

LEGISLATIVE BILL 23

Approved by the Governor February 2, 1987

Introduced by Marsh, 29, Vice-Chairperson, Exec. Board

AN ACT relating to public financing; to amend sections 70-625, 70-704, and 81-1607, Reissue Revised Statutes of Nebraska, 1943; to correct references to repealed statutes; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 70-625, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-625. Subject to the limitations of the petition for its creation and all amendments thereto, a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business. ~~No ; except that such district shall not may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except ; PROVIDED;~~ that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. ~~New ; AND PROVIDED FURTHER;~~ that new models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five per cent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market. Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act, sections 76-1601 to 76-1651 and sections 76-1603-01 and 76-1622-01 to 76-1623-01.

Sec. 2. That section 70-704, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-704. Each corporation shall have power:

(1) to sue and be sued, complain and defend, in its corporate name; (2) to have perpetual succession unless a limited period of duration is stated in its articles of incorporation; (3) to adopt a corporate seal, which may be altered at pleasure and to use it or a facsimile thereof, as required by law; (4) to generate, manufacture, purchase, acquire, and accumulate electric energy; and to transmit, distribute, sell, furnish, and dispose of such electric energy; (5) to acquire, own, hold, use, exercise and, to the extent permitted by law, to sell, mortgage, pledge, hypothecate, and in any manner dispose of franchises, rights, privileges, licenses, rights-of-way, and easements necessary, useful, or appropriate; (6) to purchase, receive, lease as lessee, or in any other manner acquire, own, hold, maintain, sell, exchange, and use any and all real and personal property or any interest therein for the purposes expressed herein; (7) to borrow money and otherwise contract indebtedness, to issue its obligations therefor, and to secure the payment thereof by mortgage, pledge, or deed of trust of all or any of its property, assets, franchises, ~~revenues~~ revenue, or income; (8) to sell and convey, mortgage, pledge, lease as lessor, and otherwise dispose of, all or any part of its property and assets; (9) to have the same powers now exercised by law by public light and power districts or private corporations to use any of the streets, highways, or public lands of the state or its political subdivisions in the manner provided by law; (10) to have and exercise the power of eminent domain for the purposes expressed in section 70-703 in the manner set forth in sections 76-704 to 76-724; and to have the powers and be subject to the restrictions of electric light and power corporations and districts as regards the use and occupation of public highways; and the manner or method of construction and physical operation of plants, systems, and transmission lines; (11) to accept gifts or grants of money, services, or property, real or personal; (12) to make any and all contracts necessary or convenient for the exercise of the powers granted herein; (13) to fix, regulate, and collect rates, fees, rents, or other charges; for electric energy furnished by the corporation; (14) to elect or appoint officers, agents, and employees of the corporation; and to define their duties and fix their compensation; (15) to make and alter bylaws not inconsistent with the articles of incorporation or with the laws of this state for the administration and regulation of the affairs of the corporation; and (16)

to do and perform, either for itself or its members, or for any other corporation organized under sections 70-701 to 70-738, or for the members thereof, any and all acts and things, and to have and exercise any and all powers as may be necessary, convenient, or appropriate to effectuate the purpose for which the corporation is organized. Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each corporation may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act, sections 76-1601 to 76-1651.

Sec. 3. That section 81-1607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1607. (1) On or before February 15, ~~1981~~, ~~and on or before such date of each year thereafter,~~ the Director of the State Energy Office shall transmit to the Governor and the Clerk of the Legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, and conservation, and to specify the level of statewide energy need within the following sectors: Agricultural, commercial, residential, industrial, transportation, utilities, government, and any other sector that the director determines to be useful.

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

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

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

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

(d) Recommendations to the Governor and the Legislature for administrative and legislative actions to accomplish the purposes of sections 70-625, 70-704, ~~76-1622-05~~, 81-161, 81-1602, 81-1606, and 81-1607.

Sec. 4. That original sections 70-625, 70-704, and 81-1607, Reissue Revised Statutes of Nebraska, 1943, are repealed.