

SENATOR KRISTENSEN: Thank you, Mr. President and members of the Legislature. Senator Bernard-Stevens, before you get too far away from your microphone, I have a few questions just so I can kind of flesh out I think what this amendment may or may not be doing.

SENATOR WARNER: Senator Bernard-Stevens, yield?

SENATOR BERNARD-STEVENS: Yes, sir.

SENATOR KRISTENSEN: Senator, as I read it, it says here that with the approval of the Nebraska Power Review Board they may give additional representation to those counties outside the chartered territory. "May" being a discretionary term, are there any guidelines that they follow or is this at the true discretion of the Public Power Review Board?

SENATOR BERNARD-STEVENS: Thank you, Senator Kristensen, for asking that. Technically what would happen is that...and what really could happen at any time with the Power Review Board, if there is a change of directors or any change upon a charter or any change of representation, that plan must be submitted to the Power Review Board and at that point they publish the hearings. They allow for I think 30 days or 60 days of public input, then they have a hearing. And based on the hearing, and there could be obviously legal arguments pro and con, there might be philosophical arguments pro and con, after the hearing they would then make a decision whether they felt it was legal to do or whether it was proper to do. They could, in fact, vote "no" on some of these and, if I can pursue it one step further, it's also true that if a plan was submitted that was approved that some time in the future I would suppose that a new plan to take it away, the change that could be gone before the Power Review Board and they would again have to make the decision to rescind.

SENATOR KRISTENSEN: Okay, I guess...and that was my second question. If they have the discretion to give that additional representation, do they also have the discretion to take it away, and is there any...is there a standard that you look at? If it's discretion, I'm not saying that's bad, I'm just...I want to make sure people understand that there is not a mandatory that they must give and there's not a mandatory once they give that they can't, let's say if it doesn't work out, or for some reason it turns into a war, that you may want to go back and