

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB1370

Hearing Date: Thursday February 01, 2024
Committee On: Natural Resources
Introducer: Bostelman
One Liner: Provide requirements for retirement of a dispatchable electric generation facility by an electric supplier

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Bostelman, Brandt, Fredrickson, Hughes, Jacobson, Moser, Slama
Nay:		
Absent:		
Present Not Voting:	1	Senator Cavanaugh, J.

Testimony:

Proponents:

Senator Bruce Bostelman
Jan Bostelman
Randy Eminger

Representing:

Opening Presenter
Self
Energy Policy Network

Opponents:

Ron Kaminski
Jon Nebel
Shelley Sahling-Zart

Representing:

Nebraska Building & Trades Council
Nebraska State Council of Electrical Workers
Nebraska Power Association; Nebraska Chamber of Commerce & Industry
City of Grand Island
League of Women Voters of Nebraska
Nebraska Chapter Sierra Club
Lincoln Electric System
Omaha Public Power District
Nebraska Public Power District
Nebraska Farmers Union

Neutral:

Tim Texel

Representing:

Nebraska Power Review Board

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:



LB1370 was introduced by Senator Bostelman and amends chapter 70 to require that the energy capacity of on-demand generation facilities must be replaced with equal or greater on-demand generation capacity prior to decommissioning the original facility and identifies advance notice and information that an electric supplier would be required to certify to the Power Review Board.

Explanation of amendments:

The committee amended LB1370 with AM2781. AM2863 is a white copy amendment that incorporates LB1370 as amended by AM2781, LB120 as amended by AM2733, LB1260, LB969 as amended by AM2521, and LB956 as amended by AM2613.

LB1370 (Section 1, 8)

LB1370, is replaced by AM2781. As amended LB1370 re-defines the term dispatchable, removes the requirement that dispatchable power be replaced before decommissioning of an existing source, and requires that any Nebraska electric supplier planning to close or decommission a dispatchable energy generation source must provide written notice to the Power Review Board prior to a final decision being made to close or decommission such a facility. The Board may set the matter for hearing, with notice of the time and place within 60 days of receiving the notice and make its determination and recommendation about whether or not closing or decommissioning the facility is in the best interest of the entity and its customers, within 60 days following the hearing. The recommendations are advisory only, and the act will not apply to any previously announced closure of a dispatchable electric generation facility.

LB1260 (Section 2)

LB1260 was introduced by Senator Jacobson. LB1260 adds subsection (2) to section 70-624.04, to allow Board members of public power and irrigation districts, who are irrigators or leaseholders and also represent irrigators or leaseholders, to discuss and vote on a limited basis, contracts in which the directors may have a financial interest.. No agreement of such public power and irrigation district shall be void or voidable by reason of such interest by a director. LB1260 does not remove the notice requirement of section 49-1943.

LB1260 was amended into LB1370 by on a 8-0 vote of the committee:

Aye: Senators Brandt, Bostelman, J. Cavanaugh, Fredrickson, Hughes, Jacobson, Moser, & Slama

Nay: None

LB 1260 had a public hearing on February 7, 2024 with the following testimony:

Proponents:

Senator Mike Jacobson, Introducer

Devin Brundage, Central Nebraska Public Power & Irrigation District, Nebraska Power Association,

Nebraska State Irrigation Association, Nebraska Water Resources Association

David Rowe, Central Nebraska Public Power & Irrigation District

Tom Schwarz, Central Water Users

Opponents: None

Neutral:

David Hunter, Nebraska Accountability & Disclosure Commission

LB969 (Section 3)

LB969, brought by Senator DeKay, as amended by AM2521, amends section 70-637(2) to increase the minimum dollar thresholds that require advertisement for sealed bids prior to contracting for project development by a public power district, or a public power and irrigation district. Depending upon the gross revenue of the district, if a district project involves construction, remodeling, building, alterations, maintenance, repair, extension, or improvements of certain facilities or programs and reach a specified threshold, the district is required to advertise for sealed bids before



contracting for the project. LB969 amends the current threshold amount that triggers the sealed bid requirement 1) by a District with gross revenue of less than five hundred million dollars the threshold is changed from two hundred and fifty thousand dollars (\$250,000) to costs exceeding seven hundred fifty thousand dollars (\$750,000). LB969 also amends the current threshold trigger for a district with earnings of five hundred million or more from the current five hundred thousand dollar (\$500,000) trigger, to one-million five hundred thousand dollars (\$1,500,000).

LB969 was amended into LB1370 by on a 8-0 vote of the committee:

Aye: Senators Brandt, Bostelman, J. Cavanaugh, Fredrickson, Hughes, Jacobson, Moser, & Slama

Nay: None

LB 969 had a public hearing on February 7, 2024 with the following testimony:

Proponents:

Senator Barry DeKay, Introducer

Seth Voyles, Omaha Public Power District, Nebraska Public Power District, Nebraska Power Assoc.

Gwen Kautz, Dawson Public Power District, Nebraska Rural Electric Association

Opponents:

Felicia Hilton, North Central States Regional Council of Carpenters

Neutral: None

LB956 (Section 4)

LB956 was introduced by Senator Bostar and, as amended by AM2613, will require that FAA approved light mitigation technology be installed on all new wind turbines beginning July 1, 2025, and directs that application for FAA approval of the technology be made for installation on certain wind turbines in systems in Nebraska within 30 days. LB956 provides that owners and operators of wind energy conversion systems must apply to the FAA for approval to install light mitigation technology, sometimes referred to as Light Detection Systems on all new wind turbines constructed in Nebraska beginning July 1, 2025. The bill also requires that a certain percentage of existing turbines that are part of a commercial wind operation must make an application for FAA approval to install the technology on those turbines. Light mitigating technology is aircraft detection lighting that detects approaching aircraft and activates and maintains sufficient conspicuity to help aircraft identify and avoid a collision with a wind turbine. Light mitigation technology is used to reduce the continuous light currently emitted from wind turbines that display red lights to alert approaching planes that wind turbines are in a flight path. As amended by AM2613, a developer, owner, or operator of any wind energy conversion system that has five years or fewer remaining on its power purchase agreement is exempt from having to apply to the FAA for light mitigation technology installation until a power purchase agreement is extended, renewed, or newly executed.

LB956 was amended into LB1370 on a 8-0 vote of the committee:

Aye: Senators Brandt, Bostelman, J. Cavanaugh, Fredrickson, Hughes, Jacobson, Moser, & Slama

Nay: None

LB 956 had a public hearing on February 7, 2024 with the following testimony:

Proponents:

Sean Flowerday Introducing for Sen. Eliot Bostar

John Hansen, Nebraska Farmers Union

Opponents: None

Neutral:

David Bracht, Catalyst on Behalf of Invenergy LLC

LB120 (Section 5-7)

LB120, was introduced by Senator Bostelman in 2023, and AM2733, which replaces LB120, was filed on February



15, 2024. A hearing was held on the amendment this session. As amended by AM2733, LB120 amends chapter 70 and requires that, before any electric supplier begins construction or acquires an electric facility, transmission lines or related facilities that carry 700 volts or greater, within a ten-mile radius of a military installation in Nebraska, the owner of the proposed facility must provide written certification to the Power Review Board (PRB) that the facility or facilities contain no materials, electronics, or other components manufactured by any foreign adversary (to the U.S.) as identified under federal 15 C.F.R. 7.4, which defines a foreign adversary as a foreign government or foreign non-government person “determined to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States persons.”

The bill exempts any entity that is a retail electric supplier, if it is in compliance with current or future Critical Infrastructure Protection requirements issued by the North American Electric Reliability Corporation (NERC) and certifies compliance by written notice to the Board.

LB120 was amended into LB1370 by a 8-0 vote of the committee:

Aye: Senators Brandt, Bostelman, J. Cavanaugh, Fredrickson, Hughes, Jacobson, Moser, & Slama

Nay: None

LB120 had a public hearing on February 16, 2023 with the following testimony:

Proponents:

Riley Herchenbach, Introducing for Sen. Bostelman

Opponents: None

Neutral: None

A second public hearing was held on AM2489 to LB120 on February 22, 2024

Proponents:

Senator Bruce Bostelman, Introducer

Sen. Brian Hardin, Self

Opponents:

Seth Voyles, Omaha Public Power District & Nebraska Power Association

Al Davis, Nebraska Chapter Sierra Club

Neutral:

Tim Texel, Nebraska Power Review Board

John Hansen, Nebraska Farmers Union

Section by section -

Sec. 1 LB1370 Retirement of dispatchable resources.

Sec. 2 LB1260 addressing duties of board members of Public power and irrigation districts.

Sec. 3 LB969 adjusts thresholds for building and improvement projects that are estimated to trigger a requirement for public power districts to advertise for sealed bids.

Sec. 4 LB956 requiring Light Mitigation technology installation on new and certain existing wind turbines.

Sec. 5 LB120 amendment to section 70-1001.01 processes related to projects proposed for within a ten-mile radius of a military base in Nebraska.



Sec. 6 LB120 amendment to section 70-1012 to direct necessary certification action prior to commencing construction or acquisition of an electric generation facility or transmission lines or related facilities carrying more than seven hundred volts that will be located within 10 miles of a military installation; exempts retail suppliers.

Sec. 7 LB120 amendment to section 70-1014.02

Sec. 8 LB1370 amendment to section 84-1411

Sec. 9 Operative date

Sec. 10 Repealer

Sec. 11 Repealer

Sec. 12 Outright repealer of sections 70-1029, 70-1030, 70-1031, and 70-1033.

Sec. 13 Emergency clause.

Bruce Bostelman, Chairperson

