

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 227

Introduced by Mello, 5; Dubas, 34; Haar, 21.

Read first time January 10, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the State Energy Office; to amend sections
2 81-1601, 81-1603, 81-1605, and 81-1606, Reissue Revised
3 Statutes of Nebraska, and section 81-1607.01, Revised
4 Statutes Cumulative Supplement, 2010; to require a state
5 energy assessment; to provide duties to the office; to
6 harmonize provisions; and to repeal the original
7 sections.

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

1 Section 1. The State Energy Office shall be responsible
2 for developing a specific and long-range state energy assessment. The
3 State Energy Office shall, beginning on July 1, 2012, and every two
4 years thereafter, assess the energy needs of the state and shall
5 assign priorities for such needs. The state energy assessment shall
6 include information regarding the production, distribution,
7 consumption, and conservation of energy, an assessment of present and
8 future demands for energy, recommendations regarding energy policies
9 and conservation measures, and a determination of the impact and
10 relationship of state energy policies to national and regional energy
11 policies. The office shall, on or before December 1 of each even-
12 numbered year, present such assessment to the Legislature. The
13 assessment shall be referred to the appropriate standing committees
14 of the Legislature for review.

15 Sec. 2. Section 81-1601, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 81-1601 (1) There is hereby created an agency of state
18 government to be known as the State Energy Office. The office may be
19 a separate division within an existing executive department.

20 (2) The chief executive officer shall be known as the
21 Director of the State Energy Office and shall be appointed by the
22 Governor with the advice and consent of the Legislature. The director
23 shall administer the affairs of the office and shall serve at the
24 pleasure of the Governor. The director may employ such assistants,
25 professional staff, and other employees as may be deemed necessary to

1 effectively carry out the provisions of sections 81-1601 to 81-1605
2 and section 1 of this act within such appropriations as the
3 Legislature may provide. The salary of the director shall be fixed by
4 the Governor unless otherwise expressly provided for by law.

5 Sec. 3. Section 81-1603, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 81-1603 The office shall have the power to do such things
8 as are necessary to carry out sections 81-1601 to 81-1605 and section
9 1 of this act, including but not limited to the following:

10 (1) To adopt rules and regulations, pursuant to the
11 Administrative Procedure Act, to carry out the purposes of sections
12 81-1601 to 81-1605 and section 1 of this act;

13 (2) To make all contracts pursuant to sections 81-1601 to
14 81-1605 and section 1 of this act and do all things to cooperate with
15 the federal government, and to qualify for, accept, expend, and
16 dispense public or private funds intended for the implementation of
17 sections 81-1601 to 81-1605 and section 1 of this act;

18 (3) To contract for services, if such work or services
19 cannot be satisfactorily performed by employees of the agency or by
20 any other part of state government;

21 (4) To enter into such agreements as are necessary to
22 carry out energy research and development with other states;

23 (5) To carry out the duties and responsibilities relating
24 to energy as may be requested or required of the state by the federal
25 government;

1 (6) To cooperate and participate with the approval of the
2 Governor in the activities of organizations of states relating to the
3 availability, conservation, development, and distribution of energy;

4 (7) To engage in such activities as will seek to insure
5 that the State of Nebraska and its citizens receive an equitable
6 share of energy supplies at a fair price; and

7 (8) To form advisory committees of citizens of Nebraska
8 to advise the director of the energy office on programs and policies
9 relating to energy and to assist in implementing such programs. Such
10 committees shall be of a temporary nature and no member shall receive
11 any compensation for serving on any such committee but, with the
12 approval of the Governor, members shall receive reimbursement for
13 actual and necessary expenses as provided in sections 81-1174 to
14 81-1177 for state employees. The minutes of meetings of and actions
15 taken by each committee shall be kept and a record shall be
16 maintained of the name, address, and occupation or vocation of every
17 individual serving on any committee. Such minutes and records shall
18 be maintained in the State Energy Office and shall be available for
19 public inspection during regular office hours.

20 Sec. 4. Section 81-1605, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-1605 Notwithstanding any provisions of sections
23 81-1601 to 81-1605 and section 1 of this act, the State Energy Office
24 shall not perform any duties or exercise any powers which are
25 delegated to other agencies or subdivisions of state government.

1 Sec. 5. Section 81-1606, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1606 The Director of the State Energy Office shall
4 develop and maintain a program of collection, compilation, and
5 analysis of energy statistics and information. Existing information
6 reporting requests, maintained at the state and federal levels, shall
7 be utilized whenever possible in any data collection required under
8 the provisions of sections 81-1601 to 81-1607 and section 1 of this
9 act. A central state repository of energy data shall be developed and
10 coordinated with other governmental data-collection and record-
11 keeping programs. The director shall, on at least an annual basis,
12 with monthly compilations, submit to the Governor and the Clerk of
13 the Legislature a report identifying state energy consumption by fuel
14 type and by use to the extent that such information is available.
15 Nothing in this section shall be construed as permitting or
16 authorizing the revealing of confidential information. For purposes
17 of this section confidential information shall mean any process,
18 formula, pattern, decision, or compilation of information which is
19 used, directly or indirectly, in the business of the producer,
20 refiner, distributor, transporter, or vendor, and which gives such
21 producer, refiner, distributor, transporter, or vendor an advantage
22 or an opportunity to obtain an advantage over competitors who do not
23 know or use it.

24 Sec. 6. Section 81-1607.01, Revised Statutes Cumulative
25 Supplement, 2010, is amended to read:

1 81-1607.01 The State Energy Office Cash Fund is hereby
2 created. The fund shall consist of funds received pursuant to section
3 57-705. The fund shall be used for the administration of sections
4 81-1601 to 81-1607 and section 1 of this act, for energy conservation
5 activities, and for providing technical assistance to communities in
6 the area of natural gas other than assistance regarding ownership of
7 regulated utilities, except that transfers may be made from the fund
8 to the General Fund at the direction of the Legislature. Any money in
9 the State Energy Office Cash Fund available for investment shall be
10 invested by the state investment officer pursuant to the Nebraska
11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 7. Original sections 81-1601, 81-1603, 81-1605, and
13 81-1606, Reissue Revised Statutes of Nebraska, and section
14 81-1607.01, Revised Statutes Cumulative Supplement, 2010, are
15 repealed.