

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 804

Introduced by Hughes, 44.

Read first time January 06, 2022

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend
- 2 section 70-1003, Revised Statutes Cumulative Supplement, 2020; to
- 3 change the compensation for certain board members as prescribed; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-1003, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 70-1003 (1) There is hereby established an independent board to be
4 known as the Nebraska Power Review Board to consist of five members, one
5 of whom shall be an engineer, one an attorney, one an accountant, and two
6 laypersons. No person who is or who has within four years preceding his
7 or her appointment been either a director, officer, or employee of any
8 electric utility or an elective state officer shall be eligible for
9 membership on the board. Members of the board shall be appointed by the
10 Governor subject to the approval of the Legislature. Upon expiration of
11 the terms of the members first appointed, the successors shall be
12 appointed for terms of four years. No member of the board shall serve
13 more than two consecutive terms. Any vacancy on the board arising other
14 than from the expiration of a term shall be filled by appointment for the
15 unexpired portion of the term, and any person appointed to fill a vacancy
16 on the board shall be eligible for reappointment for two more consecutive
17 terms. No more than three members of the board shall be registered
18 members of that political party represented by the Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (7) The board may, at any time deemed beneficial by the board,
31 submit a report to the Governor with copies to be filed with the Clerk of

1 the Legislature and the Natural Resources Committee of the Legislature.
2 The report filed with the Clerk of the Legislature and the committee
3 shall be filed electronically. The report may include:

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

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

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

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

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

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

20 Sec. 2. Original section 70-1003, Revised Statutes Cumulative
21 Supplement, 2020, is repealed.