

AMENDMENTS TO LB1261

Introduced by Juarez, 5.

1 1. Insert the following new section:

2 **Sec. 2.** Section 70-1003, Revised Statutes Supplement, 2025, is
3 amended to read:

4 70-1003 (1) ~~(1)(a)~~ There is hereby established an independent board
5 to be known as the Nebraska Power Review Board.

6 (2)(a) Except as otherwise provided in subdivision (2)(b) of this
7 section, the ~~The~~ board shall consist of five members, including (i) at
8 least one engineer, (ii) at least one attorney, and (iii) three
9 additional persons.

10 (b) Upon the first vacation of the position or expiration of the
11 term of a member serving under subdivision (2)(a)(iii) of this section
12 that occurs after the effective date of this act, the board shall consist
13 of five members, including (i) at least one engineer, (ii) at least one
14 attorney, (iii) at least one licensed journeyman electrician who shall be
15 affiliated with a nonprofit labor organization for electrical workers
16 holding a certificate of exemption under section 501(c)(5) of the
17 Internal Revenue Code and shall be selected from a list of licensed
18 journeyman electricians recommended by such organization, and (iv) two
19 additional persons.

20 (3) No more than one person who is or who has within four years
21 preceding such person's appointment been either a director, an officer,
22 or an employee of any electric utility or an elective state officer shall
23 serve on the board at the same time. Any board member who previously was
24 either a director, an officer, or an employee of any electric utility
25 within four years preceding such board member's appointment shall refrain
26 from taking any action or making any decision in any proceeding before
27 the board that involves such electric utility for a period of four years

1 after the date such board member ceased being a director, an officer, or
2 an employee of such electric utility.

3 (4) ~~(b)~~ Members of the board shall be appointed by the Governor
4 subject to the approval of the Legislature. Upon expiration of the terms
5 of the members first appointed, the successors shall be appointed for
6 terms of four years. No member of the board shall serve more than three
7 consecutive terms. Any vacancy on the board arising other than from the
8 expiration of a term shall be filled by appointment for the unexpired
9 portion of the term, and any person appointed to fill a vacancy on the
10 board shall be eligible for reappointment for two more consecutive terms.
11 No more than three members of the board shall be registered members of
12 that political party represented by the Governor.

13 (5) ~~(2)~~ Each member of the board shall receive one hundred dollars
14 per day for each day actually and necessarily engaged in the performance
15 of his or her duties, but not to exceed seven thousand dollars in any one
16 year, except for the member designated to represent the board on the
17 Southwest Power Pool Regional State Committee or its equivalent
18 successor, who shall receive two hundred fifty dollars for each day
19 actually and necessarily engaged in the performance of his or her duties,
20 not to exceed thirty-five thousand dollars in any one year. If the member
21 designated to represent the board on the Southwest Power Pool Regional
22 State Committee should for any reason no longer serve in that capacity
23 during a year, the pay received while serving in such capacity shall not
24 be used for purposes of calculating the seven-thousand-dollar limitation
25 for board members not serving in that capacity. When another board member
26 acts as the proxy for the designated Southwest Power Pool Regional State
27 Committee member, he or she shall receive the same pay as the designated
28 member would have for that activity. Pay received while serving as proxy
29 for such designated member shall not be used for purposes of determining
30 whether the seven-thousand-dollar limitation has been met for board
31 members not serving as such designated member. Total pay to board members

1 for activities related to the Southwest Power Pool shall not exceed an
2 aggregate total of forty thousand dollars in any one year. Each member
3 shall be reimbursed for expenses while so engaged as provided in sections
4 81-1174 to 81-1177. The board shall have jurisdiction as provided in
5 Chapter 70, article 10.

6 (6) ~~(3)~~ The board shall elect from their members a chairperson and a
7 vice-chairperson. Decisions of the board shall require the approval of a
8 majority of the members of the board.

9 (7) ~~(4)~~ The board shall employ an executive director and may employ
10 such other staff necessary to carry out the duties pursuant to Chapter
11 70, article 10. The executive director shall serve at the pleasure of the
12 board and shall be solely responsible to the board. The executive
13 director shall be responsible for the administrative operations of the
14 board and shall perform such other duties as may be delegated or assigned
15 to him or her by the board. The board may obtain the services of experts
16 and consultants necessary to carry out the board's duties pursuant to
17 Chapter 70, article 10.

18 (8) ~~(5)~~ The board shall publish and submit a biennial report with
19 annual data to the Governor, with copies to be filed with the Clerk of
20 the Legislature and with the Department of Water, Energy, and
21 Environment. The report submitted to the Clerk of the Legislature shall
22 be submitted electronically. The department shall consider the
23 information in the Nebraska Power Review Board's report when the
24 department prepares its own reports pursuant to sections 81-1606 and
25 81-1607. The report of the board shall include:

26 (a) The assessments for the fiscal year imposed pursuant to section
27 70-1020;

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

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

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

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

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

9 (g) A statistical summary of board activities and an expenditure
10 summary;

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

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

18 (9) ~~(6)~~ The board may, in its discretion, hold public hearings
19 concerning the conditions that may indicate that retail competition in
20 the electric industry would benefit Nebraska's citizens and what steps,
21 if any, should be taken to prepare for retail competition in Nebraska's
22 electricity market. In determining whether to hold such hearings, the
23 board shall consider the sufficiency of public interest.

24 (10) ~~(7)~~ The board may, at any time deemed beneficial by the board,
25 submit a report to the Governor with copies to be filed with the Clerk of
26 the Legislature and the Natural Resources Committee of the Legislature.
27 The report filed with the Clerk of the Legislature and the committee
28 shall be filed electronically. The report may include:

29 (a) Whether or not a viable regional transmission organization and
30 adequate transmission exist in Nebraska or in a region which includes
31 Nebraska;

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

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

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

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

11 ~~(11) (8)~~ The board may establish working groups of interested
12 parties to assist the board in carrying out the powers set forth in
13 subsections ~~(9) (6)~~ and ~~(10) (7)~~ of this section.

14 2. On page 4, after line 2 insert the following new subdivisions:

15 "(b) Any privately owned electric generation facility that is
16 subject to a contract described in this subsection shall, during the
17 construction of such facility and any major maintenance activities,
18 comply with the following workforce standards:

19 (i) Payment of wages at a rate not less than the prevailing wage
20 rates as determined under sections 73-101 to 73-106;

21 (ii) Utilization of one or more registered apprenticeship programs
22 approved by the United States Department of Labor or the Nebraska
23 Department of Labor, to the extent such programs are available for the
24 work being performed; and

25 (iii) Compliance with all applicable state and federal workplace
26 safety laws and regulations.

27 (c) Nothing in this subsection shall be construed to authorize or
28 permit any displacement, layoff, reduction in force, or reduction in
29 wages, benefits, or collectively bargained rights of employees of any
30 consumer-owned utility as a result of a contract entered into pursuant to
31 this subsection."; in line 3 strike "(b)" and insert "(d)"; and in line 8

- 1 strike "(c)" and insert "(e)".
- 2 3. Renumber the remaining section and correct the repealer
- 3 accordingly.