

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1172

Introduced by Holdcroft, 36.

Read first time January 21, 2026

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to electricity; to amend section 70-1034,
- 2 Revised Statutes Cumulative Supplement, 2024; to provide
- 3 requirements for electric suppliers relating to dispatchable
- 4 electricity capacity; to define terms; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 70-1034, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 70-1034 (1) For purposes of this section, dispatchable electric
4 generation facility means a facility that, under normal operating
5 conditions, can increase or decrease its output on demand to provide
6 electricity onto the electric power transmission grid on an ongoing
7 basis.

8 (2)(a) If a public power district, a public power and irrigation
9 district, an electric membership association, an electric cooperative
10 company, a municipality having a generation and distribution system, or a
11 registered group of municipalities decides that a dispatchable electric
12 generation facility with a generation capacity in excess of one hundred
13 megawatts owned by any such entity should be closed or decommissioned,
14 such entity shall provide written notice to the Nebraska Power Review
15 Board prior to a final decision to close or decommission such facility.
16 Such written notice shall include recommendations on necessary transition
17 activities to avoid economic harm to workers at such facility or to an
18 affected community. Transition activities include, but are not
19 necessarily limited to:

20 (i) Educating workers regarding the availability of various
21 assistance programs, including what options are available to maintain
22 employment with such entity;

23 (ii) Explaining what severance pay will be available to workers;

24 (iii) Services for workers including education and job training,
25 career counseling, skills-matching, and financial planning assistance;
26 and

27 (iv) Promoting economic development opportunities in the affected
28 community, including the creation of comparable jobs.

29 (b) The board, in its discretion, may set a time and place for
30 hearing on the matter and provide at least twenty days' prior notice to
31 such entity. The hearing shall be held within sixty days after such

1 notice unless such entity requests in writing that the hearing not be
2 scheduled until a later time. Any such hearing shall be closed to the
3 public due to the proprietary and commercial information discussed. If
4 the board determines that no hearing is necessary, the board shall
5 provide written notice of such determination to such entity within thirty
6 days after receipt of the written notice described in subdivision (2)(a)
7 of this section.

8 (3) Within sixty days after the hearing or the determination that no
9 hearing is necessary as described in subsection (2) of this section, the
10 board shall make recommendations in writing on the basis of the record
11 before the board as to whether closing or decommissioning the
12 dispatchable electric generation facility is in the best interests of the
13 entity deciding to close or decommission the dispatchable electric
14 generation facility and its customers. Such recommendations shall be
15 advisory only. Such entity shall consider the board's recommendations
16 before making its final decision regarding the closing or decommissioning
17 of the electric generation facility.

18 (4) The notices, the scheduling decisions concerning the hearing and
19 purpose of the hearing, the record of the hearing, the board's
20 recommendations, and any response by the entity deciding to close or
21 decommission the dispatchable electric generation facility shall all be
22 treated as confidential records that are not subject to public disclosure
23 pursuant to sections 84-712 to 84-712.09 until such time as such entity
24 publicly announces any decision to close or decommission the dispatchable
25 electric generation facility. Nothing in this subsection shall be
26 construed to require public disclosure of any information that may be
27 withheld as provided in section 70-673 or 84-712.05.

28 (5) This section shall not apply to any decision by a public power
29 district, a public power and irrigation district, an electric membership
30 association, an electric cooperative company, a municipality having a
31 generation and distribution system, or a registered group of

1 municipalities to close or decommission a dispatchable electric
2 generation facility made prior to April 16, 2024.

3 (6)(a) An electric supplier shall maintain seventy-five percent of
4 the dispatchable electricity capacity in the generation portfolio of such
5 electric supplier.

6 (b) An electric supplier shall certify to the Nebraska Power Review
7 Board on an annual basis whether such electric supplier is in or out of
8 compliance with subdivision (6)(a) of this section. If an electric
9 supplier is out of compliance, such electric supplier shall provide a
10 plan to become compliant to the board within sixty days of being out of
11 compliance.

12 (c) For purposes of this subsection:

13 (i) Dispatchable electricity means a source of electricity that is
14 readily available for use on demand and can be dispatched upon request of
15 a power grid operator, or a source of electricity that can have the power
16 output of such source adjusted according to market needs, except for
17 routine maintenance or repairs; and

18 (ii) Capacity means the maximum amount of electric power that a
19 power plant can supply at a specific point in time under specific
20 circumstances.

21 **Sec. 2.** Original section 70-1034, Revised Statutes Cumulative
22 Supplement, 2024, is repealed.