

AMENDMENTS TO LB469

Introduced by Natural Resources.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. For purposes of sections 1 to 4 of this act:

4 (1) Covered electric generating unit means a fossil fuel-fired
5 electric generating unit existing within the state prior to the effective
6 date of this act that is subject to regulation under the federal emission
7 guidelines;

8 (2) Federal emission guidelines means any final rules, regulations,
9 guidelines, or other requirements that the United States Environmental
10 Protection Agency may adopt for regulating carbon dioxide emissions from
11 covered electric generating units under section 111(d) of the federal
12 Clean Air Act, 42 U.S.C. 7411(d);

13 (3) State means the State of Nebraska; and

14 (4) State plan means any plan to establish and enforce carbon
15 dioxide emission control measures that the Department of Environmental
16 Quality may adopt to implement the obligations of the state under the
17 federal emission guidelines.

18 Sec. 2. The Department of Environmental Quality shall not submit a
19 state plan for regulating carbon dioxide emissions from covered electric
20 generating units to the United States Environmental Protection Agency
21 until the department has provided a copy of the state plan to the State
22 Energy Office. The department shall provide such copy to the State Energy
23 Office prior to the submission deadline for the state plan set by the
24 United States Environmental Protection Agency. If the United States
25 Environmental Protection Agency extends the submission deadline, the
26 department shall provide such copy to the State Energy Office at least
27 one hundred twenty days prior to the extended submission deadline.

1 Nothing in this section shall prevent the department from complying with
2 federally prescribed deadlines.

3 Sec. 3. (1) After receiving the copy of the state plan under
4 section 2 of this act, the State Energy Office shall prepare a report
5 that assesses the effects of the state plan on:

6 (a) The electric power sector, including:

7 (i) The type and amount of electric generating capacity within the
8 state that is likely to retire or switch to another fuel;

9 (ii) The stranded investment in electric generating capacity and
10 other infrastructure;

11 (iii) The amount of investment necessary to offset retirements of
12 electric generating capacity and maintain generation reserve margins;

13 (iv) Potential risks to electric reliability, including resource
14 adequacy risks and transmission constraints; and

15 (v) The amount by which retail electricity prices within the state
16 are forecast to increase or decrease; and

17 (b) Employment within the state, including direct and indirect
18 employment effects and jobs lost within affected sectors of the state's
19 economy.

20 (2) The State Energy Office shall complete the report required under
21 this section within thirty days after receiving the copy of the state
22 plan under section 2 of this act and shall electronically submit to the
23 Legislature a copy of such report.

24 (3) If the Legislature is in session when it receives the report,
25 the Legislature may vote on a nonbinding legislative resolution endorsing
26 or disapproving the state plan based on the findings of the report.

27 Sec. 4. Upon submitting a state plan to the United States
28 Environmental Protection Agency, the Department of Environmental Quality
29 shall electronically submit to the Legislature a copy of the state plan.

30 Sec. 5. Section 81-1601, Reissue Revised Statutes of Nebraska, is
31 amended to read:

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

4 (2) The chief executive officer shall be known as the Director of
5 the State Energy Office and shall be appointed by the Governor with the
6 advice and consent of the Legislature. The director shall administer the
7 affairs of the office and shall serve at the pleasure of the Governor.
8 The director may employ such assistants, professional staff, and other
9 employees as may be deemed necessary to effectively carry out the
10 provisions of sections 81-1601 to 81-1605 and section 8 of this act
11 within such appropriations as the Legislature may provide. The salary of
12 the director shall be fixed by the Governor unless otherwise expressly
13 provided for by law.

14 Sec. 6. Section 81-1602, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 81-1602 The State Energy Office shall have the following duties:

17 (1) To serve as or assist in developing and coordinating a central
18 repository within state government for the collection of data on energy;

19 (2) To undertake a continuing assessment of the trends in the
20 availability, consumption, and development of all forms of energy;

21 (3) To collect and analyze data relating to present and future
22 demands and resources for all sources of energy and to specify energy
23 needs for the state;

24 (4) To recommend to the Governor and the Legislature energy policies
25 and conservation measures for the state and to carry out such measures as
26 are adopted;

27 (5) To provide for public dissemination of appropriate information
28 on energy, energy sources, and energy conservation;

29 (6) To accept, expend, or disburse funds, public or private, made
30 available to it for research studies, demonstration projects, or other
31 activities which are related either to energy conservation and efficiency

1 or development;

2 (7) To study the impact and relationship of state energy policies to
3 national and regional energy policies and engage in such activities as
4 will reasonably insure that the State of Nebraska and its citizens
5 receive an equitable share of energy supplies, including the
6 administration of any federally mandated or state-mandated energy
7 allocation programs;

8 (8) To actively seek the advice of the citizens of Nebraska
9 regarding energy policies and programs;

10 (9) To prepare emergency allocation plans suggesting to the Governor
11 actions to be taken in the event of serious shortages of energy;

12 (10) To design a state program for conservation of energy and energy
13 efficiency;

14 (11) To provide technical assistance to local subdivisions of
15 government; ~~and~~

16 (12) To provide technical assistance to private persons desiring
17 information on energy conservation and efficiency techniques and the use
18 of renewable energy technologies; ~~-~~

19 (13) To develop a strategic state energy plan pursuant to section 8
20 of this act;

21 (14) To develop and disseminate transparent and objective energy
22 information and analysis while utilizing existing energy planning
23 resources of relevant stakeholder entities;

24 (15) To actively seek to maximize federal and other nonstate funding
25 and support to the state for energy planning; and

26 (16) To monitor energy transmission capacity planning and policy
27 affecting the state and the regulatory approval process for the
28 development of energy infrastructure and make recommendations to the
29 Governor and electronically to the Legislature as necessary to facilitate
30 energy infrastructure planning and development.

31 Sec. 7. Section 81-1603, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-1603 The office shall have the power to do such things as are
3 necessary to carry out sections 81-1601 to 81-1605 and section 8 of this
4 act, including but not limited to the following:

5 (1) To adopt rules and regulations, pursuant to the Administrative
6 Procedure Act, to carry out the purposes of sections 81-1601 to 81-1605
7 and section 8 of this act;

8 (2) To make all contracts pursuant to sections 81-1601 to 81-1605
9 and section 8 of this act and do all things to cooperate with the federal
10 government, and to qualify for, accept, expend, and dispense public or
11 private funds intended for the implementation of sections 81-1601 to
12 81-1605 and section 8 of this act;

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

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

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

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

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

26 (8) To form advisory committees of citizens of Nebraska to advise
27 the director of the energy office on programs and policies relating to
28 energy and to assist in implementing such programs. Such committees shall
29 be of a temporary nature and no member shall receive any compensation for
30 serving on any such committee but, with the approval of the Governor,
31 members shall receive reimbursement for actual and necessary expenses as

1 provided in sections 81-1174 to 81-1177 ~~for state employees~~. The minutes
2 of meetings of and actions taken by each committee shall be kept and a
3 record shall be maintained of the name, address, and occupation or
4 vocation of every individual serving on any committee. Such minutes and
5 records shall be maintained in the State Energy Office and shall be
6 available for public inspection during regular office hours.

7 Sec. 8. (1) The Legislature finds that:

8 (a) Comprehensive planning enables the state to address its energy
9 needs, challenges, and opportunities and enhances the state's ability to
10 prioritize energy-related policies, activities, and programs; and

11 (b) Meeting the state's need for clean, affordable, and reliable
12 energy in the future will require a diverse energy portfolio and a
13 strategic approach, requiring engagement of all energy stakeholders in a
14 comprehensive planning process.

15 (2) The State Energy Office shall develop an integrated and
16 comprehensive strategic state energy plan and review such plan
17 periodically as the office deems necessary. The office may organize
18 technical committees of individuals with expertise in energy development
19 for purposes of developing the plan. If the office forms an advisory
20 committee pursuant to subdivision (8) of section 81-1603 for purposes of
21 such plan, the chairperson of the Appropriations Committee of the
22 Legislature, the chairperson of the Natural Resources Committee of the
23 Legislature, and three members of the Legislature selected by the
24 Executive Board of the Legislative Council shall be nonvoting, ex officio
25 members of such advisory committee.

26 (3) The strategic state energy plan shall include short-term and
27 long-term objectives that will ensure a secure, reliable, and resilient
28 energy system for the state's residents and businesses; a cost-
29 competitive energy supply and access to affordable energy; the promotion
30 of sustainable economic growth, job creation, and economic development;
31 and a means for the state's energy policy to adopt to changing

1 circumstances.

2 (4) The strategic state energy plan shall include, but not be
3 limited to:

4 (a) A comprehensive analysis of the state's energy profile,
5 including all energy resources, end-use sectors, and supply and demand
6 projections;

7 (b) An analysis of other state energy plans and regional energy
8 activities which identifies opportunities for streamlining and
9 partnerships;

10 (c) An identification of goals and recommendations related to:

11 (i) The diversification of the state's energy portfolio in a way
12 that balances the lowest practicable environmental cost with maximum
13 economic benefits;

14 (ii) The encouragement of state and local government coordination
15 and public-private partnerships for future economic and investment
16 decisions;

17 (iii) The incorporation of new technologies and opportunities for
18 energy diversification that will maximize Nebraska resources and support
19 local economic development;

20 (iv) The interstate and intrastate promotion and marketing of the
21 state's renewable energy resources;

22 (v) A consistent method of working with and marketing to energy-
23 related businesses and developers;

24 (vi) The advancement of transportation technologies, alternative
25 fuels, and infrastructure;

26 (vii) The development and enhancement of oil, natural gas, and
27 electricity production and distribution;

28 (viii) The development of a communications process between energy
29 utilities and the State Energy Office for responding to and preparing for
30 regulations having a statewide impact; and

31 (ix) The development of a mechanism to measure the plan's progress.

1 Sec. 9. Section 81-1605, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-1605 Notwithstanding any provisions of sections 81-1601 to
4 81-1605 and section 8 of this act, the State Energy Office shall not
5 perform any duties or exercise any powers which are delegated to other
6 agencies or subdivisions of state government.

7 Sec. 10. Section 81-1606, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

30 Sec. 11. Section 81-1607.01, Reissue Revised Statutes of Nebraska,
31 is amended to read:

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

12 Sec. 12. Original sections 81-1601, 81-1602, 81-1603, 81-1605,
13 81-1606, and 81-1607.01, Reissue Revised Statutes of Nebraska, are
14 repealed.