

2020

LEGISLATIVE BILL SUMMARIES

NATURAL RESOURCES COMMITTEE

NEBRASKA LEGISLATURE

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

NATURAL RESOURCES COMMITTEE MEMBERS

Senator Dan Hughes, Chairperson
Senator Bruce Bostelman, Vice-Chairperson
Senator Joni Albrecht
Senator Suzanne Geist
Senator Tim Gragert
Senator Steve Halloran
Senator Mike Moser
Senator Dan Quick

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COMMITTEE STAFF

Andrew Vinton, Legal Counsel
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Natural Resources Committee 2020
106th Legislature

BILL INDEX
BILLS INTRODUCED IN SECOND SESSION

LB 769 (Gragert) Change Provisions relating to membership on the Nebraska Natural Resources Commission. *Added to LB 858 via Natural Resources AM 2346; signed by Governor 8/6/20 (p. 16)*

LB 770 (Gragert) Provide for state park permits for disabled veterans and change nonresident fees for state park permits. *Signed by Governor 7/24/20 (p. 12)*

LB 802 (Hughes) State a legislative finding and declaration relating to the right to use ground water. *Indefinitely Postponed (p. 25)*

LB 845 (Groene) Change procedures for water augmentation projects under an integrated management plan. *Indefinitely Postponed (p. 26)*

LB 855 (Moser) Eliminate legislative confirmation for certain members of the Niobrara Council. *Added to LB 858 via AM 2346; signed by Governor 8/6/20 (p. 14)*

LB 856 (Moser) Extend sunset of the Petroleum Release Remedial Action Cash Fund. *Added to LB 858 via Natural Resources AM 2346; signed by Governor 8/6/20 (p. 14)*

LB 858 (Hughes) Change provisions of the Municipal Cooperative Financing Act, the Petroleum Release Remedial Action Act, the Niobrara Scenic River Act, and the Nebraska Litter Reduction and Recycling Act. *Signed by Governor 8/6/20 (p. 12)*

LB 859 (Hughes) Change provisions relating to qualifications and terms of office for certain Game and Parks Commission members. *Indefinitely Postponed (p. 26)*

LB 860 (Hughes) Change Game and Parks Commission district limits and designations as prescribed. *Indefinitely Postponed (p. 26)*

LB 861 (Hughes) Change provisions of the Integrated Solid Waste Management Act with respect to consumer merchandise and containers. *Amended version added to LB 632 via AM 2766; signed by Governor 8/17/20 (p. 16)*

LB 863 (Hughes) Limit ownership of land by the Game and Parks Commission. *Indefinitely Postponed (p. 27)*

LB 899 (Hughes) Provide certain powers for public power districts relating to fuels and fuel byproducts. *Signed by Governor 8/6/20 (p. 15)*

LB 904 (Bolz) Provide for use of the Water Sustainability Fund for sustainable use of water in food production and transfer General Funds. *Withdrawn* (p. 32)

LB 933 (Crawford) Change provisions relating to discontinuance of utility service. *Amended version added to LB 632 via Natural Resources AM 2766; signed by Governor 8/17/20* (p. 17)

LB 1071 (Hughes) Adopt the Wildlife Damage Recovery Act. *Indefinitely Postponed* (p. 27)

LB 1072 (Hughes) Authorize certain natural resources districts to issue flood protection bonds and use bond proceeds as proscribed. *Indefinitely Postponed* (p. 28)

LB 1132 (Wayne) Change provisions relating to net metering. *Indefinitely Postponed* (p. 28)

LB 1173 (Erdman) Provide for limited transferrable permits to hunt either antelope, elk, or deer. *Indefinitely Postponed* (p. 29)

LB 1201 (Bostelman) Create the Flood Mitigation and Planning Task Force. *Amended version added to LB 632 via AM2766; signed by Governor 8/17/20* (p. 18)

LB 1205 (McCollister) Adopt the Renewable Energy Standards Act. *Indefinitely Postponed* (p. 30)

LR 288 (Slama) Urge Congress and the United States Corps of Engineers to prioritize flood control as a top priority for the management of water systems under their authority in the Missouri River Mainstem Reservoir System Water Control Manual. (p. 19)

LR 294 (Kowolski) Review various climate-related findings and acknowledge an anthropogenic climate and ecological crisis. (p. 20)

2020 NATURAL RESOURCES COMMITTEE BILLS

Bills by Hearing Date

8/10/2020

Hearing	Bill	Introducer	One-Liner	Status
BILLS BY HEARING DATE				
WED. 1-22-20				
	802	Hughes	State a legislative finding and declaration relating to the right to use ground water.	IPP
	858	Hughes	Change provisions of the Municipal Cooperative Financing Act.-- - Nat Res Comm PB #1	Signed by Gov 8/6/20
THURS. 1-23-20				
	899	Hughes	Provide certain powers for public power districts relating to fuels and fuel byproducts.— Moser PB	Signed by Gov 8/11/20
	856	Moser	Extend sunset of the Petroleum Release Remedial Action Cash Fund.	Amended into LB 858 via AM 2346; signed by Gov 8/6/20
FRI. 1-24-20			NO HEARINGS	
WED. 1-29-20				
	855	Moser	Eliminate legislative confirmation for certain members of the Niobrara Council.	Amended into LB 858 via AM 2346; signed by Gov 8/6/20
	769	Gragert	Change provisions relating to membership on the Nebraska Natural Resources commission.	Amended into LB 632 via AM 2766; signed by Gov 8/17/20
THURS. 1-30-20				
	770	Gragert	Provide for state park permits for disabled veterans and change nonresident fees for state park permits.	Signed by Gov 7/24/20
	863	Hughes	Limit ownership of land by the Game and Parks Commission.	IPP
FRI. 1-31-20			NO HEARINGS	
WED. 2-5-20				
	1201	Bostelman	Create the Flood Mitigation and Planning Task Force.	Amended into LB 632 via AM 2766; signed by Gov

				8/17/20
	1072 and AM 2171	Hughes	Authorize certain natural resources districts to issue flood protection bonds and use bond proceeds as prescribed; Strike irrigation district borrowing limit.	IPP
	LR 288	Slama	Urge Congress and the United States Corps of Engineers to prioritize flood control as a top priority for the management of water systems under their authority in the Missouri River Mainstem Reservoir System Water Control Manual.— Slama PB	Signed by President/Speaker 3/3/20
THURS. 2-6-20				
	859	Hughes	Change provisions relating to qualifications and terms of office for certain Game and Parks Commission members.	IPP
	860	Hughes	Change Game and Parks Commission district limits and designations as prescribed.	IPP
FRI. 2-8-19			NO HEARINGS	
WED. 2-12-20				
	1173	Erdman	Provide for limited transferable permits to hunt either antelope, deer, or elk.	IPP
	861	Hughes	Change provisions of the Integrated Solid Waste Management Act with respect to consumer merchandise and containers.	Amended into LB 632 via AM 2766; signed by Gov 8/17/20
THURS. 2-13-20				
	933	Crawford	Change provisions relating to discontinue of utility service.	Amended into LB 632 via AM 2766; signed by Gov 8/17/20
	1205	McCollister	Adopt the Renewable Energy Standards Act.	IPP
FRI. 2-14-20			NO HEARINGS	
WED. 2-19-20				
	1071	Hughes	Adopt the Wildlife Damage Recovery Act.	IPP
	1132	Wayne	Change provisions relating to net metering.	IPP
THURS. 2-20-20				
	845	Groene	Change procedures for water augmentation	IPP

			projects under an integrated management plan.	
	LR 294	Kolowski	Review various climate-related findings and acknowledge an anthropogenic climate and ecological crisis.	In Comm; IPP on adjournment
FRI. 2-21-20			NO HEARINGS	

LEGEND:

In Comm: Bill is held in committee

GF: The committee has advanced the bill to General File

GF w/AM: The committee has advanced the bill to General File with a committee amendment

SF: The Legislature has voted to advance the bill from the first stage of debate (GF) to Select File

FR: The Legislature has voted to advance the bill from the second stage of debate (SF) to Final Reading. If the bill advances from Final Reading it will be sent to the Governor for his signature or veto.

IPP: A bill that the committee has killed – indefinitely postponed

CC: Consent Calendar

PB: Priority bills

Carry-Over Bills, Held in Committee

- LB 46 (Chambers) Eliminate provisions relating to the hunting of mountain lions. *Indefinitely Postponed* (p. 21)
- LB 53 (Scheer) Change and provide duties for landowners or their tenants relating to removal of a blockage or obstruction in a watercourse and provide for court costs and attorneys' fees. *Indefinitely Postponed* (p. 21)
- LB 126 (Hughes) Provide for special landowner deer hunting permits as prescribed. *Signed by Governor 8/17/20* (p. 19)
- LB 285 (McCollister) State intent to appropriate funds to the Nebraska Power Review Board for a study and state public policy. *Indefinitely Postponed* (p. 21)
- LB 287 (Quick) Change and provide duties for the Game and Parks Commission and change provisions relating to stamps, permits, fees, and hunter orange display requirements as prescribed. *Signed by Governor 2/19/20* (p. 10)
- LB 367* (Hughes) Eliminate provisions relating to fund transfers and change a termination date under the Nebraska Litter Reduction and Recycling Act. *Amended into LB 858 via Natural Resources AM 2346; signed by Governor 8/6/20* (p. 15)
- LB 368 (Hughes) Eliminate overappropriated river basins, subbasins, and reaches. *Indefinitely Postponed* (p. 22)
- LB 509 (McCollister) Redefine the terms of net metering and qualified facility and change powers and duties of a local distribution utility. *Indefinitely Postponed* (p. 24)
- LB 580 (Hilkemann) Change provisions relating to landfill disposal fees and rebates under the Integrated Solid Waste Management Act. *Indefinitely Postponed* (p. 24)
- LB 606 (Groene) Provide for water augmentation projects and retention of water rights as prescribed. *Indefinitely Postponed* (p. 25)
- LB 632 (Hughes) Shell bill. *Natural Resources Priority Bill #2; signed by Governor 8/17/20* (p. 25)
- LB 700 (Bostelman) Provide for decommissioning and reclamation of a wind energy conversion system. *Indefinitely Postponed* (p. 25)

* Amended into other bills

Summaries of Enacted Bills

LB 287

LB 287 contains a number of “adjustments” to the Game Law as requested by the Game and Parks Commission.

Over the years, the Game and Parks Commission has consistently requested bills to allow them to adjust their permitting processes and fee structure, usually based on changing circumstances recognized by the commission and its board.

The purpose of the bill is to 1) allow the commission to offer permits for temporarily reduced rates for specific time frames or events; 2) authorize increased annual and temporary park permit fees; 3) allow permit buyers to draw for a permit to purchase a preference point for a fee in lieu of entering a random permit drawing; 4) merge the Aquatic Invasive Species Program fee on boat registrations into the registration fee as required by a federal regulation for a Coast Guard grant program; 5) authorize additional regulations on wearing hunter orange; and 6) other minor changes on promotional information and permit replacement fees.

The Commission describes this bill as a clean-up, though it does have some policy adjustments that are more substantive than clean-up.

Explanation of amendments:

- AM 386 amends the original bill to establish a resident motor vehicle permit range of \$30 to \$35.
- AM 2076 harmonize the bill’s provisions with changes in the law caused by the 2019 passage of LB 270.
- AM 2162 removes the \$35 price floor for resident motor vehicle permits, changes paddlefish permit drawing procedures, and cleans up language.

Final Bill Section-by-section description:

Sections 1 and 2 amend 37-201 and 37-202, which label this section as the Game Law and identifies where definitions can be found, by adding reference to the new language in this bill.

Sections 3 and 4 create new definitions of “bonus point” (for random permit drawings) and “preference point” (for structured random permit drawings).

Section 5 amends 37-317, which authorizes the commission to disseminate information on state parks and wildlife resources, by adding that promotional materials may also be disseminated.

Section 6 amends 37-407, which provides for multi-year or combo permits for hunting, fishing and fur-harvesting, by authorizing the commission to offer such permits at temporarily reduced rates for specific events or specified timeframes.

Section 7 amends 37-409, which allows for the replacement of lost permits, by adding that replacement fees are not to be charged for permits that are exempt from fees, lifetime permits, and other special permits.

Section 8 amends 37-415, which provides for lifetime hunting and fishing permits, by removing the \$5 replacement fee, but clarifying that the free replacement does not apply to commemorative brass plate permits.

Section 9 amends 37-426, which requires habitat stamps for certain game birds, animals and aquatic organisms, by restructuring the language authorizing the commission to issue lifetime and multi-year habitat, Nebraska migratory waterfowl, and aquatic habitat stamps. Authorizes replacement for lost stamps for no fee, but does not include commemorative brass plate permits. Also authorizes the commission to offer stamps at temporarily reduced rates for specific events or during certain timelines in conjunction with other permit sales.

Section 10 amends 37-438, which provides for annual and temporary park entry permit fees, removing the resident base permit fee of \$30 while leaving the \$35 cap, and raising the nonresident permit cap from \$45 to \$55. Also removes the fee base of \$6 for resident temporary permits and raises the cap for nonresident temporary permits from \$8 to \$10. Again, allows the commission to offer permits at temporarily reduced rates for specific events or during specified timeframes.

Section 11 amends 37-447, which provides for deer hunting permits and fees, by authorizing the commission to offer temporarily reduced rates for specific events or during specified timeframes, and authorizing preference points for a fee of not more than \$24 for residents and not more than \$72 for nonresidents. The point would be in lieu of entering the random drawing for a deer permit.

Section 12 amends 37-449, which provides for antelope hunting permits and fees, by authorizing the commission to offer temporarily reduced rates for specific events or during specified timeframes, and authorizing preference points for a fee of not more than \$24 for residents and not more than \$72 for nonresidents. The point would be in lieu of entering the random drawing for an antelope permit.

Section 13 amends 37-450, which provides for elk hunting permits and fees, by authorizing preference points for a fee of not more than \$24 for residents and not more than \$72 for nonresidents that would be issued in lieu of entering the random drawing for an elk permit.

Section 14 amends 37-4,111, which provides for paddlefish permits, by authorizing preference points for a fee of not more than \$24 for residents and not more than \$72 for nonresidents that would be issued in lieu of entering the random drawing for a paddlefish permit.

Section 15 amends 37-527, which provides the requirements for wearing hunter orange, by authorizing the commission to set the requirements during other authorized hunting seasons.

Section 16 amends 37-1214, which provides for motorboat registration and fees, by changing the fees from not more than \$23 for Class 1 boats to \$28; from not more than \$46 to \$51 for Class 2 boats; from not more than \$67.50 to \$72.50 for Class 3 boats; and from not more than \$115 to \$120 for Class 4 boats. Also removes the base fee of \$5 for the Aquatic Invasive Species Program, leaving the fee at not more than \$10.

Sections 17 and 18, amend 37-1215, which provides for motorboat registration fees outside of the registration period, and 37-1219, which provides for the remittance of fees, by eliminating reference to the fee for the Aquatic Invasive Species Program.

Section 19 repeals the original sections.

LB 770

LB 770 amends section 37-438 to establish a new, free lifetime park permit for disabled veterans. Disabled veterans qualify for a free lifetime park permit if they are a Nebraska resident, were honorably discharged, and are rated 50% or more disabled as a result of his/her service or 100% disabled non-service connected and receiving a pension from the U.S. Department of Veterans Affairs. All qualified applicants will receive this permit.

The bill also increases the price of an annual nonresident park permit for motor vehicles from a maximum of \$45 to \$65 and daily nonresident permits are increased from a maximum of \$8 to \$12.

LB 858

LB 858

LB 858 is the Natural Resources Committee's first priority bill. As introduced, LB 858 reorganizes, simplifies, streamlines, and modernizes the governance of the Municipal Energy Agency of Nebraska (MEAN) by amending MEAN's governing document, the Municipal Cooperative Financing Act (Sections 18-2401 to 18-2485). This law had been largely unchanged since it was enacted in 1981.

The bill, through AM 2346, became a vehicle for LB's 367, 855, 856, and 858. The bills included in LB 858 as amended make the following changes:

- LB 858 reworks the Municipal Cooperative Financing Act;
- LB 367 extends the sunset date for the Nebraska Litter Reduction and Recycling Act, and removes the Legislature's ability to transfer money out the Nebraska Litter Reduction and Recycling Fund;
- LB 855 eliminates legislative confirmation for certain members of the Niobrara Council;
- LB 856 extends the sunset date for the Nebraska Petroleum Release Remedial Action Cash Fund.

Explanation of amendments:

AM 2346 adds LB's 769, 855, 856 to LB 858.

AM 2997 applies an emergency clause to the entire bill, and alters language to ensure the Petroleum Release Remedial Action Cash Fund will apply retrospectively, which will prevent a gap in fund coverage. This amendment was necessary due to a four month gap during the Legislative session caused by the Covid-19 pandemic.

Final Bill Section-by-section description:

LB 858

The provisions of LB 858 are contained in the following sections of the final bill: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, pp. 2-12, Sections 21, 23, and 24, p. 23.

Section 1 amends section 18-2409 by adding language specifying that the governing body of an agency comprised primarily of municipalities is the board of directors.

Section 2 amends section 18-2410 by adding language extending the definition of "municipality" to agencies comprised primarily of municipalities.

Section 3 amends section 18-2413 by inserting hydroelectric power to the definition of "power project(s)."

Section 4 amends section 18-2414 by inserting language specifying that the definition of "project" does not include construction, maintenance, or remodeling of an agency's headquarters.

Section 5 amends section 18-2420 by striking language that names the director as elector for a municipality. Replaces it with language allowing the board to set the qualifications for appointment as a director in its bylaws.

Section 6 amends section 18-2427 by eliminating a requirement that the residence of each director be included in an agency creation petition to the Nebraska Power Review Board.

Section 7 amends section 18-2435 by inserting language to allow an agency's board of directors to remove a director and to set term length pursuant to its bylaws.

Section 8 amends section 18-2436 by inserting language to allow an agency's board to decide how many votes to allocate to each director voting class.

Section 9 amends section 18-2439 by inserting language to allow an agency's board, in its bylaws, to specify how a municipality will terminate participation in an agency, and to provide due process to a municipality facing termination, suspension, or expulsion.

Section 10 amends section 18-2445 inserting language to set the penal sum of a contractor's bond at the lesser of the contract amount or \$200,000,000, which may be satisfied

by a corporate surety bond, letter of credit, or a combination, as approved by the agency, and cleans up language. Adds language stating this provision only applies to electric generation facilities.

Section 11 amends section 18-2446 by: - inserting language to allow agencies to allocate funds by adopting a budget, to distribute funds using any method authorized by the agency, and striking previous language specifying authorized ways to allocate funds, clarifying reporting requirement, and inserting language requiring an agency be covered by bonds or insurance policies that adequately cover risks. Strikes previous surety bond requirement.

Section 12 amends section 18-2451 by replacing the deadline for audits from the end of the calendar year to the end of the fiscal year.

Section 13 amends section 18-2461 by inserting language allowing agencies to sell power projects, power plants, electrical generation plants, electrical distribution systems, or any parts thereof, to public power districts, irrigation districts, and cities and villages. Inserts additional language also allowing agencies to engage in joint ventures and do business with nonprofit electrical cooperatives.

LB 856

The provisions of LB 856 are contained in the following sections of the final bill: Section 14, 15, 16 and 17, pp. 12-20; Sections 21, 22, and 24, p. 23.

LB 856 amends sections 66-1519, 66-1523, 66-1525, and 66-1529.02 to extend the sunset date of the Petroleum Release Remedial Action Act from June 30, 2020 to June 30, 2024. The bill does this by striking 2020 and replacing it with 2024. The change is reflected throughout the bill. The bill contains an emergency clause and takes effect when passed and approved according to law. This emergency clause was applied to the entire bill through an AM 2997.

Section-by-section description:

Section 14 amends section 66-1519 by changing the Petroleum Release Remedial Action Fund sunset date for reporting releases from June 30, 2020 to June 20, 2024.

Section 15 amends section 66-1523 to extend the sunset date from June 30, 2020 to June 20, 2024, and strikes ambiguous language

Section 16 amends section 66-1525 to extend the sunset date from June 30, 2020 to June 20, 2024.

Section 17 amends section 66-1529.02 to extend the sunset date from June 30, 2020 to June 20, 2024.

LB 855

The provisions of LB 855 are contained in the following sections of the final bill: Section 18, pp. 20-22; Section 21, 23, and 24, p. 23.

LB 855 eliminates legislative confirmation for members appointed to the Niobrara Council. Prior to this bill, seven of the sixteen appointments to the Niobrara Council were subject to legislative confirmation after being appointed by the Governor. The bill would strike language in section 72-2007 that provided for legislative confirmation for these appointments.

They included those representing landowners in Brown, Cherry, Keya Paha, and Rock counties, the appointment representing recreational business operating within the Niobrara scenic river corridor, the appointment representing the timber industry operating within the Niobrara scenic river corridor, and the representative of a nonprofit environmental, conservation, or wildlife organization.

Section-by-section description:

Section 18 amends section 72-2007 to eliminate legislative confirmation for certain members of the Niobrara Council.

LB 367

The provisions of LB 367 are contained in the following sections of the final bill: Sections 19 and 20, pp 22-23, Sections 21 and 23, p. 23.

LB 367 extends the termination date of the Nebraska Litter Reduction and Recycling Act from October 30, 2020 to September 30, 2025. The bill would also strike language allowing transfers from the Nebraska Litter Reduction and Recycling Fund to the General Fund at the direction of the Legislature. Section 2 would amend section 81-1566 to extend the Nebraska Litter Reduction and Recycling Fund's termination date from October 30, 2020 to September 30, 2025. Section 3 would repeal the original sections.

Section-by-section description:

Section 19 amends section 81-1558 by eliminating the Legislature's ability to make transfers to the General Fund from the Nebraska Litter Reduction and Recycling Fund by striking the enabling language.

Section 20 amends section 81-1566 to extend the termination date of the Nebraska Litter Reduction and Recycling Act from October 30, 2020 to September 30, 2025.

Section 21 through 23 repeal the original sections of the included bills, and provides a June 30, 2020 operative date to the Petroleum Release Remedial Action Fund sections.

Section 24 applies an emergency clause to the entire bill.

LB 899

LB 899 was Sen. Moser's priority bill. It amends section 70-625 to provide public power districts in Nebraska the authority to develop, manufacture, use, purchase, or sell biofuels, biofuel byproducts, and other fuels which help reduce greenhouse gas emissions. "Biofuel" is not defined in the bill, but is generally considered to be a fuel produced through contemporary processes from biomass, rather than a fuel produced by very slow geological processes involved in the formation of fossil fuels.

Explanation of amendment:

AM 2487 specifies that public power districts are only permitted to develop, manufacture, use, purchase, or sell *advanced* biofuels, biofuel byproducts, and other fuels so

long as such actions are done help offset greenhouse gas emissions. Advanced biofuels are generally derived from non-food biomass sources, as opposed from conventional biofuels, which can be made from food sources. By definition, advanced biofuels have lower baseline lifecycle greenhouse gas emissions than other biofuels. The amendment also provides that public power districts may only sell advanced biofuels, biofuel byproducts, and other fuels and fuel byproducts that help offset greenhouse gas emissions at *wholesale*.

LB 632

LB 632

LB 632 makes a nonsubstantive technical change to a rural water districts statute. It served as a vehicle for four other committee bills and became the Natural Resources Committee's second priority bill.

Explanation of amendment:

AM 2766 to LB 632 strikes the original contents of LB 632 and became the bill. The amendment adds the provisions of LB 769 as introduced, and LB's 861, 933, and 1201, all as amended by the committee. The bills included in LB 632 as amended make the following changes:

- **LB 769 adds a Nebraska residency requirement for membership on the Natural Resources Commission;**
- **LB 861 imposes state uniformity for container regulations;**
- **LB 933 requires utilities to make additional information about their disconnection and reconnection policies available, limits the fees that may be charged for disconnection and reconnection, and extends illness postponement for utility disconnections;**
- **LB 1201 creates the Flood Mitigation Plan Development group, and tasks it with creating an updated statewide flood mitigation plan.**

Final Bill Section-by-section description:

LB 769

The provisions of LB 769 are contained in the following sections of the committee amendment: Section 1, pp. 2-4, and Section 14, p. 11.

LB 769 would amend Section 2-1504, which created the Nebraska Natural Resources Commission, by adding a requirement that each member of Nebraska Natural Resources Commission to be a resident of the state of Nebraska.

Section-by-section description:

Section 1 amends section 2-1504 to require members of the Nebraska Natural Resources Commission be Nebraska residents.

LB 861

The provisions of LB 861, as amended by AM 2672, are contained in the following sections of the committee amendment: Sections 2, 3, 4, 5, and 6, pp. 4-6, and Section 14, p. 10.

LB 861 amends the Integrated Solid Waste Management Act ("the Act") to help ensure uniform regulation of containers throughout the state, and to encourage recycling and secondary use processes. The purpose of LB 861 is to address the regulatory burden retailers could experience if cities, counties, and agencies were allowed to enforce a patchwork of various regulations for containers. The bill does this by adding a definition for "container" to the Act, and by prohibiting cities, counties, and agencies

from setting, enforcing, or otherwise administering any ordinance or resolution that sets other standards, fees, prohibitions, or requirements for the sale, use, or marketing of containers other than those found in the Act. County, municipality, and agency recycling and solid waste collection programs are not included under this section so long as the programs are not prohibiting the sale, use, or marketing of any container. The bill also states a policy of encouraging secondary use processes, specifically pyrolysis and biomass.

Explanation of amendments:

AM 2672 was adopted while LB 861 was in committee. It removed consumer merchandise uniformity from the bill, leaving only container uniformity. This significantly narrowed the scope of the bill.

AM 3218 was adopted on Select File to clarify that the bill was not meant to interfere with existing municipal solid waste programs.

Section-by-section description:

Section 2 through 5 amends section 13-2001, 13-2003, and 13, 2017 to define “container” and state a policy to encourage uniform container regulation and secondary use processes, including pyrolysis or biomass.

Section 6 amends section 13-2023 to bar a county, municipality, or agency from adopting, enforcing, or administering standards, fees, prohibitions or requirements relating to the sale, use and marketing of containers, if they are different than state law.

LB 933

The provisions of LB 933, as amended by AM 2394, are contained in the following sections of the committee amendment: Sections 7 and 8, pp. 6-9, and Section 14, p. 10.

LB 933 would amend section 70-1605 and 70-1606 by requiring that a disconnection be postponed or prevented upon presentation of a medical note from a doctor, APRN, or physician's assistant. It extends the grace period from thirty to sixty days and specifies that customers have five business days to provide the medical note. Utility companies are required to publish certain information about disconnections on their websites and by mail upon request, and are prevented from charging disconnect or reconnect fees that exceed the reasonable cost of providing the service. The changes contained in LB 933 apply to public or private utility companies other than municipal utilities owned and operated by a village.

Explanation of amendment:

AM 2394 removes the proposed sixty day grace period for medical exemption households, and returns it to the original thirty day period.

Section-by-section description:

Section 7 amends section 70-1605 by limiting the fees a utility may charge for disconnection or reconnection to the reasonable cost incurred by the utility for disconnecting or reconnecting the customer. This section would not apply to a municipal utility owned and operated by a village.

Section 8 would amend section 70-1606 by making the following changes:

- Requiring that disconnection shall, rather than may, be postponed upon filing of a certification from a licensed physician or certain other health professional that a customer has an illness or handicap and would suffer an immediate and serious health hazard from disconnection of service;
- Allowing physician assistants and advanced practice registered nurses to make this certification. Previously, only licensed physicians could make the certification;

- Excluding holidays and weekends from the five (5) day period for filing an illness or handicap certificate with a utility; Requiring, rather than allowing, one postponement of disconnection for a certified illness or handicap household;
- Requiring a utility, excluding a municipal utility owned and operated by a village, to post on its website and upon request, to deliver by mail, the following information about disconnection and reconnection:
 - The utility's contact information;
 - Details about the subscriber's right to have a pre-disconnection conference to dispute the disconnection;
 - That the utility may not disconnect service pending such a conference;
 - Details about the potential for postponement or prevention of disconnection using a certificate from certain medical professionals;
 - That a subscriber may arrange for an installment payment plan;
 - Details about resources available for welfare recipients, and that welfare recipients should contact their caseworker when faced with potential disconnection;
 - Other consistent information as decided by the utility's board.

LB 1201

The provisions of LB 1201 are found in Section 9 through 14, pp. 9-11. The bill provides introduces new language that is not amending an existing statute.

LB 1201 would require the Department of Natural Resources to convene a flood plan development group. The plan development group will assist in the development of a stand-alone state flood mitigation plan, which will then be annexed into the Nebraska Emergency Management Agency's ("NEMA") state hazard mitigation plan. The bill lays out the plan development group and the Nebraska Department of Natural Resources' (NeDNR) duties, objectives, and criteria for developing such a plan. Section by section summary: Section 9 states legislative intent regarding flooding and mitigation strategies. Section 10 provides for the development of a state flood mitigation plan. Section 11 creates a flood plan development group, which shall be housed within the NeDNR, and lists the agencies and stakeholders that shall be included in the group. Section 12 states the NeDNR's duties for developing the state flood mitigation plan. These duties include to develop flood mitigation strategies, identify potential funding sources for flood mitigation and recovery, compile a list of critical infrastructure, evaluate and, if necessary, suggest changes to existing state laws and policies regarding flooding, and hold two public hearings. The provisions of LB 1201, as amended by AM 2753, are contained in the following sections of the committee amendment: Sections 9, 10, 11, 12, and 13, pp. 9-10.

Explanation of amendments:

AM 2753 rewrote LB 1201 to replace the task force with a plan development group, and moved administrative housing of the group from NEMA to NeDNR.

AM 3183 extended the final report date of the flood development group from December 31, 2021 to July 1, 2022.

Section-by-section description:

Section 9 declares that, in response to 2019 flooding, Nebraska must continue flood mitigation efforts.

Section 10 tasks the NeDNR to develop a stand-alone state flood mitigation plan, to be maintained by the NEMA.

Section 11 names the various agency and stakeholder members of the plan development group.

Section 12 lays out the objectives of the plan development group, which include hazard

mitigation planning, identifying potential funding sources for flood mitigation projects, identifying high-risk critical infrastructure, evaluating existing laws and making recommendations, and holding two public meetings.

Section 13 gives a completion deadline of July 1, 2022.

Section 14 repeals the original sections of all bills contained in LB 632,

LB 126

LB 126 amends section 37-455 to provide for special, reduced price landowner deer hunting permits and allow a three day early hunting season to landowners that own the requisite number of acres. Nebraska resident landowners would have to own at least eighty (80) acres to qualify for a single preseason permit, one hundred sixty (160) for two, two hundred forty (240) for three, and three hundred twenty (320) for the maximum of four. Non-Nebraska residents owning land in the state would have to own at least three hundred twenty (320) for a single permit, six hundred forty (640) for two, nine hundred sixty (960) for three, and one thousand two hundred eighty (1,280) for the maximum of four. Of these permits, up to two could be issued to people nineteen years of age and older, and up to two could be issued for individuals younger than nineteen. The cost of each permit is \$5.

Explanation of amendments:

AM 2150, AM 757, and AM 2380 were adopted to change eligibility requirements, price, season duration, and other provisions of limited landowner deer permits to reach the final version of the bill.

Section-by-section description:

Section 1 creates limited landowner permits to hunt deer during an early three day season, lays out eligibility requirements, and other rules concerning these permits.

Section 2 repeals the original section

LR 288

LR 288 was Sen. Slama's personal priority bill (resolution). It urged the United States Corps of Engineers to prioritize flood control as a top priority of the management of water systems under their authority in the Missouri River Mainstem Reservoir System Water Control Manual. Currently' the manual identifies eight goals: flood control, navigation, irrigation, hydropower, water supply, water quality, recreation, and fish and wildlife. These priorities are taken into account when the Corps chooses how to manage releases of water from the reservoirs. These priorities are not ranked or integrated into a clear operating plan, however, and are often in conflict with one another. For instance, the Corps sometimes does not preemptively release water from reservoirs leading up to flood season in order to maintain fish and wildlife habitats. This LR would urge the Corps to reprioritize, and to send copies of this resolution to Nebraska's Congressional delegates.

SUMMARIES OF BILLS HELD IN COMMITTEE, INDEFINITELY POSTPONED AT END OF SESSION

LR 294

LR 294 would review various climate-related findings and acknowledge an anthropogenic climate and ecological crisis.

BILLS INDEFINIETLY POSTPONED

LB 46

LB 46 would have removed mountain lions from the list of species for which hunting permits are issued, effectively eliminating mountain lion hunting in the state.

Section-by-section description:

Section 1 amends 37-452, which list the age limits for hunting permits, by removing reference to mountain lions.

Section 2 repeals the original section.

Section 3 repeals outright 37-473, the statute that list the mountain lion permit fees, including the provision allowing for a permit auction.

LB 53

LB 53 would have expanded the duty of landowners and tenants in possession to clean obstructions from a watercourse, slough, drainage ditch, or drainage course, and imposed a fine, court costs and attorney's fees for failure to comply.

Section-by-section description:

Section 1 amends 31-224, which requires landowners to clean a watercourse, slough, drainage ditch or drainage course running through his or her land, by adding that such watercourse, drain or ditch be cleaned to its natural depth and width when any blockage or obstruction is caused by the landowner or tenant. Cleaning is to be done once a year between March 1 and April 15. New language adds that a cleaning must be done any time between April 15 and the following March 1 within 30 days of notification by a landowner or tenant having the same watercourse, drain or ditch of a blockage or obstruction.

Section 2 amends 31-226, which provides penalties for failure to clear a watercourse, drain or ditch, by adding liability for court costs and reasonable attorney's fees, and clarifying that a landowner or tenant has failed to comply if notice was received at least 10 days before a complaint is filed or if notice was provided at least 10 days before a complaint filed, but after the 30 day period allowed in 31-224.

Section 3 repeals the original sections.

LB 285

LB 285 would have appropriated \$200,000 from the General Fund to the Nebraska Power Review Board ("NPRB") to fund a study examining how renewable energy sources could help improve the grid and obviate the need for upgrades, and state Legislative intent and a policy of encouraging development and operation of renewable energy generation projects. The study would be conducted by the NPRB, with input from a working group made up of various stakeholders from the electrical services industry, state agencies, and members of the Legislative body. The study findings would need to be submitted to the Executive Board of the Legislative Council, with a copy to the Clerk of the

Legislature, the Governor, and the members of the working group, on or before December 20, 2019.

Section-by-section description:

Sections 1 through 5 contain new language proposing that:

- Legislative intent is to appropriate \$200,000 to the Nebraska Power Review Board from the General Fund for a study of electrical transmission and distribution infrastructure and policy and future needs for electric transmission and distribution infrastructure and policy in the state to encourage and facilitate the development of renewable energy facilities.
- The policy of the state is to encourage development and operation of renewable energy generation, energy storage, and distributed energy generation while protecting ratepayers and resulting in economic development and cost savings.
- The purpose of the proposed study is to identify transmission and distribution constraints and opportunities and how to make energy storage part of the state's future electric transmission and distribution plans.
- The study is to include input from a working group which the Natural Resources Committee coordinates and provides for possible members of that group.
- The Nebraska Power Review Board issue a study RFP, not subject to the state's competitive negotiation policy, and present a report of the results to the Legislature and Governor by December 20, 2019.

Section 6 contains an emergency clause.

LB 368

LB 368 would have eliminated the overappropriated designation for river basins, subbasins, and reaches. Each basin, subbasin, or reach currently deemed overappropriated would have its designation changed to fully appropriated. This change would be reflected in chapters 2, 46, 61, 77, and 81 of Nebraska Revised Statutes.

Section-by-section description:

Section 1 amends 2-969, which creates the Riparian Vegetation Management Task Force and lists criteria for members, by removing references to appointment of members from overappropriated river basins.

Section 2 amends 2-3225, which provides for natural resources districts' levy authority, by eliminating reference to overappropriated basins having the authority to use the 3-cent levy.

Sections 3, 8, and 13 make referencing or technical changes to 2-32,115, 46-706, and 46-718.

The following sections eliminate references to basins designated as overappropriated, leaving the provision of law applicable only to basins designated as fully appropriated:

Section 4 amends 46-229.04, which provides for the number of years a sufficient cause for nonuse of a water appropriation lasts;

Section 6 amends 46-294, which lists the application requirements for intrabasin transfers of water;

Section 7 amends 46-703, which lists legislative findings for the Groundwater Management and Protection Act;

Section 16 amends 46-753, which creates the Water Resources Trust Fund;

Section 18 amends 61-218, which creates the Water Resources Cash Fund;

Section 19 amends 77-3442, which provides for local government property tax levy authorities; and

Section 20 amends 81-15,175, which provides for allocations from the Nebraska Environmental Trust Fund.

The following sections eliminate references to basins designated as overappropriated and replaces them with references to basins designated as fully appropriated:

Section 5 amends 46-290, which provides for approval of transfer or change applications for intrabasin transfers of water;

Section 9 amends 46-713, which requires the Department of Natural Resources to make annual evaluations and make determinations of appropriation status, by removing references to overappropriated, eliminating the standard used to designate a basin as overappropriated, and providing that any river basin, subbasin or reach deemed overappropriated prior to this act is to be deemed fully appropriated on the bill's effective date.

Section 10 amends 46-714, which provides the procedures that take place when a basin is declared fully or overappropriated, by eliminating the procedures for issuing moratoria on new uses in overappropriated basins.

Section 11 amends 46-715, which requires development of integrated management plans for fully and overappropriated basins, by eliminating references to overappropriated basins, and eliminates integrated management and basin-wide planning requirements for overappropriated basins.

Section 12 amends 46-716, which provides for surface water controls in integrated management plans, by requiring, rather than allowing IMPs to adopt such controls, and adding that the controls should include requirements needed to maintain compact or other agreement compliance.

This section also adds language that requires the Department of Natural Resources to manage on-stream reservoirs in fully appropriated basins as flood control structures which are not to exceed 80% capacity before March 1 each year to allow for snow melt and runoff.

Section 14 amends 46-720, which provided transition procedures between the old and new water management laws, by eliminating drilling suspension procedures for areas declared as overappropriated.

Section 15 amends 46-740, which provides for limitations and conditions on groundwater allocations, by making water use limitations that were applicable to overappropriated basins now applicable to fully appropriated basins.

Section 17 amends 46-755, which provides for a basin-wide planning process, by eliminating an exception from required basin-wide planning for areas that have already implemented a basin-wide plan.

Section 21 repeals the original sections.

LB 509

LB 509 would have redefined the terms of net metering and qualified facilities, and change powers and duties of a local distribution utility regarding net metering. Namely, it would have increased permissible net metered generation by customer-generators from 25 kilowatts to 100 kilowatts, reworked rate categories, and allowed utilities to cap customer-generators generating in excess of their usage level.

Section-by-section description:

Sections 1-3 would amend 70-2002 and 70-2003 to:

- Increase the maximum permitted level of net metered customer-generation in the state from 25 kilowatts to 100 kilowatts;
 - Create a new rate class for net metered users;
 - Limit the rate that may be charged users that generate more than 5 kilowatts to a level 20% higher than the utility's equivalent fixed rate for non customer-generators;
 - Authorize local distribution utilities to cap a customer-generator that generates more than 25 kilowatts at 110% of their average monthly usage, or at 100% of their average monthly usage if the utility can show risk to its distribution system or grid reliability.
 - Repeal the original sections.
-

LB 580

LB 580 would have amended section 13-2042 and 13.2042.01 to increase the per-ton dumping fee paid to the Department of Environment and Energy by landfill operators under the Nebraska Integrated Solid Waste Management Act from \$1.25 to \$2.00. The \$0.75 differential would be rebated back to the originating landfill entity and used specifically for residential household hazardous waste facilities and/or household hazardous waste collection events. This rebate would replace the current Waste Reduction and Recycling Grant funds that have been used to fund the state's household hazardous waste facilities and collection events.

Section-by-section description:

Section 1 amends 13-2042, which provides for the landfill disposal fee under the Integrated Solid Waste Management Act, by changing the disposal fee from \$1.25 to \$2 for each 6 cubic yards of uncompacted solid waste, and from \$1.25 to \$2 for each three cubic yards of compacted solid waste, or \$2 per ton of solid waste.

Section 2 amends 13-2042.01, which requires the DEQ to provide a rebate to municipalities or counties of the landfills, by changing the rebate from 10-cents to "a portion" of the disposal fee, depending on whether the municipality or county has a DEQ approved recycled product purchasing policy. If it does, the rebate is 10-cents of each fee. New language states that if the municipality or county uses the funds for residential household hazardous waste collection events or for residential household hazardous waste facilities, then the rebate is 75-cents of each fee.

New language states that the 75-cent rebate is to be based on the household hazardous waste facility's operating budget for the previous year and the amount of funding received from other grant programs.

New language further requires reporting in order to continue receiving the rebate, and provides additional rebate requirements.

Section 3 provides an operative date of October 1, 2019.

Section 4 repeals the original sections.

LB 606

Would have allowed for sale of real property owned by water augmentation projects, and for the water augmentation project to retain its water rights.

Section-by-section description:

Section 1 creates new language that would:

- Authorize NRDs to develop water augmentation projects for streamflow enhancement and to acquire real property for such projects;
- Require the governing NRD to allocate the amount of ground water to be withdrawn for an augmentation projects for streamflow enhancement;
- Allow a water augmentation project owner to sell real estate bought for the project, but authorize such owner to continue pumping water for beneficial use needed for the augmentation project, without regard to the land owned.

Section 2 requires that this new language be placed in Chapter 2, article 32, which contain the general rights and duties of Natural Resources Districts.

LB 700

LB 700 would have imposed additional requirements for decommissioning and reclamation of a wind energy conversion system.

Section-by-section description:

Section 1 creates new language, stating that every person owning, operating or managing a wind energy conversion system is responsible for all decommissioning or reclamation costs necessary for removal of the system, including above ground and underground equipment and land restoration to its natural state. Defines reclamation as restoration of the area on which a wind energy conversion system is constructed to its condition prior to construction.

Sections 2, 3 and 4 amend 66-901, 66-902, and 72-272, which provide legislative findings and definitions for wind and solar energy development and authorize the Board of Educational Lands and Funds to make wind or solar energy production agreements, by adding reference to the new language in section 1.

Section 5 repeals the original sections.

LB 802

LB 802 would have made a legislative declaration that the right to use ground water is an inseparable attribute of owning fee simple title in the overlying land. Preexisting statutory exemptions to this rule, as well as the regulatory authority granted under the Nebraska Ground Water Management and Protection Act, would not be altered.

Section-by-section description:

Section 1 proposed new language make a legislative declaration that the right to use ground water is an inseparable attribute of owning fee simple title in the overlying land. Preexisting statutory exemptions to this rule, as well as the regulatory authority granted under the Nebraska Ground Water Management and Protection Act, would not be altered.

LB 845

LB 845 would have amended section 46-715 to allow augmentation projects for streamflow enhancement to sell the real property associated with the project and continue to pump groundwater in the amount necessary for augmentation purposes, without regard to land area or acres owned.

Section-by-section description:

Section 1 inserts language into section 46-715 that would allow augmentation projects to sell the project's real property but continue pumping groundwater. It would also allow an augmentation project to pump in the amount necessary for augmentation purposes without regard to the land area or acres owned.

Section 2 would repeal the original section.

LB 859

LB 859 would have changed an eligibility requirement for members of the Game and Parks Commission. The bill would amend section 37-101 to require at least three (3) members of the Game and Parks Commission to be actually engaged in farming or livestock production. This section currently requires at least three (3) members to be actually engaged in agricultural pursuits. Current members affected by this change would be allowed to serve out the duration of their term.

Section-by-section description:

Section 1 amends 37-101 by replacing the term "agricultural pursuits" with "agricultural production." Also, amends 37-101 by adding language to allow a commissioner to serve the remainder of his or her term even if the commissioner no longer satisfies the requirements for serving on the Game and Parks Commission.

Section 2 repeals the original section

LB 86o

LB 863 would have amended section 37-303 to limit the amount of land the Game and Parks Commission is allowed to own to the number of acres it owns on September 1, 2020. The Game and Parks Commission would not be able to purchase or acquire title to any additional sites if the purchase or acquisition would cause the Game and Parks Commission to exceed its September 1, 2020 property holding level.

Section-by-section description:

Section 1 amends 37-101 to remove outdated language and clarify when commissioner terms begin.

Section 2 amends 37-102 to redefine Game and Parks Commission district boundaries and adjust commissioner assignments to ensure all districts have a commissioner.

LB 863

LB 863 would have limited ownership of land by the Nebraska Game and Parks Commission.

Section-by-section description:

Section 1 amends 37-303 by inserting language capping the amount of land the commission can own at the level it is on September 1, 2020.

Section 2 repeals the original section.

LB 1071

LB 1071 would have created the Wildlife Damage Recovery Act ("the Act"). The Act would compensate agricultural producers for damage to farm products caused by antelope, deer, or elk. Compensation would come from the Wildlife Damage Recovery Fund ("the Fund"), which would be administered by the Wildlife Damage Recovery Council ("the Council"), both of which would be created by the Act. A producer seeking compensation would have to file a claim with the Council. Compensation may be limited or denied if the Council finds the producer did not exercise reasonable care and diligence to avoid or mitigate the damage or unreasonably restricted access to their land after receiving written notice from the Game and Parks Commission ("the Commission") that granting access was necessary to mitigate damage. This bill would set the procedure for claims made under the Act.

Section by section description:

Section 1 establishes the Wildlife Damage Recovery Act.

Section 2 defines "claimant," "commission," "council," "farm product," "farming or livestock production," and "wildlife."

Section 3 states a legislative finding that Nebraska benefits financially from hunting and that landowners should be compensated for damage caused by wildlife.

Section 4 creates the Wildlife Damage Recover Council to manage and administer the Wildlife Damage Recovery Fund. The Council shall be made up of three individuals. Each member must be actively engaged in farming or livestock production. Members shall be appointed by the Governor and approved by a majority vote of the Legislature.

Section 5 states that the Commission shall provide reimbursement and administrative support for Council members

Section 6 gives the Council authority to determine the amount of financial loss due to wildlife damage and to advise the Commission on the administration and management of the Fund.

Section 7 creates the Wildlife Damage Recovery Fund and provides for an annual transfer of \$3 million to the Fund from the State Game Fund.

Section 8 allows individuals with a direct financial interest in agriculture and who have farm products damaged by wildlife activity to apply for compensation from the Fund. It also sets the process for an investigation of the damage, the determination of the damage amount, and factors to be taken into account during the investigation. Claims filed for damage to crops under cultivation or harvested crops must be within seventy-two hours of the damage being discovered. For orchards, the claim may be filed at any time damage occurs.

Recovery may be limited or denied if the Council finds that the claimant failed to exercise reasonable care and diligence to avoid or minimize the wildlife damage, or unreasonably restricted hunting or passage on the property after receiving written notice from the commission that granting access was necessary to mitigate wildlife damage.

Section 9 gives the Council discretion to pay an award or deny a claim based on their findings during the investigation conducted pursuant to Section 8.

Section 10 sets the procedure for a claimant to refuse and challenge an award amount and procedure for a claimant to challenge the denial of a award.

Section 11 allows the commission to preemptively offer mitigation assistance for wildlife damage to agricultural producers who apply for assistance.

Section 12 allows the commission to adopt rules and regulations to carry out the Act.

Section 13 amends section 73-324 to create an exception to allow the Fund to receive money that would otherwise go into the State Game Fund, and states legislative intent.

Section 14 amends section 37-1273 to allow fees from the State Boat Act to be transferred to the General Fund and to the Wildlife Damage Recovery Fund.

Section 15 repeals the original sections.

LB 1072

LB 1072 would have allowed certain natural resources districts to issue flood protection bonds and use bond proceeds for flood protection projects.

Section-by-section description:

Section 1 would have added language to section 2-3226.10 to give all natural resources districts in the state bonding authority for flood protection projects.

Section 2 defines flood protection projects in section 2-3226-11 as including, but not being limited to, low-impact development best management measures, conveyance channels, dams, reservoir basins, and levees.

LB 1132

LB 1132 would have amended sections 70-2001, 70-2002, and 70-2003 to increase the capacity threshold for electrical net metering customer-generators, provide for additional permissible generation sources for net metering, and create a new rate class for net metered customer-generators.

Section-by-section description:

Section 1 would amend section 70-2001 to make Legislative declarations that customers have a right to make substantial use of net metering, and that net metering enhances the efficiency and reliability of the existing electrical grid; renumber sections.

Section 2 would amend section 70-2002 to:

- Allow a utility to charge customer-generators a fixed net metering fee not to exceed the cost of calculating their net metering credits plus 10%; prohibit the utility from charging other net metering fees; eliminate other fees for customer generators;
- Allow customer-generators to generate electricity using any form of generation technology;
- Use a customer-generator's average monthly energy usage for previous calendar year to calculate a customer-generator's allowed generation level;
- Strike the existing qualified facility maximum rated capacity threshold of 25 kilowatts; instead allow customer-generators to have a rated capacity of up to 110% of their average annual use, and allow a local distribution system to reduce a customer-generator's rated capacity down to 75% the customer-generator's average monthly usage if the generation is in excess of the customer's average monthly usage and the utility can show a risk to its distribution system or grid;
- Require customer-generators to provide an accessible disconnect switch at their own expense.

Section 3 would amend section 70-2003 to:

- Increase the overall system cap for net metering projects from 1% to 5% of a utility's average monthly peak demand;
- Strike language which prevented local distribution utilities from requiring customer-generators to purchase additional liability insurance, and set new insurance requirements for customer-generators based on their level of generation;
- Remove the 25 kilowatt capacity threshold and insert a capacity limit for customer-generators of 110% of annual usage;
- Require local distribution utilities to designate a contact person for net metering questions and to make additional net metering information available to customers;
- Require local distribution facilities to adopt standards governing the installation, interconnection, and other net metering requirements for various customer-generator categories up to 5 megawatts.

Section 4 repeals the original sections

LB 1173

LB 1173 would have amended various Game and Parks statutes to create a new class of limited, transferable permit to hunt either antelope, deer, or elk. These permits would be available to qualifying landowners, leaseholders, and family members when antelope, deer, or elk cause damage to their property. If the Game and Parks Commission ("the Commission") fails to respond to an application within 15 days, the applicant may kill any antelope, deer, or elk that is believed to be causing the damage.

Section-by-section description:

Section 1 would add language to section 37-410 to create an exception for the limited transferable permits created in this bill.

Section 2 would add language to section 37-447 to allow a landowner or leaseholder to apply for a limited transferable permit to hunt deer whenever deer cause damage to their property or crops.

Section 3 would add language to section 37-449 to allow a landowner or leaseholder to apply for a limited transferable permit to hunt antelope whenever antelope cause damage to their property or crops.

Section 4 would add language to section 37-450 to allow a landowner or leaseholder to apply for a limited transferable permit to hunt elk whenever elk cause damage to their property or crops.

Section 5 would add language to section 37-455 to:

- Extend limited permit provisions to qualifying landowner, leaseholders, and immediate family members; set landowner/leaseholder acre ownership requirements; list application requirements.
- Provide that the Commission must issue or deny any qualifying application within 15 days of receiving an application, and if the Commission fails to respond in this time the applicant may kill or take all animals of that species believed to be causing the damage. The applicant then must report any kill or taking to the Commission within 3 days.
- Establish transferable permits, specify that only one applicant may be granted a limited transferable permit for the same species on the same property, and state that issuance of a limited transferable permit does not preclude a permittee from obtaining any other hunting permit.

Section 6 would harmonize references in section 37-456.

Section 7 would amend section 37-560 to establish requirements for a landowner or leaseholder's damage report pursuant to a limited transferable permit application, and set requirements for the Commission's follow-up inspection.

Section 8 would repeal original sections.

LB 1205

LB 1205 would have required all governmental entities that provide electric services within the state to bring into service an increasing level of renewable generation capacity over the next ten (10) years. By the end of 2022, each public power supplier shall have placed into service renewable electric power generation capacity equal to 35% of the supplier's median annual generation for 2019 to 2021. By the end of 2026, each supplier shall have placed into service renewable generation capacity equal to 50% of the supplier's median annual generation between 2023 to 2025. By the end of 2030, each supplier shall have placed into service renewable generation capacity equal to 75% of the supplier's median generation between 2027 to 2029.

Section-by-section description:

Section 1 would name the Renewable Energy Standards Act.

Section 2 would declare a state policy of encouraging development and use of renewable electric power.

Section 3 would define “public power supplier” and “renewable energy generation facility.”

Section 4 would allow a public power supplier to place renewable electric power generation capacity in service by either building or buying renewable production facilities, or by contracting to purchase electricity from renewable production facilities.

Section 5 would establish a timetable for adoption of renewable electric power generation capacity.

Section 6 would set an operative date of January 1, 2021.

BILLS WITHDRAWN

LB 904

LB 904 would have provided for use of the Water Sustainability Fund added sustainable use of water in food production, transfer \$900,000 annually for operation of the University of Nebraska's Daugherty Water for Food Institute from the Water Sustainability Fund, and to increase the Water Sustainability Fund's General Fund transfer from \$3,000,000 to \$12,000,000 annually.

INTERIM STUDY RESOLUTIONS

<u>Resolution No.</u>	<u>Subject</u>
333	Interim study to examine the possibility of placing reservoir(s) on the Platte River or its tributaries for the purpose of flood control, hydroelectric energy, recreation, economic development, and environmental stewardship.
340	Interim study to examine the extent of surface water irrigation in Nebraska and the condition of the surface water irrigation projects.
373	Interim study to conduct a comprehensive review of statutory and regulatory policies of the State of Nebraska as they pertain to Nebraska's biofuels industry.
446	Interim study to review the rulemaking process, implementation, and impact of the most recent rule and policy changes considered or implemented by the Game and Parks Commission regarding Lake McConaughy and Lake Ogallala state recreation areas.