

**ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024**  
**COMMITTEE STATEMENT**  
**LB1335**

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**Hearing Date:** Wednesday February 21, 2024  
**Committee On:** Natural Resources  
**Introducer:** Moser  
**One Liner:** Change provisions of and provide duties and exemptions from the Nongame and Endangered Species Conservation Act

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

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**Vote Results:**

**Aye:** 8 Senators Bostelman, Brandt, Cavanaugh, J., Hughes, Fredrickson,  
Jacobson, Moser, Slama

**Nay:**

**Absent:**

**Present Not Voting:**

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**Testimony:**

**Proponents:**

Senator Mike Moser  
Khalil Jaber  
Katie Wilson

Lash Chaffin  
Elaine Menzel  
Thomas Shafer

**Opponents:**

Kristal Stoner  
John Cougher  
Cindy Veys  
Kimberly Stuhr  
Kai Adams

**Neutral:**

Al Davis  
Timothy McCoy

**Representing:**

Opening Presenter  
Nebraska Department of Transportation  
Association of General Contractors of America,  
Nebraska Chapter  
League of Nebraska Municipalities  
Nebraska Association of County Officials  
City of Lincoln

**Representing:**

Audubon Great Plains  
The Nature Conservancy in Nebraska  
Self  
Nebraska Wildlife Federation  
Self

**Representing:**

Nebraska Chapter Sierra Club  
Nebraska Game & Parks Commission

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

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LB1335, introduced by Senator Moser, amends sections 37-801 and 37-802 to exempt transportation infrastructure projects from application of the Nongame and Endangered Species Act (the Act) by amendments to sections 37-801 and 37-802. LB1335 provides an exemption from the Act's provisions for certain transportation infrastructure including highway right-of-way, which are the narrow strips of publicly owned land alongside the road, which are not considered critical habitat for affected species.

LB1335 adds and clarifies procedures, requirements, terms and definitions to the Act, including definitions for transportation infrastructure and exempt agency and political subdivision that are exempt from application of the Act on certain existing infrastructure related projects, with proper notice and procedures.

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**Explanation of amendments:**

AM2947 adds structural context and includes the tool of incidental take similar to federal regulations that allow it. It narrows the exempted party definitions to define that they only apply if an entity is directly connected with a Department of Transportation project.

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Bruce Bostelman, Chairperson

