

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 567

Introduced by Dubas, 34; Haar, 21; Mello, 5; Schilz, 47.

Read first time January 21, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the State Energy Office; to amend sections
2 81-1602, 81-1603, and 81-1607, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to the State
4 Energy Office and the Director of the State Energy
5 Office; to provide powers and duties for the State Energy
6 Office; to define a term; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 81-1601 to
2 81-1607.01: Renewable energy means energy that is produced from
3 natural resources, including, but not limited to, sunlight,
4 wind, rain, geothermal heat, and biomaterials which are naturally
5 replenished.

6 Sec. 2. Section 81-1602, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-1602 The State Energy Office shall have the following
9 duties:

10 (1) To ~~serve as or assist in developing~~ develop
11 and eeorinating coordinate a central repository within state
12 government for the collection of data on energy and to make the
13 data that is not restricted under section 81-1606 available to the
14 public;

15 (2) To undertake a continuing assessment of the trends
16 in the availability, consumption, and development of all forms
17 of energy, including, but not limited to, renewable energy,
18 renewable fuels, energy efficiency measures, and transmission line
19 development and to make the assessment available to the Legislature
20 and the public;

21 (3) To collect and analyze data relating to present and
22 future demands and resources for all sources of energy and to
23 specify energy needs for the state;

24 (4) To recommend to the Governor and the Legislature
25 energy policies and conservation measures for the state, including,

1 but not limited to, the development of renewable energy, renewable
2 fuels, energy efficiency measures, and transmission lines and to
3 ~~carry out~~ administer such measures policies as are adopted;

4 (5) To provide for public dissemination of appropriate
5 information on energy, energy sources, and energy conservation,
6 including, but not limited to, information on renewable energy
7 sources, renewable fuel sources, energy efficiency measures, and
8 transmission line development;

9 (6) To accept, expend, or disburse funds, public or
10 private, made available to it for research studies, demonstration
11 projects, or other activities which are related either to energy
12 conservation or development and to make an accounting available to
13 the public of such funds;

14 (7) To study the impact and relationship of state energy
15 policies to national and regional energy policies and engage
16 in such activities as will reasonably insure that the State of
17 Nebraska and its citizens receive an equitable share of energy
18 supplies, including the administration of any federally mandated or
19 state-mandated energy allocation programs;

20 (8) To actively seek the advice of the citizens of
21 Nebraska, stakeholders in energy policies, and the Legislature
22 regarding energy policies and programs;

23 (9) To prepare emergency allocation plans suggesting to
24 the Governor actions to be taken in the event of serious shortages
25 of energy and to make the plans available to the Legislature

1 annually on or before the first day of December;

2 (10) To design and administer a state program for
3 conservation of energy;

4 (11) To provide technical assistance to local
5 subdivisions of government; ~~and~~

6 (12) To provide technical assistance to private persons
7 desiring information on energy conservation techniques and the use
8 of renewable energy technologies; ~~-~~

9 (13) To develop and administer a comprehensive wind
10 energy plan related to the development of transmission lines;

11 (14) To pursue new research and investment funds from
12 federal and private sources;

13 (15) To monitor all existing state and federal energy
14 policies relating to renewable energy, renewable fuels, energy
15 efficiency measures, and transmission line development;

16 (16) To establish standards for measuring the State of
17 Nebraska's performance in increasing its use of renewable energy,
18 renewable fuels, and energy efficiency measures and for measuring
19 the state's performance in transmission line development; and

20 (17) To adopt and promulgate a statewide renewable
21 portfolio standard consistent with federal government requirements.

22 Sec. 3. Section 81-1603, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-1603 The office shall have the power to do such
25 things as are necessary to carry out sections 81-1601 to 81-1605,

1 including, but not limited to, the following:

2 (1) To adopt rules and regulations, pursuant to the
3 Administrative Procedure Act, to carry out the purposes of sections
4 81-1601 to 81-1605;

5 (2) To make all contracts pursuant to sections 81-1601 to
6 81-1605 and do all things to cooperate with the federal government,
7 and to qualify for, accept, expend, and dispense public or private
8 funds intended for the implementation of sections 81-1601 to
9 81-1605;

10 (3) To contract for services, if such work or services
11 cannot be satisfactorily performed by employees of the agency or
12 by any other part of state government, and to annually report such
13 contracts to the Legislature by the first day of December;

14 (4) To enter into such agreements as are necessary to
15 carry out energy research and development with other states, and to
16 annually report such agreements to the Legislature by the first day
17 of December;

18 (5) To carry out the duties and responsibilities relating
19 to energy as may be requested or required of the state by the
20 federal government;

21 (6) To cooperate and participate ~~with the approval of~~
22 ~~the Governor~~ in the activities of organizations of states relating
23 to the availability, conservation, development, and distribution
24 of energy, including, but not limited to, the development of
25 renewable energy, renewable fuels, energy efficiency measures, and

1 transmission lines;

2 (7) To engage in such activities as will seek to insure
3 that the State of Nebraska and its citizens receive an equitable
4 share of energy supplies at a fair price, including, but not
5 limited to, the advancement and development of renewable energy,
6 renewable fuels, energy efficiency measures, and transmission
7 lines; and

8 (8) To form advisory committees of citizens of Nebraska
9 to advise the ~~director of the energy office~~ Director of the State
10 Energy Office on programs and policies relating to energy and to
11 assist in implementing such programs. Such committees shall be of
12 a temporary nature and no member shall receive any compensation
13 for serving on any such committee but, with the approval of
14 the Governor, members shall receive reimbursement for actual and
15 necessary expenses as provided in sections 81-1174 to 81-1177. ~~for~~
16 ~~state employees.~~ The minutes of meetings of and actions taken by
17 each committee shall be kept and a record shall be maintained of
18 the name, address, and occupation or vocation of every individual
19 serving on any committee. Such minutes and records shall be
20 maintained in the State Energy Office and shall be available for
21 public inspection during regular office hours. Such minutes and
22 records, including documentation of expenditures, shall be reported
23 annually to the Legislature by the first day of December.

24 Sec. 4. Section 81-1607, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-1607 (1) On or before ~~February 15~~ December 1 of each
2 year, the Director of the State Energy Office shall transmit to the
3 Governor and the Clerk of the Legislature a comprehensive report
4 designed to identify emerging trends related to energy supply,
5 demand, and conservation and to specify the level of statewide
6 energy need within the following sectors: Agricultural, commercial,
7 residential, industrial, transportation, utilities, government, and
8 any other sector that the director determines to be useful. A copy
9 of the report shall be available for public inspection in the State
10 Energy Office and on the State Energy Office's web site.

11 (2) The report shall include, but not be limited to:

12 (a) An assessment of the state's energy resources,
13 including examination of the current energy supplies and any
14 feasible alternative sources;

15 (b) The estimated reduction in annual energy consumption
16 resulting from various energy conservation measures;

17 (c) The status of the office's ongoing studies;

18 (d) Recommendations to the Governor and the Legislature
19 for administrative and legislative actions to accomplish the
20 purposes of sections 70-625, 70-704, 81-161, 81-1602, 81-1606,
21 and 81-1607; ~~and~~

22 (e) The use of funds disbursed during the previous year
23 under sections 81-1635 to 81-1641. The use of such funds shall be
24 reported each year until the funds are completely disbursed and all
25 contractual obligations have expired or otherwise terminated;i-

1 (f) A summary of the information disseminated to
2 the public on energy, energy sources, and energy conservation,
3 including information on renewable energy, renewable fuels, energy
4 efficiency measures, and transmission line development;

5 (g) A summary of the office's efforts to find new
6 research and investment funds from federal and private sources;

7 (h) A summary of existing state and federal energy
8 policies relating to renewable energy, renewable fuels, energy
9 efficiency measures, and transmission line development;

10 (i) An assessment of the State of Nebraska's performance
11 in increasing its use of renewable energy, renewable fuels,
12 and energy efficiency measures, an assessment of the state's
13 performance in transmission line development, and the data
14 collected to analyze the state's performance;

15 (j) An update on the development of a comprehensive wind
16 energy plan for the State of Nebraska;

17 (k) A summary of all committee activities and a record of
18 their expenditures. The report shall also include the minutes and
19 records of all advisory committees; and

20 (l) An update on the implementation of a statewide
21 renewable portfolio standard consistent with federal government
22 requirements.

23 Sec. 5. Original sections 81-1602, 81-1603, and 81-1607,
24 Reissue Revised Statutes of Nebraska, are repealed.