

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB632

Hearing Date: Thursday February 28, 2019
Committee On: Natural Resources
Introducer: Hughes
One Liner: Clarify a statutory reference relating to rural water districts

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Albrecht, Bostelman, Geist, Halloran, Gragert, Hughes, Moser
Nay:
Absent:
Present Not Voting: 1 Senator Quick

Oral Testimony:

Proponents:
Laurie Lage

Representing:
Legal Counsel for Natural Resources Committee on behalf of Senator Dan Hughes

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:
LB 632 makes a nonsubstantive technical change to a rural water districts statute.

Explanation of amendments:

AM 2766 to LB 632 strikes the original contents of LB 632, as introduced, and substitutes for the bill. The amendment adds the provisions of LB 769 as introduced, and LB 861, LB 933, and LB 1201, all as amended by the committee.

LB 769 summary of purpose and/or changes:

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 shall be a resident of the state of Nebraska.

The provisions of LB 769 are contained in the following sections of the committee amendment:

Section 1, pp. 1-4, and Section 14, p. 10.

LB 861 Summary of purpose and/or changes:

LB 861 would amend 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.

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 933 Summary of purpose and/or changes:

LB 933 would amend two sections of statute that relate to utility disconnections and reconnections by putting a limit on fees utilities may charge for disconnection or reconnection, expanding disconnection postponement options for households containing an individual with an illness or handicap that would be worsened by disconnection, and requiring utilities to post certain information about disconnection and reconnection online. This bill would not apply to municipal utilities owned and operated by a village.

Section-by-Section Summary:

Section 7 would amend 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.

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. 6-8, and Section 14, p. 10.

LB 1201 Summary of purpose and/or changes:

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 state hazard mitigation plan. The bill lays out the plan development group and the Department of Natural Resources' 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 Department of Natural Resources, and lists the agencies and stakeholders that shall be included in the group.

Section 12 states the Department of Natural Resources' 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.

Public Hearing Testimony on Bills Contained in AM 2766 -

LB 769 Testimony -
(January 29, 2020)

Proponents:

Senator Tim Gragert, Introducer

Pat O'Brien, Upper Niobrara White Natural Resources District and the Nebraska Association of Resources Districts

Opponents: None

Neutral: None

LB 861 Testimony -
(February 12, 2020)

Proponents:

Senator Dan Hughes - Introducer

Jim Otto - Nebraska Retail Federation and Nebraska Restaurant Association

Dale Gubbels - Firststar Fiber, Inc.

Kathy Siefken - Nebraska Grocery Industry
Tim Keigher - Nebraska Petroleum Marketers and Convenience Store Association
Ron Sedlacek - Nebraska Chamber of Commerce, Nebraska Omaha Chamber of Commerce, Lincoln Chamber of Commerce, and National Federation of Independent Businesses of NE
Dustin Antonello - Lincoln Independent Business Association
Blair MacDonald - Nebraska Beverage Association

Opponents:

Michael O'Hara - Sierra Club Nebraska Chapter
Lash Chaffin - League of Nebraska Municipalities
Megan Jackson - Nebraska Recycling Council

Neutral: None

LB 933 Testimony -
(February 13, 2020)

Proponents:

Senator Sue Crawford - Introducer
Trisha Thompson - Nebraska Appleseed
Kathy Kay - League of Human Dignity
Mary Spurgeon - self
Karen Bell-Dancy - YWCA of Lincoln
Jeff Eastman - Legal Aid of Nebraska
Ken Winston - Legal Aid of Nebraska
Ashley Frevert - Community Action of Nebraska
Rev. Penny Greer - Nebraska Interfaith Power and Light
Isabel Salas - South of Downtown Community Development Organization
Michael O'Hara - Sierra Club of Nebraska
Tonya Ward - Energy Rescue, Inc
Michael Ward - self

Opponents: None

Neutral:

Lash Chaffin - League of Nebraska Municipalities
Kristen Gottschalk - Nebraska Rural Electric Association
Shelley Sahling-Zart - Lincoln Electric System

LB 1201 Testimony -
(February 5, 2020)

Proponents:

Senator Bruce Bostelman - Introducer
Jeff Henson - American Council of Engineering Companies in Nebraska
John Winkler - Nebraska Association of Resources Districts and Papio Missouri River NRD
Michael O'Hara - Sierra Club of Nebraska
Katie Torpy - Nature Conservancy
John Hansen - Nebraska Farmers Union

Opponents: None

Neutral:

Beth Bayzn Ferrell - Nebraska Association of County Officials

Larry Mach - self

Committee Votes to add all Bills to Committee Amendment -

LB 769, LB 861, LB 933, LB 1201 Amended into AM 2766 Vote Results:

Aye: 7 Senators Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes,
Moser

Nay:

Absent:

Present Not Voting: 1 Quick

Dan Hughes, Chairperson