which a director is to be elected if such  
10 chartered territory is subdivided for election purposes as provided in  
11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the  
12 combined subdivisions from which directors are to be elected at large as  
13 provided in section 70-612 or (b) he or she is a retail customer duly  
14 certified in accordance with subsection (3) of section 70-604.03.

15           ~~(2) (2)(a) No person who is a full-time or part-time employee of the~~  
16 ~~district shall be eligible to serve as a member of the board of directors~~  
17 ~~of that district and no high-level manager employed by a district may~~  
18 ~~serve as a member of the board of directors of any district unless such~~  
19 ~~person (i) resigns or (ii) assumes an unpaid leave of absence for the~~  
20 ~~term as a member. The employing district shall grant such leave of~~  
21 ~~absence when requested by any employee for the purpose of the employee~~  
22 ~~serving as a member of such board. A member of a governing body of any~~  
23 ~~one of the municipalities within the areas of the district may not serve~~  
24 ~~on the original board of directors under sections 70-603 to 70-609.~~

25           ~~(b) For purposes of this subsection, high-level manager means a~~  
26 ~~person employed by a district who serves in a high-level managerial~~

1 ~~position, including chief executive officer, president, vice president,~~  
2 ~~chief financial officer, chief operations officer, general manager, or~~  
3 ~~assistant general manager.~~

4       Sec. 30. Section 70-1001, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6       70-1001 (1) In order to provide the citizens of the state with  
7 adequate and reliable electric service at as low overall cost as  
8 possible, consistent with sound business practices, it is the policy of  
9 this state to avoid and eliminate conflict and competition between public  
10 power districts, public power and irrigation districts, individual  
11 municipalities, registered groups of municipalities, electric membership  
12 associations, and cooperatives in furnishing electric energy to retail  
13 and wholesale customers, to avoid and eliminate the duplication of  
14 facilities and resources which result therefrom, and to facilitate the  
15 settlement of rate disputes between suppliers of electricity.

16       (2) It is also the policy of the state to prepare for an evolving  
17 retail electricity market if certain conditions are met which indicate  
18 that retail competition is in the best interests of the citizens of the  
19 state. The determination on the timing and form of competitive markets is  
20 a matter properly left to the states as each state must evaluate the  
21 costs and benefits of a competitive retail market based on its own unique  
22 conditions. Consequently, there is a need for the state to monitor  
23 whether the conditions necessary for its citizens to benefit from retail  
24 competition exist.

25       (3) It is also the policy of the state to encourage and allow  
26 opportunities for private developers to develop, own, and operate  
27 renewable energy facilities intended for sale at wholesale under a  
28 statutory framework which protects the ratepayers of consumer-owned  
29 utility systems operating in the state from subsidizing the costs of such  
30 export facilities through their rates.

31       Sec. 31. Section 70-1001.01, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 70-1001.01 For purposes of sections 70-1001 to 70-1028, unless the  
3 context otherwise requires:

4 (1) Board means the Nebraska Power Review Board;

5 (2) Electric ~~supplier~~ ~~suppliers~~ or ~~supplier~~ ~~suppliers~~ of electricity  
6 means any legal entity supplying, producing, or distributing electricity  
7 within the state for sale at wholesale or retail;

8 (3) Private electric supplier means an electric supplier producing  
9 electricity from a privately developed renewable energy generation  
10 facility that is not a public power district, a public power and  
11 irrigation district, a municipality, a registered group of  
12 municipalities, an electric cooperative, an electric membership  
13 association, any other governmental entity, or any combination thereof;

14 (4) Privately developed renewable energy generation facility means a  
15 facility that (a) generates electricity using solar, wind, geothermal,  
16 biomass, landfill gas, or biogas, including all electrically connected  
17 equipment used to produce, collect, and store the facility output up to  
18 and including the transformer that steps up the voltage to sixty thousand  
19 volts or greater, and including supporting structures, buildings, and  
20 roads, unless otherwise agreed to in a joint transmission development  
21 agreement, (b) is developed, constructed, and owned, in whole or in part,  
22 by one or more private electric suppliers, and (c) is not wholly owned by  
23 a public power district, a public power and irrigation district, a  
24 municipality, a registered group of municipalities, an electric  
25 cooperative, an electric membership association, any other governmental  
26 entity, or any combination thereof;

27 (5) Regional transmission organization means an entity independent  
28 from those entities generating or marketing electricity at wholesale or  
29 retail, which has operational control over the electric transmission  
30 lines in a designated geographic area in order to reduce constraints in  
31 the flow of electricity and ensure that all power suppliers have open

1 access to transmission lines for the transmission of electricity;

2 (6) Reliable or reliability means the ability of an electric  
3 supplier to supply the aggregate electric power and energy requirements  
4 of its electricity consumers in Nebraska at all times under normal  
5 operating conditions, taking into account scheduled and unscheduled  
6 outages, including sudden disturbances or unanticipated loss of system  
7 components that are to be reasonably expected for any electric utility  
8 following prudent utility practices, recognizing certain weather  
9 conditions and other contingencies may cause outages at the distribution,  
10 transmission, and generation level;

11 (7) (6) Representative organization means an organization designated  
12 by the board and organized for the purpose of providing joint planning  
13 and encouraging maximum cooperation and coordination among electric  
14 suppliers. Such organization shall represent electric suppliers owning a  
15 combined electric generation plant accredited capacity of at least ninety  
16 percent of the total electric generation plant accredited capacity  
17 constructed and in operation within the state;

18 (8) (7) State means the State of Nebraska; and

19 (9) (8) Unbundled retail rates means the separation of utility bills  
20 into the individual price components for which an electric supplier  
21 charges its retail customers, including, but not limited to, the separate  
22 charges for the generation, transmission, and distribution of  
23 electricity.

24 Sec. 32. Section 70-1025, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 70-1025 (1) The representative organization shall file with the  
27 board a coordinated long-range power supply plan containing the following  
28 information:

29 (a) The identification of all electric generation plants operating  
30 or authorized for construction within the state that have a rated  
31 capacity of at least twenty-five thousand kilowatts;

1 (b) The identification of all transmission lines located or  
2 authorized for construction within the state that have a rated capacity  
3 of at least two hundred thirty kilovolts; and

4 (c) The identification of all additional planned electric generation  
5 and transmission requirements needed to serve estimated power supply  
6 demands within the state for a period of twenty years.

7 (2) ~~The Beginning in 1986,~~ the representative organization shall  
8 file with the board the coordinated long-range power supply plan  
9 specified in subsection (1) of this section, and the board shall  
10 determine the date on which such report is to be filed, except that such  
11 report shall not be required to be filed more often than biennially.

12 (3) An annual load and capability report shall be filed with the  
13 board by the representative organization. The report shall include:

14 (a) Statewide statewide utility load forecasts and the resources  
15 available to satisfy the loads over a twenty-year period; and -

16 (b) Such other information as the board requests if such request is  
17 submitted in writing to the representative organization, is consistent  
18 with the board's statutory responsibilities, and can be performed at a  
19 reasonable cost.

20 (4) The annual load and capability report shall be filed on dates  
21 specified by the board.

22 Sec. 33. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
23 15, 16, 17, 18, 19, 20, 29, 30, 31, 32, and 34 of this act become  
24 operative three calendar months after the adjournment of this legislative  
25 session. The other sections of this act become operative on their  
26 effective date.

27 Sec. 34. Original sections 70-619, 70-1001, 70-1001.01, and  
28 70-1025, Reissue Revised Statutes of Nebraska, are repealed.

29 Sec. 36. Since an emergency exists, this act takes effect when  
30 passed and approved according to law.