

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 469**

Introduced by Smith, 14.

Read first time January 20, 2015

Committee:

- 1 A BILL FOR AN ACT relating to the environment; to define terms; and to
- 2 provide powers and duties to the Department of Environmental Quality
- 3 relating to the development of a state plan for regulating carbon
- 4 dioxide emissions.
- 5 Be it enacted by the people of the State of Nebraska,

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

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

6           (2) Department means the Department of Environmental Quality;

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

12           (4) State means the State of Nebraska; and

13           (5) State plan means any plan to establish and enforce carbon  
14 dioxide emission control measures that the department may adopt to  
15 implement the obligations of the state under the federal emission  
16 guidelines.

17           Sec. 2. (1) The department shall not develop a state plan for  
18 regulating carbon dioxide emissions from covered electric generating  
19 units until after the department has:

20           (a) Prepared a report pursuant to subsection (2) of this section;  
21 and

22           (b) Held a public hearing to obtain input on what should be included  
23 in the state plan. Notice of such public hearing shall be given at least  
24 thirty days prior thereto by publication in a newspaper having general  
25 circulation in the state.

26           (2)(a) In developing a state plan under subsection (1) of this  
27 section, the department shall prepare a report that assesses the effects  
28 of the state plan on:

29           (i) The electric power sector, including:

30           (A) The ability of the state to provide affordable electricity  
31 through diversified sources of electricity generation;

1       (B) The type and amount of electric generating capacity within the  
2 state that is likely to retire or switch to another fuel;

3       (C) Stranded investment in electric generating capacity and other  
4 infrastructure;

5       (D) The amount of investment necessary to offset retirements of  
6 electric generating capacity and maintain generation reserve margins;

7       (E) Potential risks to electric reliability, including resource  
8 adequacy risks and transmission constraints; and

9       (F) The amount by which retail electricity prices within the state  
10 are forecast to increase;

11       (ii) Electricity consumers within the state, including any  
12 disproportionate impacts of electricity and other energy price increases  
13 on middle-income and lower-income households;

14       (iii) Employment within the state, including direct and indirect  
15 employment effects and jobs lost within affected sectors of the state's  
16 economy;

17       (iv) Economic development within the state, including effects on  
18 manufacturing, commercial, and other sectors of the state's economy;

19       (v) The competitive position of the state relative to neighboring  
20 states and other economic competitors;

21       (vi) State and local governments, including potential impacts  
22 resulting from changes in tax revenue; and

23       (vii) State law, including any new laws necessary to implement the  
24 state plan.

25       (b) In developing the report required under this section, the  
26 department shall provide an opportunity for public review and comment  
27 before the report is finalized.

28       Sec. 3. Not later than fifteen days after the development of a  
29 state plan, the department shall electronically submit to the Legislature  
30 a copy of the state plan and the accompanying report developed in  
31 accordance with section 2 of this act.