

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 797

Introduced by Langemeier, 23.

Read first time January 08, 2010

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Nebraska Power Review Board; to amend
2 section 70-1003, Reissue Revised Statutes of Nebraska; to
3 change duties of the board relating to hearings and a
4 report as prescribed; to eliminate obsolete requirements;
5 to harmonize provisions; and to repeal the original
6 section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-1003, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 70-1003 (1) There is hereby established an independent
4 board to be known as the Nebraska Power Review Board to consist of
5 five members, one of whom shall be an engineer, one an attorney,
6 one an accountant, and two laypersons. No person who is or who
7 has within four years preceding his or her appointment been either
8 a director, officer, or employee of any electric utility or an
9 elective state officer shall be eligible for membership on the
10 board. Members of the board shall be appointed by the Governor
11 subject to the approval of the Legislature. ~~Members of the board~~
12 ~~first appointed shall be appointed within thirty days of May~~
13 ~~16, 1963. Of the members initially appointed, two shall serve~~
14 ~~until January 1, 1965, two until January 1, 1966, and one until~~
15 ~~January 1, 1967. Upon expiration of such the terms of the members~~
16 ~~first appointed~~, the successors shall be appointed for terms of
17 four years. No member of the board shall serve more than two
18 consecutive terms. Any vacancy on the board arising other than from
19 the expiration of a term shall be filled by appointment for the
20 unexpired portion of the term, and any person appointed to fill a
21 vacancy on the board shall be eligible for reappointment for two
22 more consecutive terms. No more than three members of the board
23 shall be registered members of that political party represented
24 by the Governor. Each member of the board shall receive sixty
25 dollars per day for each day actually and necessarily engaged

1 in the performance of his or her duties, but not to exceed six
2 thousand dollars in any one year, and shall be reimbursed for his
3 or her actual and necessary expenses while so engaged as provided
4 in sections 81-1174 to 81-1177. The board shall have jurisdiction
5 as provided in Chapter 70, article 10.

6 (2) The board shall meet promptly after its members have
7 been appointed. They shall elect from their members a chairperson
8 and a vice-chairperson. Decisions of the board shall require the
9 approval of a majority of the members of the board.

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

20 (4) The board shall publish and submit a biennial report
21 with annual data to the Governor, with copies to be filed with
22 the Clerk of the Legislature and with the State Energy Office. The
23 State Energy Office shall consider the information in the Nebraska
24 Power Review Board's report when the State Energy Office prepares
25 its own reports pursuant to sections 81-1606 and 81-1607. The

1 report of the board shall include:

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

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

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

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

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

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

16 (g) A statistical summary of board activities and an
17 expenditure summary;

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

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

25 (5) The board ~~shall annually~~ may, in its discretion, hold

1 ~~one or more~~ public hearings concerning the conditions that may
2 indicate that retail competition in the electric industry would
3 benefit Nebraska's citizens and what steps, if any, should be taken
4 to prepare for retail competition in Nebraska's electricity market.
5 In determining whether to hold such hearings, the board shall
6 consider the sufficiency of public interest.

7 (6) The board ~~shall~~ may, at any time deemed beneficial
8 by the board, submit an annual a report to the Governor with
9 copies to be filed with the Clerk of the Legislature and the
10 Natural Resources Committee of the Legislature. The report ~~shall~~
11 may include:

12 (a) Whether or not a viable regional transmission
13 organization and adequate transmission exist in Nebraska or in a
14 region which includes Nebraska;

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

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

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

21 (e) Any other information the board believes to be
22 beneficial to the Governor, the Legislature, and Nebraska's
23 citizens when considering whether retail electric competition
24 would be beneficial, such as, but not limited to, an update on
25 deregulation activities in other states and an update on federal

1 deregulation legislation.

2 ~~(7)~~ The board may submit periodic reports on the
3 information set out in subsection ~~(6)~~ of this section if the
4 board determines that significant changes to those conditions have
5 occurred of which the Governor and the Legislature should be
6 apprised prior to the submission of the next annual report.

7 ~~(8)~~ (7) The board is authorized to establish working
8 groups of interested parties to assist the board in carrying out
9 the ~~duties~~ powers set forth in subsections (5) and (6) of this
10 section.

11 Sec. 2. Original section 70-1003, Reissue Revised
12 Statutes of Nebraska, is repealed.