

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

April 3, 2003

LB 165

CLERK: Senator Preister would move to amend, AM1151.  
(Legislative Journal pages 1147-1148.)

SENATOR CUDABACK: Senator Preister, to open on AM1151. Senator Preister.

SENATOR PREISTER: Thank you, Mr. President. Members of the body, I thank Senator Beutler for the amendment that he worked on and that we just passed. The one that you have before you, unfortunately, is not printed in the Journal and it is not on...well, it may be on the laptops now. I'm not certain. But you should have a copy of it in front of you and it is AM1151 that should be on your desks or is coming around now shortly, and I apologize for the short notice. Essentially, what it does in the intent language is to affirm that public power provides special and unique benefits to Nebraska, and those include low utility rates, public input, and accountability through the elected board, although that board isn't necessarily stated in that accountability. And it affirms that Nebraska has had a longstanding appreciation and regard for public power, including the LR 455 Task Force, that I was a member of and a number of other senators from the Natural Resources district (sic), as well as citizens and utility representatives from across the state, and the findings of that task force were that we should remain a public power state and this affirms that in the intent language, the first portion of the amendment. In the last portion of the intent language, it goes on to state that any decision to contract for the operation of a public power district facility by a private entity should be made only in extraordinary circumstances. In the next section of it, it states if a public power district decides to contract with a private utility for the operation of a nuclear power plant, such decision shall be made after public notice and hearing and shall require (a) a two-thirds majority vote of the utility board of directors and (b) findings of fact that there are, indeed, extraordinary circumstances. And rather than leave "extraordinary circumstances" undefined, I did put in some definition of what that would be and it would not be limited to but would be: (a) no public power entity is willing and able to assume operation of the facility, (b) regulatory compliance