

AMENDMENTS TO LB1045

Introduced by Natural Resources.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. (1) For purposes of this section:

4 (a) Base load means the minimum amount of electric power delivered
5 or required over a given period of time at a steady, continuous rate;

6 (b) Base load capacity means the electric generating equipment
7 normally operated to serve electric power loads on a continuous, around-
8 the-clock basis;

9 (c) Base load unit means a plant, usually housing high-efficiency
10 steam-electric units, which is normally operated to take all or part of
11 the base load of an electric system, capable of producing more than one
12 hundred megawatts of electricity at an essentially constant rate and
13 running continuously, and which maximizes system mechanical and thermal
14 efficiency and minimizes system operating costs; and

15 (d) Public power supplier means a public power district, public
16 power and irrigation district, or any other governmental entity providing
17 electric service. Public power supplier includes a municipal electric
18 utility.

19 (2) Any public power supplier that retires or permanently shuts down
20 a base load unit, or switches fuel which reduces the base load capacity
21 of a base load unit, before the expiration of its license or the end of
22 its operational or useful life, as approved by the Nebraska Power Review
23 Board in its discretion, shall:

24 (a) Pay a severance to any permanent employee employed at such base
25 load unit who is terminated or laid off as a result of such retirement,
26 shutdown, or reduction for a period of five years at the same rate of pay
27 received by such employee on the employee's termination or lay-off date;

1 and

2 (b) Remit payment of a fee of fifty million dollars to the county
3 treasurer of the county in which such base load unit is located, such
4 amount to be allocated to the taxing subdivisions in the county in the
5 same proportion that payments in lieu of taxes made by the public power
6 supplier are allocated to such subdivisions.

7 Sec. 2. Section 70-619, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 70-619 (1) The corporate powers of the district shall be vested in
10 and exercised by the board of directors of the district. No person shall
11 be qualified to hold office as a member of the board of directors unless
12 (a) he or she is a registered voter (i) of such chartered territory, (ii)
13 of the subdivision from which a director is to be elected if such
14 chartered territory is subdivided for election purposes as provided in
15 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
16 combined subdivisions from which directors are to be elected at large as
17 provided in section 70-612 or (b) he or she is a retail customer duly
18 certified in accordance with subsection (3) of section 70-604.03.

19 ~~(2) (2)(a) No person who is a full-time or part-time employee of the~~
20 ~~district shall be eligible to serve as a member of the board of directors~~
21 ~~of that district and no high-level manager employed by a district may~~
22 ~~serve as a member of the board of directors of any district unless such~~
23 ~~person (i) resigns or (ii) assumes an unpaid leave of absence for the~~
24 ~~term as a member. The employing district shall grant such leave of~~
25 ~~absence when requested by any employee for the purpose of the employee~~
26 ~~-serving as a member of such board. A member of a governing body of any~~
27 ~~one of the municipalities within the areas of the district may not serve~~
28 ~~on the original board of directors under sections 70-603 to 70-609.~~

29 ~~(b) For purposes of this subsection, high-level manager means a~~
30 ~~person employed by a district who serves in a high-level managerial~~
31 ~~position, including chief executive officer, president, vice president,~~

1 ~~chief financial officer, chief operations officer, general manager, or~~
2 ~~assistant general manager.~~

3 Sec. 3. Section 70-1001, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 70-1001 (1) In order to provide the citizens of the state with
6 adequate and reliable electric service at as low overall cost as
7 possible, consistent with sound business practices, it is the policy of
8 this state to avoid and eliminate conflict and competition between public
9 power districts, public power and irrigation districts, individual
10 municipalities, registered groups of municipalities, electric membership
11 associations, and cooperatives in furnishing electric energy to retail
12 and wholesale customers, to avoid and eliminate the duplication of
13 facilities and resources which result therefrom, and to facilitate the
14 settlement of rate disputes between suppliers of electricity.

15 (2) It is also the policy of the state to prepare for an evolving
16 retail electricity market if certain conditions are met which indicate
17 that retail competition is in the best interests of the citizens of the
18 state. The determination on the timing and form of competitive markets is
19 a matter properly left to the states as each state must evaluate the
20 costs and benefits of a competitive retail market based on its own unique
21 conditions. Consequently, there is a need for the state to monitor
22 whether the conditions necessary for its citizens to benefit from retail
23 competition exist.

24 (3) It is also the policy of the state to encourage and allow
25 opportunities for private developers to develop, own, and operate
26 renewable energy facilities intended for sale at wholesale under a
27 statutory framework which protects the ratepayers of consumer-owned
28 utility systems operating in the state from subsidizing the costs of such
29 export facilities through their rates.

30 Sec. 4. Section 70-1001.01, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 70-1001.01 For purposes of sections 70-1001 to 70-1028, unless the
2 context otherwise requires:

3 (1) Board means the Nebraska Power Review Board;

4 (2) Electric suppliers or suppliers of electricity means any legal
5 entity supplying, producing, or distributing electricity within the state
6 for sale at wholesale or retail;

7 (3) Private electric supplier means an electric supplier producing
8 electricity from a privately developed renewable energy generation
9 facility that is not a public power district, a public power and
10 irrigation district, a municipality, a registered group of
11 municipalities, an electric cooperative, an electric membership
12 association, any other governmental entity, or any combination thereof;

13 (4) Privately developed renewable energy generation facility means a
14 facility that (a) generates electricity using solar, wind, geothermal,
15 biomass, landfill gas, or biogas, including all electrically connected
16 equipment used to produce, collect, and store the facility output up to
17 and including the transformer that steps up the voltage to sixty thousand
18 volts or greater, and including supporting structures, buildings, and
19 roads, unless otherwise agreed to in a joint transmission development
20 agreement, (b) is developed, constructed, and owned, in whole or in part,
21 by one or more private electric suppliers, and (c) is not wholly owned by
22 a public power district, a public power and irrigation district, a
23 municipality, a registered group of municipalities, an electric
24 cooperative, an electric membership association, any other governmental
25 entity, or any combination thereof;

26 (5) Regional transmission organization means an entity independent
27 from those entities generating or marketing electricity at wholesale or
28 retail, which has operational control over the electric transmission
29 lines in a designated geographic area in order to reduce constraints in
30 the flow of electricity and ensure that all power suppliers have open
31 access to transmission lines for the transmission of electricity;

1 (6) Reliable or reliability means the ability of an electric
2 supplier whose chartered territory comprises more than one-half of the
3 counties in Nebraska or whose service area contains a city of the
4 metropolitan class to supply the aggregate electric power and energy
5 requirements of its electricity consumers in Nebraska at all times,
6 taking into account scheduled and expected unscheduled outages of system
7 components, and to withstand sudden disturbances such as electric short
8 circuits or unanticipated loss of system components;

9 (7) (6) Representative organization means an organization designated
10 by the board and organized for the purpose of providing joint planning
11 and encouraging maximum cooperation and coordination among electric
12 suppliers. Such organization shall represent electric suppliers owning a
13 combined electric generation plant capacity of at least ninety percent of
14 the total electric generation plant capacity constructed and in operation
15 within the state;

16 (8) (7) State means the State of Nebraska; and

17 (9) (8) Unbundled retail rates means the separation of utility bills
18 into the individual price components for which an electric supplier
19 charges its retail customers, including, but not limited to, the separate
20 charges for the generation, transmission, and distribution of
21 electricity.

22 Sec. 5. Section 70-1025, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 70-1025 (1) The representative organization shall file with the
25 board a coordinated long-range power supply plan containing the following
26 information:

27 (a) The identification of all electric generation plants operating
28 or authorized for construction within the state that have a rated
29 capacity of at least twenty-five thousand kilowatts;

30 (b) The identification of all transmission lines located or
31 authorized for construction within the state that have a rated capacity

1 of at least two hundred thirty kilovolts; and

2 (c) The identification of all additional planned electric generation
3 and transmission requirements needed to serve estimated power supply
4 demands within the state for a period of twenty years.

5 (2) Beginning in 1986, the representative organization shall file
6 with the board the coordinated long-range power supply plan specified in
7 subsection (1) of this section, and the board shall determine the date on
8 which such report is to be filed, except that such report shall not be
9 required to be filed more often than biennially.

10 (3) An annual load and capability report shall be filed with the
11 board by the representative organization. The report shall include:

12 (a) Statewide statewide utility load forecasts and the resources
13 available to satisfy the loads over a twenty-year period; -

14 (b) Information regarding annual accredited generation unit
15 availability including limitations, scheduled outages, and forced
16 outages;

17 (c) A description of adequate fuel supply planning for the next two
18 calendar years for thermal generation units which are one hundred
19 megawatts or larger;

20 (d) A description of any changes to the accredited capacity of
21 generating units since the last report, if applicable, and the potential
22 impacts to electric system reliability; and

23 (e) Information on utility decarbonization goals and identified
24 plans to achieve those goals including any potential impacts to electric
25 system reliability.

26 (4) The annual load and capability report shall be filed on dates
27 specified by the board.

28 Sec. 6. Original sections 70-619, 70-1001, 70-1001.01, and 70-1025,
29 Reissue Revised Statutes of Nebraska, are repealed.