

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB1045

Hearing Date: Wednesday February 02, 2022
Committee On: Natural Resources
Introducer: Bostelman
One Liner: Change qualifications of certain public power district board members

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye: 7 Senators Bostelman, Aguilar, Gragert, Hughes, Jacobson, Moser, Wayne
Nay: 1 Senator Cavanaugh, J.
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Bruce Bostelman
Darin Bloomquist
Chance Briscoe

Representing:

Introducer
Nebraska Electric Generation & Transmission Co-op
Nebraska Rural Electric Association

Opponents:

John Hansen
Al Davis

Representing:

Nebraska Farmers Union
Sierra Club, Nebraska Chapter

Neutral:

Representing:

Summary of purpose and/or changes:

LB1045 amends section 70-619 by striking language that does not allow high-level employees of one public power district, irrigation district, or public power and irrigation district (District) to be qualified to serve as a board member of any District.

Section by section

Sec. 1 Amends section 70-619 at subsections (2)(a) and 2(b) to strike language prohibiting high level employees of a public power or a public power and irrigation district from serving on the board of directors of any district.

Sec. 2 Repeal original section 70-619.

Explanation of amendments:

AM 2081 is the white copy Committee amendment to LB 1045. It contains LB 1045, LB 1047 (with AM 2049), and LB 1058 (with AM 1921).

The Committee voted to adopt AM 2081 on a 5-3 vote.

Voting Aye: Senators Bostelman, Gragert, Hughes, Jacobson, Wayne

Voting Nay: Senators Aguilar, Cavanaugh, Moser

LB1047 adds and defines "reliable" for purposes of electric service policy commitments to the consumers of Nebraska. Currently, Nebraska statute references only adequate electric service, while industry definitions of the Federal Energy Regulation Commission (FERC) and the North American Reliability Corporation (NERC) reference both adequate and reliable. The definition in LB1047 uses the NERC definition, applying it to NPPD and OPPD. AM 2049 strikes the definition of "Firm". AM 2049 also replaces language concerning the Load and Capability report with subsection language proposed by OPPD and NPPD)

Motion to include LB 1047 (as amended by AM 2049) as apart of AM 2081:

Voting Aye: Senators Bostelman, Gragert, Hughes, Jacobson, Wayne

Voting Nay: Senators Aguilar, Cavanaugh, Moser

Testifiers on LB 1047:

Proponents:

Bruce Bostelman, Introducer

Opponents:

John McClure, NPPD; Nebraska Power Association

Joseph Lang, OPPD

Al Davis, Sierra Club, Nebraska Chapter

John Hansen, Nebraska Farmers Union

Neutral:

Tim Texel, Nebraska Power Review Board

LB 1058 incentivizes public power suppliers to retain baseload generation units capable of producing more than 100 MW of electricity by requiring public power suppliers with such units to take certain steps before and after retiring or shutting down those units if done before the end of the useful life of the unity and to provides for employee severance pay and fees to subdivisions in the event of early termination or shut down. AM 1921 is a white copy amendment that adds "100 MW" to qualify the baseload units to which LB 1085 is applicable and clarifies that the incentivized amount is a fee, not a tax.

Motion to include LB 1058 (as amended by AM 1921) as apart of AM 2081:

Voting Aye: Senators Bostelman, Gragert, Hughes, Jacobson, Wayne

Voting Nay: Senators Aguilar, Cavanaugh, Moser

Testifiers on LB 1058:

Proponents:

Tom Brewer, Introducer

Opponents:

Neal Suess, Loup River Public Power District; Nebraska Power Association

Javier Fernandez, OPPD

John McClure, NPPD

Tim Luchsinger, City of Grand Island; League of Nebraska Municipalities

Al Davis, Sierra Club - Nebraska Chapter

John Hansen, Nebraska Farmers Union

Sec. 1 LB 1058 (Brewer) outlines incentives for avoiding early decommissioning of base-load generation sources.

Sec. 2 LB 1045 (Bostelman) amends section 70-719 to remove prohibition against high-level employees

Sec. 3-5 LB 1047 (Bostelman)

Sec. 3 amends 70-1001; adds reliable to policy to provide adequate electrical service to Nebraskans

Sec. 4 amends 70-100.01 Definitions to add definition of reliable or reliability

Sec. 5 amends 70-1025 to add items to Load and Capability Report

Sec. 6 Repeals original sections 70-619, 70-1001, 70-1001.01, and 70-1025

Bruce Bostelman, Chairperson