

LEGISLATIVE BILL 867

Approved by the Governor April 15, 2024

Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to natural resources; to amend sections 37-420 and 37-421, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-438, 66-1519, 66-1523, 66-1525, 66-1529.02, and 70-1003, Revised Statutes Cumulative Supplement, 2022; to provide under the Game Law for a database for guides and outfitters, a migratory waterfowl hunting season for veterans as prescribed, a one-day hunting permit and stamps for certain veterans for use on Veterans Day, and active-duty military permits as a type of state park motor vehicle entry permit; to change reimbursement, transfer, investment, and remedial action provisions relating to the Petroleum Release Remedial Action Cash Fund; to change provisions relating to service on the Nebraska Power Review Board; to prohibit restrictions on the provision of certain energy services; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 37-201, Revised Statutes Cumulative Supplement, 2022, is amended to read:

37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and sections 2 and 3 of this act and the State Park System Construction Alternatives Act shall be known and may be cited as the Game Law.

Sec. 2. (1) For purposes of this section:

(a) Guide means a person who advertises or otherwise holds himself or herself out to the public for hire as a guide for hunting or fishing, or both, to provide services to any person for the purpose of hunting or fishing for any animal; and

(b) Outfitter means a person who advertises or otherwise holds himself or herself out to the public for hire to assist any person in the taking of animals by providing facilities, equipment, accommodations, or other services for use in hunting or fishing for any animal. Outfitter does not mean any self-guided excursion or group hunt.

(2) The commission may establish and maintain on its website a voluntary hunting and fishing guide and outfitter database. The commission may establish a registration fee for guides and outfitters applying for placement on the database. Such fee shall be in a reasonable amount the commission deems necessary to cover the costs of administering the database.

(3) A person may apply to the commission for placement as a guide or an outfitter on the database for a period of three years. An applicant for placement on the database as a guide or an outfitter may be included in the database if such applicant:

(a) Has never been convicted of any felony, has never been cited for trespassing, has not violated any state or federal game law within the three years prior to application, and does not have his or her privilege or right to hunt or fish suspended in Nebraska, another state, or a participating state in the Interstate Wildlife Violator Compact;

(b) Has completed a commission-sponsored hunter education program or a similar program approved by the commission. This subdivision does not apply to fishing guides or fishing outfitters;

(c) Provides proof of adequate liability insurance or similar bond security;

(d) Is a registered business in the State of Nebraska; and

(e) Agrees to comply with any other requirements established under the Game Law and pursuant to the rules and regulations of the commission.

(4) The commission may remove a guide or an outfitter from the database for any violation of the Game Law or the rules and regulations of the commission or for any failure by such guide or outfitter to maintain compliance with the requirements set forth in subsection (3) of this section. The commission shall not be liable for any such failure by a guide or outfitter.

(5) The commission may adopt and promulgate rules and regulations to carry out this section. This section does not apply to licensees of licensed game breeding and controlled shooting areas.

Sec. 3. (1) For purposes of this section:

(a) Member of the armed forces means any member of the armed forces on active duty, including any member of the National Guard or reserves on active duty other than active duty for training; and

(b) Veteran has the same meaning as in 38 U.S.C. 101, as such section existed on January 1, 2024.

(2) The commission shall prescribe a migratory waterfowl hunting season for veterans and members of the armed forces.

(3) Any veteran or member of the armed forces may hunt during such season as long as such veteran or member of the armed forces has a valid hunting permit issued under the Game Law and all required stamps necessary to hunt migratory waterfowl in Nebraska.

(4) No motor vehicle entry permit or fee shall be required for entry into a permit area as defined in section 37-435 by such veteran or member of the armed forces during such season.

(5) Nothing in this section shall affect the applicability of statutes, rules, regulations, and orders other than the permit and stamp requirements described in this section.

(6) The commission may adopt and promulgate rules and regulations and pass and publish orders to carry out this section.

Sec. 4. Section 37-420, Reissue Revised Statutes of Nebraska, is amended to read:

37-420 (1) Any veteran who is a legal resident of the State of Nebraska shall, upon application and without payment of any fee, be issued a combination fishing, fur-harvesting, and hunting permit, habitat stamp, aquatic habitat stamp, and Nebraska migratory waterfowl stamp if the veteran:

(a) Was discharged or separated with a characterization of honorable or general (under honorable conditions); and

(b)(i) Is rated by the United States Department of Veterans Affairs as fifty percent or more disabled as a result of service in the armed forces of the United States; or

(ii) Is receiving a pension from the department as a result of total and permanent disability, which disability was not incurred in the line of duty in the military service.

(2) If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permits shall not authorize any person to shoot from any public highway.

(3) All permits issued without the payment of any fees pursuant to this section shall be perpetual and become void only upon termination of eligibility as provided in this section.

(4) The commission may adopt and promulgate rules and regulations necessary to carry out this section.

(5) Permits issued under subdivision (3) of this section as it existed prior to January 1, 2006, shall not expire as provided in subsection (1) of section 37-421.

Sec. 5. Section 37-421, Reissue Revised Statutes of Nebraska, is amended to read:

37-421 (1)(a) ~~(1)~~ The commission may issue an annual combination fishing, fur-harvesting, and hunting permit, habitat stamp, aquatic habitat stamp, and Nebraska migratory waterfowl stamp upon application and payment of a fee of five dollars to (i) (a) any Nebraska resident who is a veteran, who is sixty-four years of age or older, and who was discharged or separated with a characterization of honorable or general (under honorable conditions) or (ii) (b) any Nebraska resident who is sixty-nine years of age or older.

(b) (2) A permit issued as provided in this subsection shall expire as provided in subdivision (3)(a) of section 37-405. Permits issued under this section as it existed before January 1, 2006, shall not expire as provided in section 37-405.

(2) The commission shall issue a one-day hunting permit, habitat stamp, and Nebraska migratory waterfowl stamp upon application and without payment of any fee to any veteran who is a Nebraska resident who was discharged or separated with a characterization of honorable or general (under honorable conditions) for use on Veterans Day. A permit and stamps issued under this subsection shall only be valid on November 11 in the year in which such permit and stamps are issued.

(3) If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permits shall not authorize any person to shoot from any public highway.

(4) The commission may adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 6. Section 37-438, Revised Statutes Cumulative Supplement, 2022, is amended to read:

37-438 (1) The commission shall devise annual, temporary, ~~and~~ disabled veteran, and active-duty military permits.

(2) The annual permit may be purchased by any person and shall be valid through December 31 in the year for which the permit is issued. The fee for the annual permit for a resident motor vehicle shall be not more than thirty-five dollars per permit. The fee for the annual permit for a nonresident motor vehicle shall be two times the fee for a resident motor vehicle or sixty dollars, whichever is greater. The commission shall establish such fees by the adoption and promulgation of rules and regulations.

(3) A temporary permit may be purchased by any person and shall be valid until noon of the day following the date of issue. The fee for the temporary permit for a resident motor vehicle shall be not more than seven dollars. The fee for the temporary permit for a nonresident motor vehicle shall be two times the fee for a resident motor vehicle or twelve dollars, whichever is greater. The commission shall establish such fees by the adoption and promulgation of rules and regulations. The commission may issue temporary permits which are either valid for any area or valid for a single area.

(4)(a) A veteran who is a resident of Nebraska shall, upon application and without payment of any fee, be issued one disabled veteran permit for a resident motor vehicle if the veteran:

(i) Was discharged or separated with a characterization of honorable or

general (under honorable conditions); and

(ii)(A) Is rated by the United States Department of Veterans Affairs as fifty percent or more disabled as a result of service in the armed forces of the United States; or

(B) Is receiving a pension from the United States Department of Veterans Affairs as a result of total and permanent disability, which disability was not incurred in the line of duty in the military service.

(b) All disabled veteran permits issued pursuant to this subsection shall be perpetual and shall become void only upon termination of eligibility as provided in this subsection.

~~(c) The commission may adopt and promulgate rules and regulations necessary to carry out this subsection.~~

(5) An active-duty military permit may be purchased by any individual who is active-duty military and shall be valid through December 31 in the year for which the permit is issued. The fee for the active-duty military permit is five dollars, regardless of residency. To qualify for an active-duty military permit, the individual shall present:

(a) Such individual's military identification card; and

(b) Proof that such individual is stationed at a military base located in Nebraska for active-duty military service.

~~(6) (5) The commission may offer permits or combinations of permits at temporarily reduced rates for specific events or during specified timeframes.~~

~~(7) The commission may adopt and promulgate rules and regulations to carry out this section.~~

Sec. 7. Section 66-1519, Revised Statutes Cumulative Supplement, 2022, is amended to read:

66-1519 (1) There is hereby created the Petroleum Release Remedial Action Cash Fund to be administered by the department. Revenue from the following sources shall be remitted to the State Treasurer for credit to the fund:

(a) The fees imposed by sections 66-1520 and 66-1521;

(b) Money paid under an agreement, stipulation, cost-recovery award under section 66-1529.02, or settlement; and

(c) Money received by the department in the form of gifts, grants, reimbursements, property liquidations, or appropriations from any source intended to be used for the purposes of the fund.

(2) Money in the fund may be spent for: (a) Reimbursement for the costs of remedial action by a responsible person or his or her designated representative and costs of remedial action undertaken by the department in response to a release first reported after July 17, 1983, and on or before June 30, ~~2028~~ 2024, including reimbursement for damages caused by the department or a person acting at the department's direction while investigating or inspecting or during remedial action on property other than property on which a release or suspected release has occurred; (b) payment of any amount due from a third-party claim; (c) fee collection expenses incurred by the State Fire Marshal; (d) direct expenses incurred by the department in carrying out the Petroleum Release Remedial Action Act; (e) other costs related to fixtures and tangible personal property as provided in section 66-1529.01; (f) interest payments as allowed by section 66-1524; (g) claims approved by the State Claims Board authorized under section 66-1531; (h) the direct and indirect costs incurred by the department in responding to spills and other environmental emergencies related to petroleum or petroleum products; and (i) up to one million five hundred thousand dollars each fiscal year of the department's cost-share obligations and operation and maintenance obligations under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 et seq.

~~(3) Transfers may be made from the Petroleum Release Remedial Action Cash Fund to the General Fund at the direction of the Legislature.~~

~~(3) (4) Transfers may be made from the Petroleum Release Remedial Action Cash Fund to the Superfund Cost Share Cash Fund at the direction of the Legislature.~~

(4) (5) Any money in the Petroleum Release Remedial Action Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Investment earnings on and after the operative date of this section shall be credited to the fund.

Sec. 8. Section 66-1523, Revised Statutes Cumulative Supplement, 2022, is amended to read:

66-1523 (1) Except as provided in subsection (2) of this section, the department shall provide reimbursement from the fund in accordance with section 66-1525 to eligible responsible persons for the cost of remedial action for releases reported after July 17, 1983, and on or before June 30, ~~2028~~ 2024, and for the cost of paying third-party claims. The reimbursement for the cost of remedial action shall not exceed nine hundred seventy-five thousand dollars per occurrence. The total of the claims paid under section 66-1531 and the reimbursement for third-party claims shall not exceed one million dollars per occurrence. The responsible person shall pay the first ten thousand dollars of the cost of the remedial action or third-party claim, twenty-five percent of the remaining cost of the remedial action or third-party claim not to exceed fifteen thousand dollars, and the amount of any reduction authorized under subsection (5) of section 66-1525. If the department determines that a responsible person was ordered to take remedial action for a release which was later found to be from a tank not owned or operated by such person, (a) such person shall be fully reimbursed and shall not be required to pay the first

cost or percent of the remaining cost as provided in this subsection and (b) the first cost and percent of the remaining cost not required to be paid by the person ordered to take remedial action shall be paid to the fund as a cost of remedial action by the owner or operator of the tank found to be the cause of the release. In no event shall reimbursements or payments from the fund exceed the annual aggregate of one million nine hundred seventy-five thousand dollars per responsible person. Reimbursement of a cost incurred as a result of a suspension ordered by the department shall not be limited by this subsection if the suspension was caused by insufficiency in the fund to provide reimbursement.

(2) Upon the determination by the department that the responsible person sold no less than two thousand gallons of petroleum and no more than two hundred fifty thousand gallons of petroleum during the calendar year immediately preceding the first report of the release or stored less than ten thousand gallons of petroleum in the calendar year immediately preceding the first report of the release, the department shall provide reimbursement from the fund in accordance with section 66-1525 to such an eligible person for the cost of remedial action for releases reported after July 17, 1983, and on or before June 30, ~~2028~~ 2024, and for the cost of paying third-party claims. The reimbursement for the cost of remedial action shall not exceed nine hundred eighty-five thousand dollars per occurrence. The total of the claims paid under section 66-1531 and the reimbursement for third-party claims shall not exceed one million dollars per occurrence. The responsible person shall pay the first five thousand dollars of the cost of the remedial action or third-party claim, twenty-five percent of the remaining cost of the remedial action or third-party claim not to exceed ten thousand dollars, and the amount of any reduction authorized under subsection (5) of section 66-1525. If the department determines that a responsible person was ordered to take remedial action for a release which was later found to be from a tank not owned or operated by such person, (a) such person shall be fully reimbursed and shall not be required to pay the first cost or percent of the remaining cost as provided in this subsection and (b) the first cost and percent of the remaining cost not required to be paid by the person ordered to take remedial action shall be paid to the fund as a cost of remedial action by the owner or operator of the tank found to be the cause of the release. In no event shall reimbursements or payments from the fund exceed the annual aggregate of one million nine hundred eighty-five thousand dollars per responsible person. Reimbursement of a cost incurred as a result of a suspension ordered by the department shall not be limited by this subsection if the suspension was caused by insufficiency in the fund to provide reimbursement.

(3) The department may make partial reimbursement during the time that remedial action is being taken if the department is satisfied that the remedial action being taken is as required by the department.

(4) If the fund is insufficient for any reason to reimburse the amount set forth in this section, the maximum amount that the fund shall be required to reimburse is the amount in the fund. If reimbursements approved by the department exceed the amount in the fund, reimbursements with interest shall be made when the fund is sufficiently replenished in the order in which the applications for them were received by the department, except that an application pending before the department on January 1, 1996, submitted by a local government as defined in section 13-2202 shall, after July 1, 1996, be reimbursed first when funds are available. This exception applies only to local government applications pending on and not submitted after January 1, 1996.

(5) Applications for reimbursement properly made before, on, or after April 16, 1996, shall be considered bills for goods or services provided for third parties for purposes of the Prompt Payment Act.

(6) There shall be no reimbursement from the fund for the cost of remedial action or for the cost of paying third-party claims for any releases reported on or after July 1, ~~2028~~ 2024.

(7) For purposes of this section, occurrence shall mean an accident, including continuous or repeated exposure to conditions, which results in a release from a tank.

Sec. 9. Section 66-1525, Revised Statutes Cumulative Supplement, 2022, is amended to read:

66-1525 (1) Any responsible person or his or her designated representative who has taken remedial action in response to a release first reported after July 17, 1983, and on or before June 30, ~~2028~~ 2024, or against whom there is a third-party claim may apply to the department under the rules and regulations adopted and promulgated pursuant to section 66-1518 for reimbursement for the costs of the remedial action or third-party claim. Partial payment of such reimbursement to the responsible person may be authorized by the department at the approved stages prior to the completion of remedial action when a remedial action plan has been approved. If any stage is projected to take more than ninety days to complete partial payments may be requested every sixty days. Such partial payment may include the eligible and reasonable costs of such plan or pilot projects conducted during the remedial action.

(2) No reimbursement may be made unless the department makes the following eligibility determinations:

(a) The tank was in substantial compliance with any rules and regulations of the United States Environmental Protection Agency, the State Fire Marshal, and the department which were applicable to the tank. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any

violation of the rules and regulations may have had on the tank thereby causing or contributing to the release and the extent of the remedial action thereby required;

(b) Either the State Fire Marshal or the department was given notice of the release in substantial compliance with the rules and regulations adopted and promulgated pursuant to the Environmental Protection Act and the Petroleum Products and Hazardous Substances Storage and Handling Act. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the notice provisions of the rules and regulations may have had on the remedial action being taken in a prompt, effective, and efficient manner;

(c) The responsible person reasonably cooperated with the department and the State Fire Marshal in responding to the release;

(d) The department has approved the plan submitted by the responsible person for the remedial action in accordance with rules and regulations adopted and promulgated by the department pursuant to the Environmental Protection Act or the Petroleum Products and Hazardous Substances Storage and Handling Act or that portion of the plan for which payment or reimbursement is requested. However, responsible persons may undertake remedial action prior to approval of a plan by the department or during the time that remedial action at a site was suspended at any time after April 1995 because the fund was insufficient to pay reimbursements and be eligible for reimbursement at a later time if the responsible person complies with procedures provided to the responsible party by the department or set out in rules and regulations adopted and promulgated by the Environmental Quality Council;

(e) The costs for the remedial action were actually incurred by the responsible person or his or her designated representative after May 27, 1989, and were eligible and reasonable;

(f) If reimbursement for a third-party claim is involved, the cause of action for the third-party claim accrued after April 26, 1991, and the Attorney General was notified by any person of the service of summons for the action within ten days of such service; and

(g) The responsible person or his or her designated representative has paid the amount specified in subsection (1) or (2) of section 66-1523.

(3) The State Fire Marshal shall review each application prior to consideration by the department and provide to the department any information the State Fire Marshal deems relevant to subdivisions (2)(a) through (g) of this section. The State Fire Marshal shall issue a determination with respect to an applicant's compliance with rules and regulations adopted and promulgated by the State Fire Marshal. The State Fire Marshal shall issue a compliance determination to the department within thirty days after receiving an application from the department.

(4) The department may withhold taking action on an application during the pendency of an enforcement action by the state or federal government related to the tank or a release from the tank.

(5) Reimbursements made for a remedial action may be reduced as much as one hundred percent for failure by the responsible person to comply with applicable statutory or regulatory requirements. In determining the amount of the reimbursement reduction, the department shall consider:

- (a) The extent of and reasons for noncompliance;
- (b) The likely environmental impact of the noncompliance; and
- (c) Whether noncompliance was negligent, knowing, or willful.

(6) Except as provided in subsection (4) of this section, the department shall notify the responsible person of its approval or denial of the remedial action plan within one hundred twenty days after receipt of a remedial action plan which contains all the required information. If after one hundred twenty days the department fails to either deny, approve, or amend the remedial action plan submitted, the proposed plan shall be deemed approved. If the remedial action plan is denied, the department shall provide the reasons for such denial.

Sec. 10. Section 66-1529.02, Revised Statutes Cumulative Supplement, 2022, is amended to read:

66-1529.02 (1) The department may undertake remedial actions in response to a release first reported after July 17, 1983, and on or before June 30, 2028 ~~2024~~, with money available in the fund if:

- (a) The responsible person cannot be identified or located;
- (b) An identified responsible person cannot or will not comply with the remedial action requirements; or
- (c) Immediate remedial action is necessary, as determined by the Director of Environment and Energy, to protect human health or the environment.

(2) The department may pay the costs of a third-party claim meeting the requirements of subdivision (2)(f) of section 66-1525 with money available in the fund if the responsible person cannot or will not pay the third-party claim.

(3) Reimbursement for any damages caused by the department or a person acting at the department's direction while investigating or inspecting or during remedial action on property other than property on which a release or suspected release has occurred shall be considered as part of the cost of remedial action involving the site where the release or suspected release occurred. The costs shall be reimbursed from money available in the fund. If such reimbursement is deemed inadequate by the party claiming the damages, the party's claim for damages caused by the department shall be filed as provided

in section 76-705.

(4) All expenses paid from the fund under this section, court costs, and attorney's fees may be recovered in a civil action in the district court of Lancaster County. The action may be brought by the county attorney or Attorney General at the request of the director against the responsible person. All recovered expenses shall be deposited into the fund.

Sec. 11. Section 70-1003, Revised Statutes Cumulative Supplement, 2022, is amended to read:

70-1003 (1)(a) ~~(1)~~ There is hereby established an independent board to be known as the Nebraska Power Review Board. The board shall consist of five members, including at least one of whom shall be an engineer, at least one an attorney, and three additional persons. No more than one, one an accountant, and two laypersons. No person who is or who has within four years preceding such person's his or her appointment been either a director, an officer, or an employee of any electric utility or an elective state officer shall serve be eligible for membership on the board at the same time. Any board member who previously was either a director, an officer, or an employee of any electric utility within four years preceding such board member's appointment shall refrain from taking any action or making any decision in any proceeding before the board that involves such electric utility for a period of four years after the date such board member ceased being a director, an officer, or an employee of such electric utility.

(b) Members of the board shall be appointed by the Governor subject to the approval of the Legislature. Upon expiration of the terms of the members first appointed, the successors shall be appointed for terms of four years. No member of the board shall serve more than three ~~two~~ consecutive terms. Any vacancy on the board arising other than from the expiration of a term shall be filled by appointment for the unexpired portion of the term, and any person appointed to fill a vacancy on the board shall be eligible for reappointment for two more consecutive terms. No more than three members of the board shall be registered members of that political party represented by the Governor.

(2) Each member of the board shall receive one hundred sixty dollars per day for each day actually and necessarily engaged in the performance of his or her duties, but not to exceed seven ~~six~~ thousand dollars in any one year, except for the member designated to represent the board on the Southwest Power Pool Regional State Committee or its equivalent successor, who shall receive two hundred fifty dollars for each day actually and necessarily engaged in the performance of his or her duties, not to exceed thirty-five thousand dollars in any one year. If the member designated to represent the board on the Southwest Power Pool Regional State Committee should for any reason no longer serve in that capacity during a year, the pay received while serving in such capacity shall not be used for purposes of calculating the seven-thousand-dollar ~~six-thousand-dollar~~ limitation for board members not serving in that capacity. When another board member acts as the proxy for the designated Southwest Power Pool Regional State Committee member, he or she shall receive the same pay as the designated member would have for that activity. Pay received while serving as proxy for such designated member shall not be used for purposes of determining whether the seven-thousand-dollar ~~six-thousand-dollar~~ limitation has been met for board members not serving as such designated member. Total pay to board members for activities related to the Southwest Power Pool shall not exceed an aggregate total of forty thousand dollars in any one year. Each member shall be reimbursed for expenses while so engaged as provided in sections 81-1174 to 81-1177. The board shall have jurisdiction as provided in Chapter 70, article 10.

(3) The board shall elect from their members a chairperson and a vice-chairperson. Decisions of the board shall require the approval of a majority of the members of the board.

(4) The board shall employ an executive director and may employ such other staff necessary to carry out the duties pursuant to Chapter 70, article 10. The executive director shall serve at the pleasure of the board and shall be solely responsible to the board. The executive director shall be responsible for the administrative operations of the board and shall perform such other duties as may be delegated or assigned to him or her by the board. The board may obtain the services of experts and consultants necessary to carry out the board's duties pursuant to Chapter 70, article 10.

(5) The board shall publish and submit a biennial report with annual data to the Governor, with copies to be filed with the Clerk of the Legislature and with the Department of Environment and Energy. The report submitted to the Clerk of the Legislature shall be submitted electronically. The department shall consider the information in the Nebraska Power Review Board's report when the department prepares its own reports pursuant to sections 81-1606 and 81-1607. The report of the board shall include:

(a) The assessments for the fiscal year imposed pursuant to section 70-1020;

(b) The gross income totals for each category of the industry and the industry total;

(c) The number of suppliers against whom the assessment is levied, by category and in total;

(d) The projected dollar costs of generation, transmission, and microwave applications, approved and denied;

(e) The actual dollar costs of approved applications upon completion, and a summary of an informational hearing concerning any significant divergence between the projected and actual costs;

(f) A description of Nebraska's current electric system and information on additions to and retirements from the system during the fiscal year, including microwave facilities;

(g) A statistical summary of board activities and an expenditure summary;

(h) A roster of power suppliers in Nebraska and the assessment each paid;
and

(i) Appropriately detailed historical and projected electric supply and demand statistics, including information on the total generating capacity owned by Nebraska suppliers and the total peak load demand of the previous year, along with an indication of how the industry will respond to the projected situation.

(6) The board may, in its discretion, hold public hearings concerning the conditions that may indicate that retail competition in the electric industry would benefit Nebraska's citizens and what steps, if any, should be taken to prepare for retail competition in Nebraska's electricity market. In determining whether to hold such hearings, the board shall consider the sufficiency of public interest.

(7) The board may, at any time deemed beneficial by the board, submit a report to the Governor with copies to be filed with the Clerk of the Legislature and the Natural Resources Committee of the Legislature. The report filed with the Clerk of the Legislature and the committee shall be filed electronically. The report may include:

(a) Whether or not a viable regional transmission organization and adequate transmission exist in Nebraska or in a region which includes Nebraska;

(b) Whether or not a viable wholesale electricity market exists in a region which includes Nebraska;

(c) To what extent retail rates have been unbundled in Nebraska;

(d) A comparison of Nebraska's wholesale electricity prices to the prices in the region; and

(e) Any other information the board believes to be beneficial to the Governor, the Legislature, and Nebraska's citizens when considering whether retail electric competition would be beneficial, such as, but not limited to, an update on deregulation activities in other states and an update on federal deregulation legislation.

(8) The board may establish working groups of interested parties to assist the board in carrying out the powers set forth in subsections (6) and (7) of this section.

Sec. 12. (1) No county, city, village, or other political subdivision of the state shall enact or implement any ordinance, code, resolution, rule, regulation, or policy that restricts, prohibits, or has the effect of restricting or prohibiting the types or fuel sources of energy that may be used, delivered, converted, or supplied by the following entities to serve customers that such entities are authorized to serve:

(a) A natural gas utility;

(b) A natural gas transmission company; or

(c) A retail marketer or dispenser of propane.

(2) This section does not apply to ordinances, codes, resolutions, rules, regulations, or policies:

(a) Governing a natural gas utility owned or operated and directly controlled by a city or village; or

(b) Regulating a retail marketer or dispenser of propane.

Sec. 13. Sections 1, 2, 3, 4, 5, 6, 11, 12, and 14 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 14. Original sections 37-420 and 37-421, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-438, and 70-1003, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 15. Original sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 16. Since an emergency exists, this act takes effect when passed and approved according to law.