

LEGISLATIVE BILL 800

Approved by the Governor April 24, 1978

Introduced by Merz, 1; Clark, 47

AN ACT to amend section 70-1003, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Power Review Board; to provide for compensation; to require authorization to construct microwave communication facilities; to provide exceptions; to repeal the original section; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 70-1003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-1003. There is hereby established, within the Department of Water Resources, the Nebraska Power Review Board to consist of five members, one of whom shall be an engineer, one an attorney, one an accountant, and two lay persons. No person who is or who has within four years preceding his appointment been either a director, officer, or employee of any electric utility or an elective state officer shall be eligible for membership on the board. Members of the board shall be appointed by the Governor subject to the approval of the Legislature. Members of the board first appointed shall be appointed within thirty days of May 16, 1963. Of the members initially appointed, two shall serve until January 1, 1965, two until January 1, 1966, and one until January 1, 1967. Upon expiration of such terms, the successors shall be appointed for terms of four years. No member of the board shall serve more than two consecutive terms. Any vacancy on the board arising other than from the expiration of a term shall be filled by appointment for the unexpired portion of the term, and any person appointed to fill a vacancy on the board shall be eligible for reappointment for two more consecutive terms. No more than three members of the board shall be registered members of that political party represented by the Governor; Provided, that this provision shall not be interpreted to create a vacancy on the board with respect to members presently serving and whose terms have not expired; and provided further, that this provision shall not become mandatory until July 1, 1973. Each member of the board shall receive fifty sixty dollars per day for each day actually and necessarily engaged in the performance of his duties, but not to exceed five six

thousand dollars in any one year, and shall be reimbursed for his actual and necessary expenses while so engaged. The board shall have jurisdiction as provided in sections 70-1001 to 70-1020.

The board shall meet promptly after its members have been appointed. They shall elect from their members a chairman and a vice-chairman.

The Director of Water Resources shall serve as secretary of the board. The Department of Water Resources shall maintain all files and records of the board, issue all notices required by the provisions of sections 70-1001 to 70-1020, and otherwise perform such duties as the board may direct.

Expenses incurred by the board in connection with any proceeding before it shall be paid from the budget of the Department of Water Resources.

Decisions of the board shall require the approval of a majority of the members of the board.

Sec. 2. After the effective date of this act, except as provided in section 3 of this act, a public power district shall not construct microwave communication facilities unless such district is authorized to construct and operate its own microwave facilities by order of the Nebraska Power Review Board. Before such microwave construction is authorized, the Nebraska Power Review Board shall, after public hearing, find (1) that in the judgment of the board the district is not receiving the required quality of service, and will not within a reasonable time receive the required quality of service from the regulated carrier or carriers involved, or (2) that the regulated carriers would not provide the required quality of service by the same or alternate methods, at the same or lower costs to the district, and (3) that such construction would be in the public interest.

Sec. 3. Nebraska Power Review Board authorization shall not be required for the following:

(1) Construction of microwave facilities to be completed in a reasonable time where the district has, prior to the effective date of this act, entered into binding contractual obligations with respect to such facilities;

(2) Extensions of fifty miles or less of any single portion of a microwave system if such portion was in existence on or before the effective date of this act;

or

(3) The addition of new equipment to modernize or upgrade but not to extend microwave facilities.

Sec. 4. That original section 70-1003, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.