

2017

LEGISLATIVE BILL SUMMARIES

**NATURAL RESOURCES COMMITTEE**

NEBRASKA LEGISLATURE

ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

***NATURAL RESOURCES COMMITTEE MEMBERS***

Senator Dan Hughes, Chairperson  
Senator Bruce Bostelman, Vice-Chairperson  
Senator Joni Albrecht  
Senator Suzanne Geist  
Senators Rick Kolowski  
Senator John McCollister  
Senator Dan Quick  
Senator Lynne Walz

2017

LEGISLATIVE BILL SUMMARIES  
NATURAL RESOURCES COMMITTEE

NEBRASKA LEGISLATURE

ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

***NATURAL RESOURCES COMMITTEE MEMBERS***

Senator Dan Hughes, Chairperson  
Senator Bruce Bostelman, Vice-Chairperson  
Senator Joni Albrecht  
Senator Suzanne Geist  
Senators Rick Kolowski  
Senator John McCollister  
Senator Dan Quick  
Senator Lynne Walz

**COMMITTEE STAFF**

Laurie Lage, Legal Counsel  
Mandy Mizerski, Committee Clerk

# TABLE OF CONTENTS

2017 NATURAL RESOURCES COMMITTEE BILL INDEX .....	4
BILLS LISTED BY HEARING DATE .....	6
SUMMARIES OF ENACTED BILLS .....	9
SUMMARIES OF BILLS ADVANCED .....	13
SUMMARIES OF BILLS HELD IN COMMITTEE .....	14
BILLS INDEFINITELY POSTPONED .....	20
INTERIM STUDY RESOLUTIONS .....	26

**Natural Resources Committee 2017**  
**105<sup>rd</sup> Legislature**

**BILL INDEX**

- LB 87 (Blood) Redefine a qualified facility and authorize local distribution utilities to waive certain requirements relating to net metering. *IPP by Committee* (p. 20)
- LB 154 (Geist) Exempt completion certification for dam or reservoir from filing fee. *Signed by Governor 5-10-17* (p. 9)
- LB 176 (Bostelman) Eliminate obsolete provisions related to milldams. *Signed by Governor 5-10-17* (p. 9)
- LB 182 (Hughes) Change powers and duties of the Department of Environmental Quality under the Drinking Water State Revolving Fund Act. *Signed by Governor 4-27-17* (p. 10)
- LB 218 (Groene) Provide for installation of ground water pumps by public entities. *Held in Committee* (p. 14)
- LB 352 (Vargas) Adopt the Wind, Solar, and Fuel Cell Business Financing Act. *IPP by Committee* (p. 20)
- LB 390 (Albrecht) Change provisions relating to flood protection and water quality enhancement bonds. *Held in Committee* (p. 15)
- LB 392 (Larson) Adopt the Wind Friendly Counties Act. *Held in Committee* (p. 16)
- LB 429 (Wishart) Provide for virtual net metering. *IPP by Committee* (p. 21)
- LB 448 (Chambers) Eliminate provisions relating to the hunting of mountain lions. *Held in Committee* (p. 16)
- LB 488 (Groene) Adopt the Water Conservation Grant Act. *IPP by Committee* (p. 21)
- LB 504 (Brewer) Provide for a moratorium on industrial development of wind energy projects and for a task force study as prescribed. *Held in Committee* (p. 17)
- LB 533 (Vargas) Require liability insurance for and restrict locations of underground enhanced recovery injection wells and wastewater disposal wells. *IPP by Committee* (p. 22)
- LB 536 (Hughes) Clarify disbursement provisions for natural resources districts. *Held in Committee* (p. 17)
- LB 547 (Watermeier) State legislative findings and change provisions relating to eminent

domain and review by the Nebraska Power Review Board. *IPP by Committee* (p. 22)

LB 566 (Natural Resources Committee) Adopt the Interstate Wildlife Violator Compact. *Signed by Governor 4-27-17* (p. 11)

LB 610 (Kolowski) Adopt the Community Solar Energy Economic Development Act. *Held in Committee* (p. 18)

LB 626 (Larson) Adopt the Shared Community Solar Act. *IPP by Committee* (p. 23)

LB 635 (Bostelman) Change certain violations and penalties under the Game Law. *Held in Committee – amended into LB 566* (p. 18)

LB 636 (Bostelman) Prohibit interference with hunting, trapping, or fishing by intimidation using a telephone or other communication device. *Held in Committee* (p. 19)

LB 657 (Wayne) Adopt the Retail Electricity Transparency Act. *IPP by Committee* (p. 24)

LB 660 (Wayne) Adopt the Nebraska Retail Electricity Choice Act and remove a restriction on the sale or delivery of retail electricity by a private electric supplier. *IPP by Committee* (p. 25)

**2017 NATURAL RESOURCES COMMITTEE BILLS**

**Bills by Hearing Date**

5/23/2017

Hearing	Bill	Introducer	One-Liner	Status
<b>BILLS BY HEARING DATE</b>				
<b>WED.</b> 1-18-17				
			<b>No Hearings</b>	
<b>THURS.</b> 1-19-17				
			<b>Briefings:</b> Jeff Fassett, Director, Nebraska Department of Natural Resources David Bracht, Director, Nebraska Energy Office	
<b>FRI.</b> 1-20-17				
			<b>Confirmation Hearing</b>	
<b>WED.</b> 1-25-17				
	LB 182	Hughes	Change powers and duties of the Department of Environmental Quality under the Drinking Water State Revolving Fund Act	<b>Signed by Gov.</b> <b>4-27-17</b>
<b>THURS.</b> 1-26-17				
	LB 154	Geist	Exempt completion certification for dam or reservoir from filing fee	<b>Signed by Gov.</b> <b>5-10-17</b>
	LB 176	Bostelman	Eliminate obsolete provisions related to milldams	<b>Signed by Gov.</b> <b>5-10-17</b>
<b>FRI.</b> 1-27-17				
			<b>No Hearings</b>	
<b>WED.</b> 2-1-17				
	LB 390	Albrecht	Change provisions relating to flood protection and water quality enhancement bonds	<b>In Comm</b>
	LB 536	Hughes	Clarify disbursement provisions for natural resources districts <b>(Shell bill)</b>	<b>In Comm</b>
<b>THURS.</b> 2-2-17				
			<b>No Hearings – Southwest Power Pool Briefing</b>	

<b>FRI.</b> <b>2-3-17</b>				
			<b>No Hearings</b>	
<b>WED.</b> <b>2-8-17</b>				
	LB 566	NRC	Adopt the Interstate Wildlife Violator Compact - <b>PB</b>	<b>Signed by Gov.</b> <b>4-27-17</b>
	LB 635	Bostelman	Change certain violations and penalties under the Game Law – <b>amended into LB 566</b>	<b>In Comm</b>
	LB 636	Bostelman	Prohibit interference with hunting, trapping, or fishing by intimidation using a telephone or other communication device	<b>In Comm</b>
<b>THURS.</b> <b>2-9-17</b>				
	LB 626	Larson	Adopt the Shared Community Solar Act	<b>IPP</b>
	LB 392	Larson	Adopt the Wind Friendly Counties Act	<b>In Comm</b>
<b>FRI.</b> <b>2-10-17</b>				
			<b>No Hearings – Republican River Basin briefing Jeff Fassett, Director, DNR Justin Lavene, Dep. Attorney General</b>	
<b>WED.</b> <b>2-15-17</b>				
	LB 218	Groene	Provide for installation of ground water pumps by public entities	<b>In Comm</b>
	LB 488	Groene	Adopt the Water Conservation Grant Act	<b>IPP</b>
<b>THURS.</b> <b>2-16-17</b>				
	LB 657	Wayne	Adopt the Retail Electricity Transparency Act	<b>IPP</b>
	LB 660	Wayne	Adopt the Nebraska Retail Electricity Choice Act and remove a restriction on the sale or delivery of retail electricity by a private electric supplier	<b>IPP</b>
<b>WED.</b> <b>2-22-17</b>				
	LB 87	Blood	Redefine a qualified facility and authorize local distribution utilities to waive certain requirements relating to net metering	<b>IPP</b>

	LB 429	Wishart	Provide for virtual net metering	<b>IPP</b>
	LB 610	Kolowski	Adopt the Community Solar Energy Economic Development	<b>In Comm</b>
<b>THURS.</b> <b>2-23-17</b>				
	LB 448	Chambers	Eliminate provisions relating to the hunting of mountain lions	<b>In Comm</b>
	LB 547	Watermeier	State legislative findings and change provisions relating to eminent domain and review by the Nebraska Power Review Board	<b>IPP</b>
<b>FRI.</b> <b>2-24-17</b>				
			<b>No Hearings</b>	
<b>WED.</b> <b>3-1-17</b>			<b>Hearings start at 9:00 a.m.</b>	
	LB 504	Brewer	Provide for a moratorium on industrial development of wind energy projects and for a task force study as prescribed	<b>In Comm</b>
<b>THURS.</b> <b>3-2-17</b>				
	LB 352	Vargas	Adopt the Wind, Solar, and Fuel Cell Business Financing Act	<b>IPP</b>
	LB 533	Vargas	Require liability insurance for and restrict locations of underground enhanced recovery injection wells and wastewater disposal wells	<b>IPP</b>

**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:** 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

## SUMMARIES OF ENACTED BILLS

### LB 154

LB154 eliminates a \$10 fee for filing documents with the Department of Natural Resources certifying completion of new or modified dams as required by the Safety of Dams and Reservoirs Act. The act, in 46-1657(1), does not specify a filing fee, so another statute providing for miscellaneous fees to the Department of Natural Resources has been used to determine the appropriate fee. Neb. Rev. Stat. 33-105(8) states that for documents for which no fee has been fixed, a \$10 fee is to be paid. Statute would still require the submission of signed completion documents from the design engineer to be certified and submitted to the department. The Governor signed the bill into law on May 10, 2017.

#### Final Bill

**Section 1** amends 46-1657, which provides the filing requirements for new or modified dams under the Safety of Dams and Reservoirs Act, by adding that the owner of a new, reconstructed or enlarged dam and reservoir shall file a completion certificate with the Department of Natural Resources without a filing fee.

**Section 2** repeals the original section.

---

### LB 176

LB 176 repeals sections of statute related to milldams, which are obsolete. The Chapter 56 statutes on milldams were originally enacted in the late 1800s, long before the passage of current statutes on eminent domain and water rights. Most of the Chapter 56 sections were repealed in 1951, more in 1980, leaving just six sections that this bill would eliminate. The Governor signed the bill on May 10, 2017.

#### Final Bill

**Section 1** repeals the following sections from the statutes on milldams:

- \* 56-101: authorizes the use of eminent domain for certain landowners building milldams;
  - \* 56-115: provides for damages caused by milldams;
  - \* 56-124: allows a right of entry on adjoining lands to repair milldams to prevent breakthroughs;
  - \* 56-125: allows such adjoining landowners to recover for damages;
  - \* 56-126: allows mill owners to recover for damages to their milldams; and
  - \* 56-127: authorizes municipalities to acquire milldams in certain circumstances.
-

## **LB 182**

LB 182 clarifies provisions in the Drinking Water State Revolving Fund Act that authorize the Department of Environmental Quality to provide financial assistance to political subdivisions that operate public water systems for safe drinking water projects. Currently, the statute authorizes loans, grants and loan forgiveness for such political subdivisions with populations of ten thousand or less. LB 182 reflects the program's original intent that loans, grants and loan forgiveness be available to public water systems that serve populations of ten thousand or less, are operated by a political subdivision, and demonstrate financial hardship. The Governor signed the bill on April 27, 2017.

## **Final Bill**

**Section 1** creates new language that:

- Requires a governmental entity seeking to pump ground water to augment water supplies in order to comply with an interstate compact, prior to beginning acquiring land or pumping, to do the following:
  - Hold a public hearing to allow public comment on the need for such pumping, the purpose, the expected amount and duration of pumping; and
  - Adopt a resolution stating the need for and purpose of pumping, and expected amount and duration.
- Allows the public entity, after such hearing, to:
  - Purchase the land impacted by pumping for fair market value; and
  - Install wells and pumps in compliance with water well registration statutes
- Requires the public entity, after starting pumping, to:
  - Hold a public hearing every 5 years, allowing public comment on the resolution adopted prior to acquiring land and pumping. The hearing is also to review the resolution in consideration of:
    - The entity's compliance with the resolution;
    - The continued need of ground water pumping;
    - The effect of pumping on others within five miles of the pumping;
    - The effect of pumping on surface water rights;
    - The effect of pumping on ground water resources, including effect on the water table;
    - The sustainability of ground water pumping; and
    - The expected amount and duration of pumping.
    - This section also contains a retroactivity clause for entities pumping prior to this bill's enactment.
  - Adopt a resolution within 60 days after the hearing, stating whether there is a continued need for pumping, what the pumping is being used for, and expected amount and duration of the pumping.
  - After adopting the first 5 year resolution, sell in whole or in part the land

- purchased pursuant to a private bona fide purchaser for value without water rights.
- Retain irrigation water rights and easements as necessary to service, maintain, or replace water wells installed by the public entity (also allows purchaser to install domestic or livestock water wells)
  - Apply the proceeds from such sale of land in the following order:
    - Original land purchase debt;
    - Water well purchase and installation debt;
    - To the public entity or entities in a joint agreement in equal sums. (Also, states that the public entity may not transfer the irrigation water rights or sell the water wells except as allowed by this act.)
  - Requires the right to use ground water for irrigation to revert to the owner of the land where the water wells were installed, should the public entity no longer need to pump.
  - Allows the public entity to sell water pumps and related equipment for fair market value when the right to use ground water for irrigation reverts to the landowner, who shall have the right of first refusal for such sales.
  - Allows the Department of Natural Resources to adopt rules and regulations to carry out this act.
- 

## **LB 566**

The Interstate Wildlife Violator Compact is an agreement currently in place in almost every state that recognizes the suspension of hunting, fishing and other game law permits in another member state. Through the compact, states assist one another by participating in a database of game law violators, so that illegal activities in one state can affect a person's hunting and fishing privileges in all other participating states. The Interstate Wildlife Violator Compact was created to promote compliance with the laws, regulations, and orders related to the management of wildlife resources in member states. The compact also establishes a process in which game law violations by non-residents of one state may be handled as if the person were a resident of the state where the violation took place.

The bill also includes Sen. Bostelman's LB 635, a bill to strengthen penalties against Game Law violators. The Governor signed the bill on April 27, 2017.

## **Final Bill**

**Section 1** creates new language that: Adopts and enters the state into the Interstate Wildlife Violator Compact; Provides definitions; Provides citation procedures for the state issuing the violation; Provides reporting procedures for the home state; Provides how reciprocity works between states; Clarifies that nothing in the compact should hinder a state from applying any

of its laws; Provides process for withdrawing from the compact; Provides a severability clause; Assigns the Game and Parks Commission as the authorized entity to enforce the compact and provides additional procedures for them to follow;

**Section 2** amends 37-504, which lists the penalties for violation of the Game Law, by creating a separate Class II misdemeanor violation for unlawful hunting, trapping or having the possession of elk. Also raises the fine for such a violation from \$500 to \$1000 per violation, and clarifies that the fine for unlawful possession is per animal, up to maximum fine authorized by law. Also makes Mountain Sheep violations of Game Law Class I rather than Class II misdemeanor.

**Section 3** amends 37-513, which provides for the violation of shooting wildlife from a highway or roadway, by raising the penalty from \$100 to \$500.

**Section 4** amends 37-614, which provides how a game permit can be revoked or suspended, by providing for a minimum revocation and suspension period of three years for certain violations, and a minimum period of one year for others.

**Section 5** amends 37-615, which provides penalties for activities done with a revoked or suspended permit, by making such violation a Class I, rather than Class III misdemeanor, and removes the five year cap on further permit suspension but provides for a minimum two year suspension.

**Section 6** amends 37-617, which requires the courts to report suspensions and revocations to the commission, by striking the requirement that the commission notify permit agents.

**Section 7** repeals the original sections.

---

## **SUMMARIES OF BILLS ADVANCED**

No Natural Resources Committee bills are being held on any stage of debate.

## SUMMARIES OF BILLS HELD IN COMMITTEE

### LB 218

LB 218 would establish a process to be followed by governmental entities, governmental agencies, political subdivisions or joint entities created pursuant to the Interlocal Cooperation Act seeking to pump ground water for the purpose of augmenting water supplies in order to comply with an interstate compact to which the state is a party.

### Section-by-section description

**Section 1** of the bill creates new language that would:

- Require a governmental entity seeking to pump ground water to augment water supplies in order to comply with an interstate compact, prior to beginning acquiring land or pumping, to do the following:
  - Hold a public hearing to allow public comment on the need for such pumping, the purpose, the expected amount and duration of pumping; and
  - Adopt a resolution stating the need for and purpose of pumping, and expected amount and duration.
- Allow the public entity, after such hearing, to:
  - Purchase the land impacted by pumping for fair market value; and
  - Install wells and pumps in compliance with water well registration statutes
- Require the public entity, after starting pumping, to:
  - Hold a public hearing every 5 years, allowing public comment on the resolution adopted prior to acquiring land and pumping. The hearing is also to review the resolution in consideration of:
    - The entity's compliance with the resolution;
    - The continued need of ground water pumping;
    - The effect of pumping on others within five miles of the pumping;
    - The effect of pumping on surface water rights;
    - The effect of pumping on ground water resources, including effect on the water table;
    - The sustainability of ground water pumping; and
    - The expected amount and duration of pumping.
    - This section also contains a retroactivity clause for entities pumping prior to this bill's enactment.
  - Adopt a resolution within 60 days after the hearing, stating whether there is a continued need for pumping, what the pumping is being used for, and expected amount and duration of the pumping.
  - After adopting the first 5 year resolution, sell in whole or in part the land purchased pursuant to a private bona fide purchaser for value without water

rights.

- Retain irrigation water rights and easements as necessary to service, maintain, or replace water wells installed by the public entity (also allows purchaser to install domestic or livestock water wells)
  - Apply the proceeds from such sale of land in the following order:
    - Original land purchase debt;
    - Water well purchase and installation debt;
    - To the public entity or entities in a joint agreement in equal sums. (Also, states that the public entity may not transfer the irrigation water rights or sell the water wells except as allowed by this act.)
  - Require the right to use ground water for irrigation to revert to the owner of the land where the water wells were installed, should the public entity no longer need to pump.
  - Allow the public entity to sell water pumps and related equipment for fair market value when the right to use ground water for irrigation reverts to the landowner, who shall have the right of first refusal for such sales.
  - Allow the Department of Natural Resources to adopt rules and regulations to carry out this act.
- 

## **LB 390**

LB 390 would amend storm water management bond statute issued by a natural resources district (NRD) encompassing a city of the metropolitan class. The bill would allow a county board in an affected county to disapprove of projects located within its zoning jurisdiction. The removal of “exclusive” would allow a county board to pass a resolution of disapproval on projects throughout the county.

### **Section-by-section description:**

**Section 1** amends 2-3226.11, which describes the process for issuing flood protection and water quality enhancement bonds, by removing the requirement that a county board, if it passes a resolution objecting to the use of bonding for a project, can only object if the project is entirely within its zoning jurisdiction. Removal of the word “exclusive” means a county board may effectively block the project by passing a resolution of objection to a project even if only part of it is within its zoning jurisdiction.

**Section 2** repeals the original section.

---

## **LB 392**

LB 392 was introduced to provide counties assistance with promoting wind energy within their boundaries.

### **Section-by-section description:**

**Sections 1 through 4** create new language that:

- Creates the Wind Friendly Counties Act;
  - States legislative findings of benefits of wind energy production in rural areas and the public's interest in supporting and assisting its development;
  - Requires the Department of Agriculture to create a program to which counties may apply to be designated as a wind-energy friendly county;
  - Establishes criteria and standards, including:
    - Diversity of energy development in the county;
    - Passage of a resolution by the county showing a formal expression of interest;
    - Assurances that the county will work with all governmental jurisdictions in the county to implement wind energy; and
    - Flexibility of a county to design its own wind energy development program;
  - Provides that a wind-energy friendly county designation does not imply that other counties are not friendly to wind energy production;
  - Does not prohibit any county board from adopting a wind-energy friendly resolution;
  - Requires the Department of Agriculture to provide county zoning information useful for evaluating and crafting wind energy facility regulations that meet the objectives of the county and wind energy industry.
- 

## **LB 448**

LB 448 would eliminate the authority of the Game and Parks Commission to create a mountain lion hunting season.

### **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 504**

The bill requires the Department of Natural Resources (Department) to: define and designate a map of the Sandhills of Nebraska; chair and appoint a representative task force of up to thirteen members to make recommendations for siting of wind-generated energy projects there; and to make a report of findings to the Legislature by Dec. 1, 2019. The bill statutorily establishes a two year moratorium on industrial development of wind energy projects in the area known as the Sandhills.

### **Section-by-section description:**

**Section 1** amends 66-901, the statutes that define solar energy and wind energy, by adding legislative intent and findings that the use of these renewable sources of energy were important for the state to encourage AND *regulate* their use; that there is a risk of potential harm to certain natural prairie landscapes; and that state statutes were to protect unique aspects of the state's natural beauty and resources (along with a description and explanation of the Sandhills).

**Section 2** amends 66-902, which provides the definitions under the solar and wind energy statutes, by including reference to the new sections of this act.

**Section 3** creates new language calling for a two-year moratorium on industrial development of wind-generated energy and turbines in the Sandhills beginning January 1, 2018. Requires the Department of Natural Resources to appoint a special task force of no more than 13 members to study and make recommendations regarding wind project siting in the Sandhills in a report to the Legislature at the end of 2019. With the Department of Natural Resources Director acting as chairperson, other task force members with diverse backgrounds were to be selected.

**Section 4** repeals the original sections.

---

## **LB 536**

LB 536 was introduced to give the committee a "placeholder" piece of legislation that will remain in committee unless needed to advance language later during session.

### **Section-by-section description:**

**Section 1** amends 2-3224, providing the process to be used for a natural resources district to disburse funds, by updating the language and removing unnecessary words to improve the way the statute reads.

**Section 2** repeals the original section.

---

### **LB 610**

LB 610 creates the Community Solar Energy Economic Development Act. It provides a definition of a community solar project and allows those projects to apply for grants from the Nebraska Environmental Trust.

#### **Section-by-section description:**

**Sections 1 through 4** contain new language that:

- Creates the Community Solar Energy Economic Development Act;
- Provides policy findings;
- Defines community solar project as a generation facility that has an agreement to sell its output to a utility or political subdivision and allows subscribers to get bill credits proportionate to their subscriptions. Allows community solar projects to be operated by public power, nonprofits, or political subdivisions, or in conjunction with a for-profit entity to monetize tax credits;
- Defines subscriber as one who has invested at least \$100 in a community solar project;
- Authorizes a community solar project to apply for Nebraska Environmental Trust funds and requires the application to disclose the number of participants in the community solar project, and allows projects to make joint applications;
- Prohibits a Nebraska Environmental Trust grant from exceeding 25% of the project's cost.

**Section 5** amends 81-15,173, which lists the powers and duties of the Nebraska Environmental Trust Board, by authorizing assistance with environmental proposals by granting support under the Community Solar Energy Economic Development Act.

**Section 6** repeals the original section.

---

### **LB 635**

LB 635 would increase the minimum fines for Game Law violations. The content of this bill was amended into LB 566, which was signed by the Governor on April 27, 2017.

#### **Section-by-section description:**

**Section 1** amends 37-504, which lists the penalties for violation of the Game Law, by creating a

separate Class II misdemeanor violation for unlawful hunting, trapping or having the possession of elk. Also raises the fine for such a violation from \$500 to \$1000 per violation, and clarifies that the fine for unlawful possession is per animal, up to maximum fine authorized by law. Also makes Mountain Sheep violations of Game Law Class I rather than Class II misdemeanor.

**Section 2** amends 37-513, which provides for the violation of shooting wildlife from a highway or roadway, by raising the penalty from \$100 to \$500.

**Section 3** repeals the original sections.

---

### **LB 636**

LB 636 would make it illegal to intimidate using a telephone or other electronic communication device, one who is hunting, trapping or fishing.

#### **Section-by-section description:**

**Section 1** amends 37-564, which prohibits interference with hunting, trapping, or fishing, by prohibiting knowingly and intentionally interfering or attempting to interfere by intimidation using a telephone or other electronic method of communication with one who is lawfully hunting, trapping or fishing or engaged in activity associated with hunting, trapping or fishing.

**Section 2** amends 37-568, which lists the methods used to harass hunters that are specifically prohibited, by adding use of a telephone to the list.

**Section 3** repeals the original sections.

---

## BILLS INDEFINITELY POSTPONED

### LB 87

LB 87 would have raised the net metering capacity for renewable electricity generators from 25 kilowatts to 100 kilowatts, and allow for the aggregation of facilities and meters. The committee voted to indefinitely postpone the bill on a 7-1 vote.

#### ***Section-by-Section Description***

**Section 1** amends 70-2002, which provides definitions for the net metering statutes, by changing the rated capacity of a qualified facility from 25 to 100 kilowatts, and allows a customer-generator to aggregate more than one qualified facility and meter to reach the rated capacity.

**Section 2** amends 70-2003, which provides the procedures for net metering, by allowing a customer-generator to bypass the requirements that their qualified facility intends only to offset their own electricity needs, and that it not be intended to offset electricity needs at another location.

**Section 3** repeals the original sections.

---

### LB 352

LB 352 would have created the Wind, Solar, and Fuel Cell Business Financing Act, and require the Nebraska Energy Office to create an online application process. The committee voted to indefinitely postpone the bill on an 8-0 vote.

#### ***Section-by-section description:***

**Sections 1 through 3** create new language that:

- Creates the Wind, Solar, and Fuel Cell Business Financing Act;
  - States legislative findings on solar energy development;
  - Requires the State Energy Office to create a standard online version of Form 20, the Wind, Solar and Fuel Cell Application that is currently required for Dollar and Energy Savings Loans;
  - Requires that the application can be submitted electronically;
  - Requires the State Energy Office to create easily accessible online templates to assist with the information required for Form 20.
-

## **LB 429**

LB 429 would have defined and authorized virtual net metering. The committee voted to indefinitely postpone the bill on a 5-2 vote.

### **Section-by-Section Description**

**Sections 1 and 2** create new language that:

- Authorizes virtual net metering by allowing subscribers to buy into a renewable energy generation facility that engages in net metering and allowing subscribers to receive a bill credit proportionate to their ownership in the project.
- 

## **LB 488**

LB 488 would have created the Water Conservation Grant Act, a grant program to be administered by the Department of Natural Resources using funding from the Water Sustainability Fund to retire irrigated acres. The committee voted to indefinitely postpone the bill on an 8-0 vote.

### **Section-by-section description:**

**Sections 1 through 6** create the Water Conservation Grant Act, which would do the following:

- Authorizes the Department of Natural Resources to accept applications for water conservation grants if:
  - The states subject to a multi-state compact have agreed to count any reduction in water usage through the program towards the state's compliance with the compact; and
  - The agricultural land, to be considered for a grant, is certified as irrigated acres, was actually irrigated at least one of the two years preceding the first grant application, is considered irrigated cropland for property tax purposes, is subject to the occupation tax, is not receiving payment from any other conservation program, and is within five miles of a river subject to a multi-state compact;
- Requires an applicant to agree to not irrigate the eligible land for the calendar year following the application period;
- Allows the department to prioritize applications based on the distance of the eligible land from the river subject to the multi-state compact;

- Authorizes the department to award grants for \$50 per acres of eligible land until an annual limit of \$3 million;
  - Exempts the land on which a grant was awarded from the occupation tax;
  - Requires NRDs to count the groundwater not used due to the grant program towards the caps set by the NRD's integrated management plan;
  - Creates the Water Conservation Grand Fund, into which \$3 million from the Water Sustainability Fund is to be transferred annually; and
  - Authorizes the department to adopt rules and regulations.
- 

### **LB 533**

LB 533 would have required proof of liability insurance before permits for underground enhanced recovery injection wells or wastewater disposal wells could be issued and limit where such wells could be drilled. The committee voted to indefinitely postpone the bill on an 8-0 vote.

#### ***Section-by-section description:***

**Section 1** amends 57-905, which provides the Oil and Gas Conservation Commission's powers and duties, by authorizing the Commission to require proof of liability insurance as described in this bill.

**Section 2** amends 57-906, which requires a permit from the Oil and Gas Conservation Commission before a well may be drilled, by adding new language by requiring proof of liability insurance of at least \$5 million before a permit to drill an underground enhanced recovery injection well, wastewater disposal well, or commercial disposal facility can be issued. Prohibits enhanced recovery injection well or wastewater disposal well permits if the well would be located where the depth of the drinking water aquifer begins less than 50 feet below the ground's surface or within a Level III Ecoregion 44 as defined by the U.S. E.P.A., otherwise known as the Sandhills.

**Section 3** repeals the original sections.

---

### **LB 547**

LB 547 would have allowed for privately developed electricity generation and transmission facilities, and eliminated the authority of public power districts to exercise the power of

eminent domain to acquire property. The committee voted to indefinitely postpone the bill on an 8-0 vote.

**Section-by-section description:**

**Section 1** creates new language stating legislative findings about economic development.

**Section 2** amends 70-667, which describes how public power and irrigation district systems are operated, by exempting a privately operated electric generation or transmission facility from public power's right to exercise eminent domain.

**Section 3** amends 70-670, which authorizes public power the right to have and exercise the power of eminent domain to acquire property useful for the operation of generation, transmission, or distribution of electrical energy, by eliminating the right for the operation of generation and transmission. Also eliminates a public power entity's ability to agree to limit its eminent domain right to acquire a renewable energy generation facility, and broadens the privately developed electric generation facilities that are subject to public power's eminent domain right from only renewable energy to all privately developed electric generation or transmission facilities.

**Section 4** amends 70-1014.02, which creates a special Power Review Board approval process for privately developed renewable energy generation facilities, by eliminating all references to "renewable energy" and replacing it with "electric", so that the special approval process put into statute for wind projects will apply to all privately developed electric generation or transmission projects. Also eliminates the claim that this law does not authorize a private electric supplier to sell or deliver retail electricity in Nebraska.

**Section 5** repeals the original sections.

---

**LB 626**

LB 626 would have created the Shared Community Solar Act, and required local distribution utilities to create a community solar pilot program. The committee voted to indefinitely postpone the bill on a 7-0 vote.

**Section-by-section description:**

**Sections 1 through 4** create new language that:

- States legislative findings telling the benefits of shared community solar and that it is in the public's interest to enable development;

- Provides definitions;
  - Requires a local distribution utility to create a community solar pilot program upon the request of a qualified organization of customers;
  - Requires a utility to provide credits for electricity produced, equal to the customer's portion of production;
  - Allows an organization of customers to request a utility to establish a shared community solar system and to regulate it;
  - Requires a utility to study the program;
  - Allows an organization of customers to contract with a third party to finance, build, own, or operate a shared community solar system; and
  - Clarifies that a system and its customers are not generation or distribution utilities.
- 

### **LB 657**

LB 657 would have required public utilities to "unbundle" billing information provided to customers on their bills, so that more detailed information related to generation, transmission, fixed and other costs could be provided. The committee voted to indefinitely postpone the bill on an 8-0 vote.

#### **Section-by-section description:**

***Sections 1 through 7*** would create new statutory language that:

- Creates the Retail Electricity Transparency Act;
- States legislative findings about the importance to customers of having detailed and specific electric billing information because there is no choice or competition in the electricity market;
- Requires that by July 1, 2018, all electric suppliers provide unbundled and transparent billing to all retail customers in the state;
- Requires charges to be specified for energy, generation, transmission, and distribution of electricity;

- Requires cost information on kilowatt-hour use, generation based on kilowatt-hour use, transmission; distribution, meter service, sustainable or renewable energy, decommissioning fee, demand charges, and any special assessments;
  - Requires electricity providers to put specific information in bills;
  - Authorizes Public Service Commission action by a customer seeking to enforce this act;
  - Authorizes the Public Service Commission to adopt rules and regulations.
- 

### **LB 66o**

LB 66o would have adopted the Nebraska Retail Electricity Choice Act and required the Public Service Commission to set the criteria for retail electric competition in Nebraska. Private electric suppliers would have been allowed to sell or deliver retail electricity and compete with public utilities for retail customers. The committee voted to indefinitely postpone the bill on an 8-0 vote.

#### ***Section-by-section description:***

***Sections 1 through 5*** create new language that:

- Creates the Nebraska Retail Electricity Choice Act;
- States legislative findings about the changing retail electricity market in Nebraska and claiming that the statutory requirements of determining whether conditions exist that would make retail electric competition beneficial for the state's citizens have been met;
- Requires the Public Service Commission to establish criteria for retail electric competition in Nebraska, hold public hearings, review other state's practices, adopt rules and regulations, file a report with the Governor and Legislature by December 15, 2017, which is to include recommendations for legislation necessary to carry out the act;
- Authorizes private electric suppliers to sell electricity at retail beginning July 1, 2018;
- Prohibits the use of eminent domain by public power over any generation, transmission or distribution property used for providing electricity to retail customers pursuant to this act.

***Section 6*** amends 70-1014.02, which provides the law governing privately developed renewable energy generation facility, by striking the prohibition against private electric suppliers from selling or delivering electricity at retail in Nebraska.

***Section 7*** repeals the original section.

## INTERIM STUDY RESOLUTIONS

<u>Resolution No.</u>	<u>Subject</u>
LR 4	Interim Study to explore if the development of a more comprehensive water quality study is needed
LR 125	Interim study to examine public power in Nebraska
LR 126	Interim study to examine the Nebraska Cooperative Republican Platte Enhancement project
LR 159	Interim study to examine issues under the jurisdiction of the Natural Resources Committee
LR 197	Interim study to examine issues surrounding the utilization of wood generated from the emerald ash borer infestation
LR 211	Interim study to examine giving consumers a choice among electricity supply options and greater information concerning their service and billing options
LR 237	Interim study to examine all aspects and the history of the Nebraska Cooperative Republican Platte Enhancement project
LR 239	Interim study to examine issues related to solar energy development in Nebraska
LR 245	Interim study to examine issues raised by LB 504, 2017, related to placing a moratorium on industrial development of wind energy projects