

AMENDMENTS TO LB632

Introduced by Natural Resources.

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

3 Section 1. Section 2-1504, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 2-1504 (1) The Nebraska Natural Resources Commission is established.
6 The commission shall advise the department as requested by the director
7 and shall perform such other functions as are specifically conferred on
8 the commission by law. The commission shall have no jurisdiction over
9 matters pertaining to water rights.

10 (2) Each member of the commission shall be a resident of the State
11 of Nebraska and shall have attained the age of majority. The voting
12 members of the commission, ~~all of whom shall have attained the age of~~
13 ~~majority,~~ shall be:

14 (a) One resident of each of the following river basins, with
15 delineations being those on the Nebraska river basin map officially
16 adopted by the commission and on file with the department: (i) The
17 Niobrara River, White River, and Hat Creek basin, (ii) the North Platte
18 River basin, (iii) the South Platte River basin, (iv) the middle Platte
19 River basin, (v) the lower Platte River basin, (vi) the Loup River basin,
20 (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin,
21 (ix) the Republican River basin, (x) the Little Blue River basin, (xi)
22 the Big Blue River basin, and (xii) the Nemaha River basin;

23 (b) One additional resident of each river basin which encompasses
24 one or more cities of the metropolitan class; and

25 (c) Fourteen members appointed by the Governor, subject to
26 confirmation by the Legislature. Of the members appointed by the
27 Governor, one shall represent each of the following categories:

1 Agribusiness interests; agricultural interests; ground water irrigators;
2 irrigation districts; manufacturing interests; metropolitan utilities
3 districts; municipal users of water from a city of the primary class;
4 municipal users of water from a city of the first or second class or a
5 village; outdoor recreation users; public power districts; public power
6 and irrigation districts; range livestock owners; surface water
7 irrigators; and wildlife conservation interests.

8 (3) Members of the commission described in subdivision (2)(a) of
9 this section shall be selected for four-year terms at individual caucuses
10 of the natural resources district directors residing in the river basin
11 from which the member is selected. Such caucuses shall be held for each
12 basin within ten days following the first Thursday after the first
13 Tuesday of the year the term of office of the member from that basin
14 expires. The dates and locations for such caucuses shall be established
15 by the commission, and the commission shall provide notice to the public
16 by issuing press releases for publication in a newspaper of general
17 circulation in each county that comprises the river basin for which a
18 caucus election will be held. Terms of office of such members shall
19 follow the sequence originally determined by the river basin
20 representatives to the commission at their first meeting on the third
21 Thursday after the first Tuesday in January 1975. All river basin members
22 shall take office on the third Thursday after the first Tuesday in
23 January following their selection and any vacancy shall be filled for the
24 unexpired term by a caucus held within thirty days following the date
25 such vacancy is created. Each member of the commission representing a
26 river basin shall qualify by filing with the other members of the
27 commission an acceptance in writing of his or her selection.

28 (4) Members of the commission described in subdivision (2)(b) of
29 this section shall be residents of natural resources districts which
30 encompass one or more cities of the metropolitan class and shall be
31 selected in the same manner, at the same time, and for a four-year term

1 having the same term sequence as provided for the other members from such
2 basin under subsection (3) of this section.

3 (5) For members of the commission described in subdivision (2)(c) of
4 this section:

5 (a) The Governor shall appoint the eleven additional members added
6 by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven
7 additional appointments shall be for staggered four-year terms, as
8 determined by the Governor. The Governor shall also set the terms of the
9 current members of the commission appointed under such subdivision and
10 serving on April 17, 2014, to staggered four-year terms. Future
11 appointments shall be for four-year terms. Members whose terms have
12 expired shall continue to serve until their successors have been
13 appointed. In the case of a vacancy, the Governor shall appoint a
14 successor for the unexpired term. Members may be removed for cause.
15 Initial appointees shall begin serving immediately following notice of
16 appointment, except that the member appointed representing municipal
17 users of water from the class of city or a village that is being
18 represented by the current member representing municipal users of water
19 and the members representing surface water irrigators and ground water
20 irrigators shall not begin serving until the term of the current member
21 representative of the category expires or such member resigns or is
22 otherwise removed; and

23 (b) In appointing such members, the Governor shall:

24 (i) Create a broad-based commission which has knowledge of, has
25 experience with, and is representative of Nebraska's water use and
26 economy;

27 (ii) Give recognition to the importance of both water quantity and
28 water quality; and

29 (iii) Appoint members who represent diverse geographic regions of
30 the state, including urban and rural areas, and represent, to the extent
31 possible, the racial and ethnic diversity of the state.

1 (6) After the members have been appointed as required under this
2 section, the commission shall revise or adopt and promulgate rules and
3 regulations as necessary to administer the Water Sustainability Fund
4 pursuant to sections 2-1506 to 2-1513.

5 Sec. 7. Section 70-1605, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 70-1605 No public or private utility company, other than a municipal
8 utility owned and operated by a village, furnishing water, natural gas,
9 or electricity at retail in this state shall discontinue service to any
10 domestic subscriber for nonpayment of any past-due account unless the
11 utility company first gives notice to any subscriber whose service is
12 proposed to be terminated. Such notice shall be given in person, by
13 first-class mail, or by electronic delivery, except that electronic
14 delivery shall only be used if the subscriber has specifically elected to
15 receive such notices by electronic delivery. If notice is given by first-
16 class mail or electronic delivery, such notice shall be conspicuously
17 marked as to its importance. Service shall not be discontinued for at
18 least seven days after notice is sent or given. Holidays and weekends
19 shall be excluded from the seven days. A public or private utility
20 company shall not charge a fee for the discontinuance or reconnection of
21 utility service that exceeds the reasonable costs of providing such
22 service.

23 Sec. 8. Section 70-1606, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 70-1606 (1) The notice required by section 70-1605 shall contain
26 the following information:

27 (a) ~~(1)~~ The reason for the proposed disconnection;

28 (b) ~~(2)~~ A statement of intention to disconnect unless the domestic
29 subscriber either pays the bill or reaches an agreement with the utility
30 regarding payment of the bill;

31 (c) ~~(3)~~ The date upon which service will be disconnected if the

1 domestic subscriber does not take appropriate action;

2 (d) (4) The name, address, and telephone number of the utility's
3 employee or department to whom the domestic subscriber may address any
4 inquiry or complaint;

5 (e) (5) The domestic subscriber's right, prior to the disconnection
6 date, to request a conference regarding any dispute over such proposed
7 disconnection;

8 (f) (6) A statement that the utility may not disconnect service
9 pending the conclusion of the conference;

10 (g) (7) A statement to the effect that disconnection shall ~~may~~ be
11 postponed or prevented upon presentation of a duly licensed physician's,
12 physician assistant's, or advanced practice registered nurse's
13 certificate, which shall certify that a domestic subscriber or resident
14 within such subscriber's household has an existing illness or handicap
15 which would cause such subscriber or resident to suffer an immediate and
16 serious health hazard by the disconnection of the utility's service to
17 that household. Such certificate shall be filed with the utility within
18 five days of receiving notice under this section, excluding holidays and
19 weekends, and will prevent the disconnection of the utility's service for
20 a period of at least thirty days from such filing. Only one postponement
21 of disconnection shall be required ~~allowed~~ under this subdivision for
22 each incidence of nonpayment of any past-due account;

23 (h) (8) The cost that will be borne by the domestic subscriber for
24 restoration of service;

25 (i) (9) A statement that the domestic subscriber may arrange with
26 the utility for an installment payment plan;

27 (j) (10) A statement to the effect that those domestic subscribers
28 who are welfare recipients may qualify for assistance in payment of their
29 utility bill and that they should contact their caseworker in that
30 regard; and

31 (k) (11) Any additional information not inconsistent with this

1 section which has received prior approval from the board of directors or
2 administrative board of any utility.

3 (2) A public or private utility company, other than a municipal
4 utility owned and operated by a village, shall make the service
5 termination information required under subdivisions (d), (e), (f), (g),
6 (i), (j), and (k) of subsection (1) of this section readily accessible to
7 the public on the web site of the utility company and available by mail
8 upon request.

9 Sec. 9. The Legislature finds and declares that the State of
10 Nebraska experienced a historic flood event in 2019. This flood event
11 significantly impacted numerous communities and individual Nebraskans.
12 Coordination and communication between state and local entities
13 implementing flood mitigation strategies is essential to maximize federal
14 funds for flood mitigation efforts.

15 Sec. 10. The Department of Natural Resources shall develop a state
16 flood mitigation plan as a stand-alone document to be annexed into the
17 state hazard mitigation plan maintained by the Nebraska Emergency
18 Management Agency. Such plan shall be structured in accordance with
19 Federal Emergency Management Agency guidelines, and shall be
20 comprehensive, collaborative, and statewide in scope with opportunities
21 for input from diverse stakeholders.

22 Sec. 11. The Department of Natural Resources shall convene a plan
23 development group which shall be housed and staffed for administrative
24 purposes within such department. The Department of Natural Resources
25 shall engage with federal, state, and local agency and community
26 stakeholders in the development of the state flood mitigation plan,
27 including, but not limited to, the Department of Transportation, the
28 Department of Environment and Energy, the Department of Economic
29 Development, the Department of Agriculture, the Nebraska Emergency
30 Management Agency, natural resources districts, the United States
31 Department of Agriculture, the United States Army Corps of Engineers, the

1 United States Geological Survey, the Federal Emergency Management Agency,
2 the University of Nebraska, representatives of counties, municipalities,
3 and other political subdivisions, and the Natural Resources Committee of
4 the Legislature. The Department of Natural Resources may engage other
5 sources to provide technical expertise as needed.

6 Sec. 12. The Department of Natural Resources shall:

7 (1) Evaluate the flood issues that occurred in 2019, and identify
8 cost-effective flood mitigation strategies that should be adopted to
9 reduce the disruption of lives and livelihoods and prioritize making
10 Nebraska communities more resilient;

11 (2) Identify opportunities to implement flood hazard mitigation
12 strategies with the intent to reduce the impact of flood events;

13 (3) Work to improve knowledge and understanding of available
14 recovery resources while identifying potential gaps in current disaster
15 program delivery;

16 (4) Identify potential available funding sources that can be
17 accessed to improve the resilience of the state through flood mitigation
18 and post-flood disaster recovery. The funding sources shall include, but
19 not be limited to, assistance from (a) the Federal Emergency Management
20 Agency's Flood Mitigation Assistance Grant Program, Building Resilient
21 Infrastructure and Communities Grant Program, Hazard Mitigation Grant
22 Program, Public Assistance Program, and Individual Assistance Program,
23 (b) the United States Department of Housing and Urban Development's
24 Community Development Block Grant Program and Community Development Block
25 Grant Disaster Recovery Program, and (c) programs of the United States
26 Department of Agriculture's Natural Resources Conservation Service.
27 Identification of such funding sources shall be in addition to grants and
28 cost-sharing programs available through other agencies that support flood
29 hazard mitigation planning in communities;

30 (5) Compile a centralized list of critical infrastructure and state-
31 owned facilities and identify those with the highest risk of flooding. In

1 compiling such list, the Department of Natural Resources shall consult
2 and collaborate with other state and local agencies that have information
3 that identifies vulnerable facilities;

4 (6) Evaluate state laws, rules, regulations, policies, and programs
5 related to flood hazard mitigation and development in flood hazard-prone
6 areas to support the state's administration of the Federal Emergency
7 Management Agency's National Flood Insurance Program, Community Rating
8 System, and Risk Mapping, Assessment, and Planning Program;

9 (7) Examine existing law and, if necessary, recommend statutory or
10 administrative changes to help ensure collaboration and coordination
11 between state and local entities in statewide flood mitigation planning;
12 and

13 (8) Hold two public hearings, one prior to the first state flood
14 mitigation plan development meeting and one prior to the completion of
15 such plan. Notice of each hearing shall be published at least thirty days
16 prior to the hearing date.

17 Sec. 13. The state flood mitigation plan shall be completed and
18 reported to the Governor and electronically to the Legislature on or
19 before December 31, 2021.