

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 804**

FINAL READING

Introduced by Hughes, 44.

Read first time January 06, 2022

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend  
2 section 70-1003, Revised Statutes Cumulative Supplement, 2020; to  
3 change the compensation for certain board members as prescribed; and  
4 to repeal the original section.

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

1 Section 1. Section 70-1003, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 70-1003 (1) There is hereby established an independent board to be  
4 known as the Nebraska Power Review Board to consist of five members, one  
5 of whom shall be an engineer, one an attorney, one an accountant, and two  
6 laypersons. No person who is or who has within four years preceding his  
7 or her appointment been either a director, officer, or employee of any  
8 electric utility or an elective state officer shall be eligible for  
9 membership on the board. Members of the board shall be appointed by the  
10 Governor subject to the approval of the Legislature. Upon expiration of  
11 the terms of the members first appointed, the successors shall be  
12 appointed for terms of four years. No member of the board shall serve  
13 more than two consecutive terms. Any vacancy on the board arising other  
14 than from the expiration of a term shall be filled by appointment for the  
15 unexpired portion of the term, and any person appointed to fill a vacancy  
16 on the board shall be eligible for reappointment for two more consecutive  
17 terms. No more than three members of the board shall be registered  
18 members of that political party represented by the Governor.

19 (2) Each member of the board shall receive sixty dollars per day for  
20 each day actually and necessarily engaged in the performance of his or  
21 her duties, but not to exceed six thousand dollars in any one year,  
22 except for the member designated to represent the board on the Southwest  
23 Power Pool Regional State Committee or its equivalent successor, who  
24 shall receive two hundred fifty dollars for each day actually and  
25 necessarily engaged in the performance of his or her duties, not to  
26 exceed thirty-five ~~twenty~~ thousand dollars in any one year. If the member  
27 designated to represent the board on the Southwest Power Pool Regional  
28 State Committee should for any reason no longer serve in that capacity  
29 during a year, the pay received while serving in such capacity shall not  
30 be used for purposes of calculating the six-thousand-dollar limitation  
31 for board members not serving in that capacity. When another board member

1 acts as the proxy for the designated Southwest Power Pool Regional State  
2 Committee member, he or she shall receive the same pay as the designated  
3 member would have for that activity. Pay received while serving as proxy  
4 for such designated member shall not be used for purposes of determining  
5 whether the six-thousand-dollar limitation has been met for board members  
6 not serving as such designated member. Total pay to board members for  
7 activities related to the Southwest Power Pool shall not exceed an  
8 aggregate total of forty ~~twenty-five~~ thousand dollars in any one year.  
9 Each member shall be reimbursed for expenses while so engaged as provided  
10 in sections 81-1174 to 81-1177. The board shall have jurisdiction as  
11 provided in Chapter 70, article 10.

12 (3) The board shall elect from their members a chairperson and a  
13 vice-chairperson. Decisions of the board shall require the approval of a  
14 majority of the members of the board.

15 (4) The board shall employ an executive director and may employ such  
16 other staff necessary to carry out the duties pursuant to Chapter 70,  
17 article 10. The executive director shall serve at the pleasure of the  
18 board and shall be solely responsible to the board. The executive  
19 director shall be responsible for the administrative operations of the  
20 board and shall perform such other duties as may be delegated or assigned  
21 to him or her by the board. The board may obtain the services of experts  
22 and consultants necessary to carry out the board's duties pursuant to  
23 Chapter 70, article 10.

24 (5) The board shall publish and submit a biennial report with annual  
25 data to the Governor, with copies to be filed with the Clerk of the  
26 Legislature and with the Department of Environment and Energy. The report  
27 submitted to the Clerk of the Legislature shall be submitted  
28 electronically. The department shall consider the information in the  
29 Nebraska Power Review Board's report when the department prepares its own  
30 reports pursuant to sections 81-1606 and 81-1607. The report of the board  
31 shall include:

1 (a) The assessments for the fiscal year imposed pursuant to section  
2 70-1020;

3 (b) The gross income totals for each category of the industry and  
4 the industry total;

5 (c) The number of suppliers against whom the assessment is levied,  
6 by category and in total;

7 (d) The projected dollar costs of generation, transmission, and  
8 microwave applications, approved and denied;

9 (e) The actual dollar costs of approved applications upon  
10 completion, and a summary of an informational hearing concerning any  
11 significant divergence between the projected and actual costs;

12 (f) A description of Nebraska's current electric system and  
13 information on additions to and retirements from the system during the  
14 fiscal year, including microwave facilities;

15 (g) A statistical summary of board activities and an expenditure  
16 summary;

17 (h) A roster of power suppliers in Nebraska and the assessment each  
18 paid; and

19 (i) Appropriately detailed historical and projected electric supply  
20 and demand statistics, including information on the total generating  
21 capacity owned by Nebraska suppliers and the total peak load demand of  
22 the previous year, along with an indication of how the industry will  
23 respond to the projected situation.

24 (6) The board may, in its discretion, hold public hearings  
25 concerning the conditions that may indicate that retail competition in  
26 the electric industry would benefit Nebraska's citizens and what steps,  
27 if any, should be taken to prepare for retail competition in Nebraska's  
28 electricity market. In determining whether to hold such hearings, the  
29 board shall consider the sufficiency of public interest.

30 (7) The board may, at any time deemed beneficial by the board,  
31 submit a report to the Governor with copies to be filed with the Clerk of

1 the Legislature and the Natural Resources Committee of the Legislature.  
2 The report filed with the Clerk of the Legislature and the committee  
3 shall be filed electronically. The report may include:

4 (a) Whether or not a viable regional transmission organization and  
5 adequate transmission exist in Nebraska or in a region which includes  
6 Nebraska;

7 (b) Whether or not a viable wholesale electricity market exists in a  
8 region which includes Nebraska;

9 (c) To what extent retail rates have been unbundled in Nebraska;

10 (d) A comparison of Nebraska's wholesale electricity prices to the  
11 prices in the region; and

12 (e) Any other information the board believes to be beneficial to the  
13 Governor, the Legislature, and Nebraska's citizens when considering  
14 whether retail electric competition would be beneficial, such as, but not  
15 limited to, an update on deregulation activities in other states and an  
16 update on federal deregulation legislation.

17 (8) The board may establish working groups of interested parties to  
18 assist the board in carrying out the powers set forth in subsections (6)  
19 and (7) of this section.

20 Sec. 2. Original section 70-1003, Revised Statutes Cumulative  
21 Supplement, 2020, is repealed.