

2019

LEGISLATIVE BILL SUMMARIES

NATURAL RESOURCES COMMITTEE

NEBRASKA LEGISLATURE

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

NATURAL RESOURCES COMMITTEE MEMBERS

Senator Dan Hughes, Chairperson
Senator Bruce Bostelman, Vice-Chairperson
Senator Joni Albrecht
Senator Suzanne Geist
Senator Tim Gragert
Senator Steve Halloran
Senator Mike Moser
Senator Dan Quick

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COMMITTEE STAFF

Laurie Lage, Legal Counsel
Mandy Mizerski, Committee Clerk

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Natural Resources Committee 2019
106th Legislature

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2019 NATURAL RESOURCES COMMITTEE BILLS

Bills by Hearing Date

6/1/2019

Hearing	Bill	Introducer	One-Liner	Status
BILLS BY HEARING DATE				
WED. 1-23-19				
			Visitors: Nebraska Water Leaders Academy	
	126	Hughes	Provide for special landowner deer hunting permits as prescribed	GF w/AM
	127	Hughes	Redefine immediate family for purposes of limited permits for hunting	Signed by Gov 3-21-19
THURS. 1-24-19				
	287	Quick	Change and provide duties for the Game and Parks Commission and change provisions relating to stamps, permits, fees, and hunter orange display requirements as prescribed	GF w/AM
FRI. 1-25-19			NO HEARINGS	
WED. 1-30-19				
	302	Hughes	Merge the State Energy Office with and rename the Department of Environmental Quality	Signed by Gov 3-21-19
THURS. 1-31-19				
	307	Albrecht	Change provisions relating to certain Department of Environmental Quality Funds	Signed by Gov 3-12-19
FRI. 2-1-19			NO HEARINGS	
WED. 2-6-19				
	319	Moser	Change provisions relating to notices, rules, and regulations of the Department of Natural Resources	Signed by Gov 3-21-19
THURS. 2-7-19				
	155	Brewer	Eliminate authority for eminent domain by certain political subdivisions - Sen. Brewer/Clements PB	Signed by Gov 3-17-19
FRI. 2-8-19			NO HEARINGS	
WED. 2-13-19				

	48	Stinner	Change provisions relating to sufficient cause for nonuse of a water appropriation	Signed by Gov 3-21-19
THURS. 2-14-19				
	53	Scheer	Change and provide duties for landowners and their tenants relating to removal of a blockage or obstruction in a watercourse and provide for court costs and attorneys fees	In Comm
	177	Lindstrom	Change a termination date for bonding authority of natural resources districts - Nat Res Comm PB #1	Signed by Gov 5-8-19
WED. 2-20-19				
	368	Hughes	Eliminate overappropriated river basins, subbasins and reaches	In Comm
THURS. 2-21-19				
	46	Chambers	Eliminate provisions relating to the hunting of mountain lions	In Comm
FRI. 2-22-19			NO HEARINGS	
WED. 2-27-19				
	374	Brewer	Provide for raptor permits for wildlife abatement	Signed by Gov 5-29-19
THURS. 2-28-19				
	580	Hilkemann	Change provisions relating to landfill disposal fees and rebates under the Integrated Solid Waste Management Act	In Comm
	632	Hughes	Shell bill	In Comm
FRI. 3-1-19			NO HEARINGS	
WED. 3-6-19				
	700	Bostelman	Provide for decommissioning and reclamation of a wind energy conversion system – Nat. Res. Comm. PB #2	GF w/AM
THURS. 3-7-19				
	367	Hughes	Eliminate provisions relating to fund transfers and change a termination date under the Nebraska Litter Reduction and Recycling Act	In Comm
WED.				

3-13-19				
	606	Groene	Provide for water augmentation projects and retention of water rights as prescribed - Sen. Groene PB	In Comm
THURS. 3-14-19				
	285	McCollister	State intent to appropriate funds to the Nebraska Power Review Board for a study and state public policy	In Comm
	509	McCollister	Redefine the terms net metering and qualified facility and change powers and duties of a local distribution utility	In Comm
FRI. 3-15-19			NO HEARINGS	

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: The 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 48 (Stinner)

LB 48 permits an appropriation of water to be protected from revocation by the Department of Natural Resources based on a finding of nonuse for five consecutive years if the land for which the appropriation was permitted is enrolled in a qualifying conservation program which prohibits the landowner from irrigating the land. Enrollment in such a program would be named a sufficient cause for nonuse, protected for up to 30 years.

Final Bill

Section 1 amends 46-229.04, which provides procedures for adjudication of water rights, by adding that a sufficient cause for nonuse of a water appropriation exists for up to 30 years if the land subject to the appropriation is under an acreage reserve program or production quota or is participating in any federal, state, or natural resources district program. Also adds that a sufficient cause for nonuse includes land that is no longer under such a program and there have not been more than five consecutive years of nonuse since the land was under a program.

Section 2 repeals the original section.

LB 127 (Hughes)

LB 127 expands the definition of immediate family of qualified landowners or leaseholders who would be eligible for limited permits to hunt deer, antelope, wild turkey and elk. The Game and Parks Commission, under 37-455, may issue limited permits to qualified landowners or leaseholders and immediate family members to hunt on the land they own or lease.

Final Bill

Section 1 amends 37-455, which authorizes the Game and Parks Commission to issue limited permits for deer, antelope, wild turkey or elk hunting, by expanding the definition of "immediate family" to include a qualified landowner or leaseholder's spouse; the qualified landowner or leaseholder's and their spouse's children or stepchildren; and the spouses of such children or stepchildren. The definition also includes a qualified landowner or leaseholder's siblings sharing ownership in the property, and their spouses.

Section 2 repeals the original section.

LB 155 (Brewer)

LB 155 adds that it is a rebuttable presumption that the use of eminent domain by public power for transmission for privately developed renewable energy generation facilities is a public use.

Final Bill

Section 1 amends 70-1014.02, which provides the requirements privately developed renewable energy generation facilities must meet in order to bypass the state's approval process and clarifies that only consumer-owned electric suppliers operating in Nebraska may use eminent domain for transmission, by adding legislative findings regarding the Sandhills, and by making the statement that the use of eminent domain by public power for transmission lines and related facilities under this section is a rebuttable presumption.

Section 2 amends 70-1015, which provides for Nebraska Power Review Board duties for violations of the act, by cleaning up the language.

Section 3 repeals the original sections.

LB 177 (Lindstrom)

LB 177 extends the termination date for limited bonding authority provided to natural resources districts containing a metropolitan class city for another five years. The committee amendment extended the termination date by five years, rather than ten.

Final Bill

Section 1 amends 2-3226.14, which authorizes natural resources district use of flood protection and water quality enhancement bonds, by extending the termination date of the authority from December 31, 2019 to December 31, 2024.

Section 2 repeals the original section.

LB 302 (Hughes)

LB 302 merges the Nebraska Energy Office into the Department of Environmental Quality, and renames the agency the Department of Environment and Energy. The bill also authorizes the new department to seek delegation from the federal government to administer a permit program under section 404 of the Clean Water Act.

Final Bill

New Language:

Sections 1 through 6 create *new language* that would, on or after July 1, 2019:

- Merge the State Energy Office into the Department of Environmental Quality renaming the department as the Department of Environment and Energy;
- Name the director of Environmental Quality as the Director of the new agency;

- Transfer employees of the Energy Office to the Department of Environment and Energy;
- Appropriate Energy Office funding, and obligations, to the Department of Environment and Energy;
- Authorize the transfer of all contracts, previous funding, and corresponding documents and records of the two agencies to the Department of Environment and Energy;
- Authorize the transfer of any pending legal or administrative actions of either agency to the Department of Environment and Energy;
- Authorize all references in law of either department to be changed to the Department of Environment and Energy; and
- Authorize the transfer of all real and personal property from the Energy Office to the Department of Environment and Energy.

Changing the name of the department from DEQ to Department of Environment and Energy:

Sections 7 through 62 amend statutes affecting programs in, and the administration of, the Department of Natural Resources, the Game and Parks Commission, the Department of Agriculture, cities and counties and natural resources districts.

Sections 65 through 68 amend 60-6,363, 60-6,364, 60-6,367, and 60-6,368, which cover requirements for smoke emissions and noise of certain motor vehicles, by changing references to the Department and Director of Environmental Quality to the Department of Environment and Energy.

Sections 78 through 82, 84 and 85, 88 through 91, 94 through 103, 173, 174, 177 and 178 are statutes containing a variety of topics for which DEQ is the regulating administrative entity or is a participating state agency. These statutes cover the following topics: geothermal resources permitting, ethanol production facility approval, the Petroleum Release Remedial Action Act, degradable personal property, the Plastic Container Coding Act, the Environmental Quality Council, clandestine drug lab reporting, the Radiation Control Act, drinking water standards, the Drinking Water State Revolving Fund Act, the Uniform Environmental Covenants Act, the Air and Water Pollution Control Tax Refund Act, the Nebraska Advantage Rural Development Act, the Biodiesel Facility Investment Credit, livestock production zoning, the Engineers and Architects Regulation Act, the Geographic Information Systems Council, and grain warehouses.

Sections 106, 109, 113 through 134, and 136 to 153 amend sections in Chapter 15, the state's Environmental Protection Act.

Each of these sections simply remove statutory references to the Department of Environmental Quality and replaces them with the Department of Environment and Energy.

Changing references to the State Energy Office to the Department of Environment and Energy, thereby placing authorities, duties and responsibilities of the State Energy Office with the Department of Environment and Energy:

Sections 64, 69, 70, 75 to 77, 83, 86, 87, 92, 93, 104, and 154 to 172, 175 and 176 contain statutes authorizing or requiring the State Energy Office or its director to perform certain duties. Each section replaces references to the State Energy Office to the Department of Environment and Energy, thereby transferring the corresponding duties. The affected statutes are:

- 58-221**, which requires the State Energy Office director to determine which energy efficiency heating systems are residential energy conservation devices for purposes of the Nebraska Investment Finance Authority Act;
- 66-203 and 66-204**, which authorizes rebate program and fund for qualified clean-burning motor vehicle fuel property;
- 66-489.02**, which requires collection of a motor vehicle tax for the Highway Trust Fund based on average wholesale price based on data provided by the State Energy Office.
- 66-1004 and 66-1009**, which provide for loans from publicly owned electric utilities for energy conservation measures;
- 66-2001**, which establishes and requires the Natural Gas Fuel Board to advise the State Energy Office;
- 70-1003**, which requires the Nebraska Power Review Board to provide reports to the State Energy Office;
- 70-1032**, which calls for the State Energy Office to participate in a study;
- 72-804 and 72-805**, which assign certain consulting duties under the 2009 International Energy Conservation Code to the State Energy Office;
- 81-1108.55**, which requires the state building administrator to provide certain procurement reports to the State Energy Office;
- 81-1604**, which calls for the State Energy Office to develop an integrated and comprehensive strategic state energy plan;
- 81-1606**, which requires the State Energy Office to develop and maintain a central data repository for energy-related statistics;
- 81-1607**, which requires the State Energy Office to report to the Governor and Legislature a comprehensive assessment of state energy supply, demand, and conservation;
- 81-1607.01**, which renames the State Energy Office Cash Fund to the State Energy Cash fund and requires the state treasurer to transfer money from the old to the new fund;
- 81-1609**, which defines terms related to uniform energy efficient standards;
- 81-1611**, which authorizes the adoption of rules and regulations on alternative standards to the Nebraska Energy Code;
- 81-1612**, which authorizes adoption of rules and regulations by the State Energy Office pursuant to the Administrative Procedures Act;

81-1613, which authorizes the production of manuals related to Nebraska’s Energy Code for use by architects, engineers, prime contractors and owners;
81-1616 and **81-1617**, which authorize the State Energy Office to inspect and investigate to determine compliance with the Nebraska Energy Code;
81-1618, which authorizes the State Energy Office to review local lighting and thermal efficiency codes;
81-1620, which authorizes the State Energy Office to establish a training program in the Nebraska Energy Code for local code officials, and residential and commercial builders;
81-1625, which authorizes the State Energy Office to order compliance with the Nebraska Energy Code and take action for failure to comply;
81-1635 to 81-1638, 81-1640 and 81-1641, which provide duties for the State Energy Office to administer the Nebraska Energy Settlement Fund containing settlement awards or allocations made on behalf of consumers of petroleum products from oil companies that overcharged customers;
84-166, which authorizes the Governor to delegate authority to the State Energy Office during a vital resource emergency; and
84-602.04, which allows redaction of financing information from State Energy Office Dollar and Energy Saving Loan Program contracts from the State Treasurer’s database.

Other:

Section 63 amends 57-1503, which provides duties under in the oil and gas statutes, by changing the name of the Department of Environmental Quality Cash Fund to the Environmental Cash Fund.

Sections 71 through 74 amend 66-301 through 66-304, which assign duties to the Department of Environmental Quality and the State Energy Office for a state assessment pursuant to federal EPA carbon dioxide emissions regulations and requires the development of a state energy plan, by placing such responsibilities with the Department of Environment and Energy.

Section 105 amends 81-1316, by deleting an obsolete reference to the State Energy Office being a part of the Governor’s Policy Research Office.

Section 107 amends 81-1503, by deleting obsolete language that provided for membership of the Environmental Quality Council before April 28, 2005.

Section 108 amends 81-1504, which provides power and duties for the DEQ under the Environmental Protection Act, by adding the authority, delegated by the federal government, to administer a permit program for the discharge of dredged or fill material consistent with section 404 of the Clean Water Act. This section also transfers power and duties that are now granted to the State Energy Office to the Department of Environment and Energy, including: serving as a central energy data repository; collecting and assessing data on energy needs and demands; disseminating information on energy; developing a strategic plan; providing

technical assistance to the public; maintaining a state program for conservation of energy and energy efficiency; entering into contracts and agreements to support energy programs; utilizing and maximizing funds; and forming advisory committees to advise the agency director on energy programs and policies.

Section 110 amends 81-1505, which authorizes the Environmental Quality Council to provide rules and regulations, by adding authority to adopt and promulgate rules and regulations for federal Clean Water Act section 404 permits, relating to the discharge of dredged or fill material into the waters of the United States.

Section 111 amends 81-1505.01, which creates the Department of Environmental Quality Cash Fund, by replacing the fund with the Environmental Cash Fund, and requiring the state treasurer to transfer money from the old fund to the new one.

Section 112 amends 81-1506, which provides for unlawful acts under the Environmental Protection Act, by making it unlawful to discharge any dredged or fill material into the water of the United States without a federal Clean Water Act section 404 permit and when required by the Environmental Quality Council.

Section 135 deletes obsolete language regarding a transfer of the balance of the Low-Level Radioactive Waste Cash Fund and changes the agency name from Department of Environmental Quality to the Department of Environment and Energy.

Section 179 provides an operative date of July 1, 2019.

Section 180 repeals the original sections.

Section 181 repeals outright the following sections because they will become obsolete under this bill:

- 69-2505, which authorizes the Environmental Quality Council to adopt rules and regs for the Plastic Container Coding Act but federal standards have already been adopted;
- 81-1601, which creates the State Energy Office as an agency;
- 81-1602, which provides the duties of the State Energy Office that will be transferred;
- 81-1603, which provides powers of the State Energy Office that will be transferred; and
- 81-1605, which provides limitations on the power and duties of the State Energy Office.

Section 182 contains an emergency clause.

LB 307 (Albrecht)

LB 307 updates revolving fund statutes administered by the Department of Environmental Quality to allow more flexibility as authorized by federal law.

The Nebraska Department of Environmental Quality Clean Water State Revolving Fund (CWSRF) Program was established pursuant to Title VI of the Federal Clean Water Act. The CWSRF is a federal-state partnership that uses a revolving fund created with grants awarded by the EPA for low-cost financing for water quality infrastructure projects, such as publicly and privately owned water pollution control facilities, nonpoint source pollution control projects, and management plans.

The Drinking Water State Revolving Fund (DWSRF) program was authorized by the 1996 Amendments to the Federal Safe Drinking Water Act. The Environmental Protection Agency makes the capitalization grants to states to help establish their DWSRF programs. Nebraska's DWSRF program provides loans to eligible public water supply systems for the construction of water works, and for land acquisition from willing sellers for source water protection. Funds can be used to plan, design and construct drinking water facilities.

The Wastewater Treatment Facilities Construction Loan Fund is also known as the Clean Water State Revolving Fund. The Drinking Water Facilities Loan Fund is also known as the Drinking Water State Revolving Fund.

A federal infrastructure reform bill passed in 2014 that amended the Clean Water Act, which affected the Clean Water State Revolving Fund (CWSRF). The bill expanded eligibility for water resources projects, extended financing terms for loans, and increased the amount of funds that could be used by the state for administration. The program provides a flexible financing source which can be used for a variety of projects.

Federal rules contain a provision authorizing states to transfer funds between the DWSRF and the Clean Water State Revolving Fund (CWSRF). Congress also created additional flexibility by authorizing a form of cross-collateralization in the Appropriations Act. With proper planning, priority setting, and public disclosure, these two provisions can assist states in maximizing their infrastructure funding programs by increasing the availability of funds where they are most needed, enhancing bond ratings, and lowering borrowing costs without increasing risks.

Final Bill

Section 1 amends 71-5316, which provides definitions under the Drinking Water State Revolving Fund Act, by updating the reference to the federal Safe Drinking Water Act as it existed, from May 22, 2001 to October 23, 2018.

Section 2 amends 71-5318, which creates the Drinking Water Facilities Loan Fund, by adding new language in the Nebraska Safe Drinking Water Act to allow transfers of funds made pursuant to 71-5327 between the Drinking Water Facilities Loan Fund to the Wastewater Treatment Facilities Construction Loan Fund to meet the purposes of 71-5327. The director is required to identify such transfers in the intended use plan presented to the Environmental Quality Council for annual review and adoption pursuant to 71-5321.

Section 3 amends 71-5325, which describes loan fund terms, by extending the term of a drinking water state revolving fund loan from twenty years to thirty years and loans servicing disadvantaged communities are extended from thirty years to forty.

Section 4 amends 71-5327, which authorizes the director to reserve dollars for transfer to other authorized programs, by removing the sunset date and reinstating the director's authority to reserve a dollar amount equal to 33% of a capitalization grant made pursuant to the federal Safe Drinking Water Act and federal Water Pollution Control Act.

Section 5 amends 81-15,151 by adding language in the Wastewater Treatment Facilities Construction Assistance Act to allow transfers of funds made pursuant to 71-5327 between the Drinking Water Facilities Loan Fund to the Wastewater Treatment Facilities Construction Loan Fund to meet the purposes of 71-5327. The director is required to identify such transfers in the intended use plan presented to the Environmental Quality Council for annual review and adoption pursuant to 71-5321.

Section 6 repeals the original sections.

LB 319 (Moser)

LB 319 makes three changes in statutes affecting administration of certain Department of Natural Resources duties, including removing a requirement that a notice be provided by mail, and changing rule making authority from mandatory to discretionary.

Final Bill

Section 1 amends 31-1017, which authorizes the Department of Natural Resources to handle all flood plain management matters, by removing the requirement that notice be provided to county, city and village clerks by mail for hearings on rules and regulations establishing minimum standards for local flood plain management. Removing the requirement "by mail" allows the department to provide notice electronically.

Section 2 amends 46-753, which creates the Water Resources Trust Fund, by stating that the department "may" adopt rules and regulations to administer the fund, rather than "shall".

Section 3 amends 61-206, which provides for the Department of Natural Resources having water rights jurisdiction and other general powers and duties, by stating that the department "may" adopt and promulgate rules and regulations on matters under its jurisdiction, rather than "shall".

Section 4 repeals the original sections.

LB 374 (Brewer)

LB 374 authorizes the Game and Parks Commission to issue raptor permits for falconry or wildlife abatement.

Final Bill

Sections 1 and 2 amend 37-201, which lists the statutes included in the Game Law, and 37-202, which states the definitions in these sections apply only to Game Law, by adding reference to the new language in this bill.

Section 3 creates new language defining “wildlife abatement” as the use of a trained raptor to frighten, flush, haze, take, or kill certain wildlife to manage depredation, damage, threats to human health and safety or commerce.

Section 4 amends 37-497, which authorizes the Game and Parks Commission to protect and manage raptors and provides for the practice of falconry, by changing the name of the falconry permit to the raptor permit for falconry, and adding a raptor permit for wildlife abatement. The law authorizes possession of raptors for wildlife abatement, and authorizes raptor permits for wildlife abatement to be issued only to residents who meet certain requirements. The fee for a permit will not be more than \$23 for 12 to 17 year-olds, and not more than \$61 for 18 year-olds and older. No permits are allowed for those younger than 12, and 12 to 17 year-olds must be sponsored by a permitted adult. Permits expire after three years.

Section 5 amends 37-498, which prohibits taking raptors into captivity without a permit, by changing falconry permits to raptor permits for falconry, and adding an exception for raptor permits for wildlife abatement.

Section 6 repeals the original sections.

SUMMARIES OF BILLS ADVANCED

LB 126 (Hughes)

LB 126 would allow the Game and Parks Commission to issue limited permits for deer, antelope, wild turkey or elk hunting. The bill would authorize the commission to issue up to four additional firearm deer hunting permits for seven days before the regular season to a landowner and his or her family if the landowner makes 50% or more of his or her land open for public hunting.

The proposed committee amendment, AM 757, would reduce the days the additional permits would be usable to the Tuesday, Wednesday and Thursday before the regular season, and would remove the requirement that the landowner open his or her land for public hunting.

Original Bill Section-by-section description

Section 1 amends 37-455, which authorizes the Game and Parks Commission to issue limited permits for deer, antelope, wild turkey or elk hunting, by expanding the definition of "immediate family" to include a landowner's spouse, siblings sharing ownership of the property, and the children and grandchildren of the landowner and any such siblings, including any spouses of such children and grandchildren.

Section 2 repeals the original section.

LB 287 (Quick)

LB 287 would 1) allow the commission to offer permits for temporarily reduced rates for specific time frames or events; 2) authorize increased annual and temporary park permit fees; 3) allow permit buyers to draw for a permit to purchase a preference point for a fee in lieu of entering a random permit drawing; 4) merge the Aquatic Invasive Species Program fee on boat registrations into the registration fee as required by a federal regulation for a Coast Guard grant program; 5) authorize additional regulations on wearing hunter orange; and 6) other minor changes on promotional information and permit replacement fees.

The proposed committee amendment, AM 386, would reinstate the original language in section 37-438. LB 287 proposed changing the cap on the cost of the annual park permit for residents from \$35 to \$40. The amendment strikes the raised cap, leaving it at \$35.

Original Bill Section-by-section description:

Sections 1 and 2 amend 37-201 and 37-202, which label this section as the Game Law and identifies where definitions can be found, by adding reference to the new language in this bill.

Sections 3 and 4 create new definitions of “bonus point” (for random permit drawings) and “preference point” (for structured random permit drawings).

Section 5 amends 37-317, which authorizes the commission to disseminate information on state parks and wildlife resources, by adding that promotional materials may also be disseminated.

Section 6 amends 37-407, which provides for multi-year or combo permits for hunting, fishing and fur-harvesting, by authorizing the commission to offer such permits at temporarily reduced rates for specific events or specified timeframes.

Section 7 amends 37-409, which allows for the replacement of lost permits, by adding that replacement fees are not to be charged for permits that are exempt from fees, lifetime permits, and other special permits.

Section 8 amends 37-415, which provides for lifetime hunting and fishing permits, by removing the \$5 replacement fee, but clarifying that the free replacement does not apply to commemorative brass plate permits.

Section 9 amends 37-426, which requires habitat stamps for certain game birds, animals and aquatic organisms, by restructuring the language authorizing the commission to issue lifetime and multi-year habitat, Nebraska migratory waterfowl, and aquatic habitat stamps. Authorizes replacement for lost stamps for no fee, but does not include commemorative brass plate permits. Also authorizes the commission to offer stamps at temporarily reduced rates for specific events or during certain timelines in conjunction with other permit sales.

Section 10 amends 37-438, which provides for annual and temporary park entry permit fees, by raising the cap on the resident permit annual fee from \$35 to \$40, and from \$45 to \$55 for nonresidents. Also removes the fee base of \$6 for resident temporary permits and raises the cap for nonresident temporary permits from \$8 to \$10. Again, allows the commission to offer permits at temporarily reduced rates for specific events or during specified timeframes.

Section 11 amends 37-447, which provides for deer hunting permits and fees, by authorizing the commission to offer temporarily reduced rates for specific events or during specified timeframes, and authorizing preference points for a fee of not more than \$24 for residents and not more than \$72 for nonresidents. The point would be in lieu of entering the random drawing for a deer permit.

Section 12 amends 37-449, which provides for antelope hunting permits and fees, by authorizing the commission to offer temporarily reduced rates for specific events or during specified timeframes, and authorizing preference points for a fee of not more than \$24 for residents and not more than \$72 for nonresidents. The point would be in lieu of entering the random drawing for an antelope permit.

Section 13 amends 37-450, which provides for elk hunting permits and fees, by authorizing preference points for a fee of not more than \$24 for residents and not more than \$72 for nonresidents that would be issued in lieu of entering the random drawing for an elk permit.

Section 14 amends 37-4,111, which provides for paddlefish permits, by authorizing preference points for a fee of not more than \$24 for residents and not more than \$72 for nonresidents that would be issued in lieu of entering the random drawing for a paddlefish permit.

Section 15 amends 37-527, which provides the requirements for wearing hunter orange, by authorizing the commission to set the requirements during other authorized hunting seasons.

Section 16 amends 37-1214, which provides for motorboat registration and fees, by changing the fees from not more than \$23 for Class 1 boats to \$28; from not more than \$46 to \$51 for Class 2 boats; from not more than \$67.50 to \$72.50 for Class 3 boats; and from not more than \$115 to \$120 for Class 4 boats. Also removes the base fee of \$5 for the Aquatic Invasive Species Program, leaving the fee at not more than \$10.

Sections 17 and 18, amend 37-1215, which provides for motorboat registration fees outside of the registration period, and 37-1219, which provides for the remittance of fees, by eliminating reference to the fee for the Aquatic Invasive Species Program.

Section 19 repeals the original sections.

LB 700 (Bostelman)

LB 700 would state that every person owning, operating or managing a wind energy system conversion system is responsible for all decommissioning and reclamation costs associated with removing all above and below ground equipment. The bill also defines reclamation as restoration of the area on which a wind energy conversion system is constructed to its condition prior to construction. The bill would also apply to Board of Educational Lands and Funds' wind or solar energy production agreements.

The proposed committee amendment, AM 1098, would strike the original language and would become the bill. The amendment would create new statutory intent language providing that it is the policy of the state that our land be restored to predevelopment condition when wind turbines are decommissioned; require that wind turbine owners who are parties to wind agreements provide landowners with detailed information on materials and equipment that will remain on their land when a wind turbine is decommissioned; require that every wind agreement executed on or after January 1, 2020, provide for the removal of below grade foundation material and equipment upon decommissioning, but excludes wind turbines that will be used for repowering within 24 months; require that voids left from removal of such equipment and material be restored to pre-installation condition or an improved condition per agreement between the landowner and turbine owner; define foundation material and

equipment; define repowering; allow political subdivisions to enact standards that meet or exceed the requirements in this bill; and amend three other sections in statute that make reference to decommissioning and wind agreements to include the provisions of this act.

Original Bill Section-by-section description:

Section 1 creates new language, stating that every person owning, operating or managing a wind energy conversion system is responsible for all decommissioning or reclamation costs necessary for removal of the system, including above ground and underground equipment and land restoration to its natural state. Defines reclamation as restoration of the area on which a wind energy conversion system is constructed to its condition prior to construction.

Sections 2, 3 and 4 amend 66-901, 66-902, and 72-272, which provide legislative findings and definitions for wind and solar energy development and authorize the Board of Educational Lands and Funds to make wind or solar energy production agreements, by adding reference to the new language in section 1.

Section 5 repeals the original sections.

SUMMARIES OF BILLS HELD IN COMMITTEE

LB 46 (Chambers)

LB 46 would eliminate the mountain lion hunting season.

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 53 (Scheer)

LB 53 would require landowners to clean watercourses, drains or ditches of blockages or obstructions.

Section 1 amends 31-224, which requires landowners to clean a watercourse, slough, drainage ditch or drainage course running through his or her land, by adding that such watercourse, drain or ditch be cleaned to its natural depth and width when any blockage or obstruction is caused by the landowner or tenant. Cleaning is to be done once a year between March 1 and April 15. New language adds that a cleaning must be done any time between April 15 and the following March 1 within 30 days of notification by a landowner or tenant having the same watercourse, drain or ditch of a blockage or obstruction.

Section 2 amends 31-226, which provides penalties for failure to clear a watercourse, drain or ditch, by adding liability for court costs and reasonable attorney's fees, and clarifying that a landowner or tenant has failed to comply if notice was received at least 10 days before a complaint is filed or if notice was provided at least 10 days before a complaint filed, but after the 30 day period allowed in 31-224.

Section 3 repeals the original sections.

LB 285 (McCollister)

LB 285 would seek to appropriate funds to the Nebraska Power Review Board for a review of public energy policy.

Sections 1 through 5 contain new language proposing that:

- Legislative intent is to appropriate \$200,000 to the Nebraska Power Review Board from the General Fund for a study of electrical transmission and distribution infrastructure

and policy and future needs for electric transmission and distribution infrastructure and policy in the state to encourage and facilitate the development of renewable energy facilities.

- The policy of the state is to encourage development and operation of renewable energy generation, energy storage, and distributed energy generation while protecting ratepayers and resulting in economic development and cost savings.
- The purpose of the proposed study is to identify transmission and distribution constraints and opportunities and how to make energy storage part of the state's future electric transmission and distribution plans.
- The study is to include input from a working group which the Natural Resources Committee coordinates and provides for possible members of that group.
- The Nebraska Power Review Board issue a study RFP, not subject to the state's competitive negotiation policy, and present a report of the results to the Legislature and Governor by December 20, 2019.

Section 6 contains an emergency clause.

LB 367 (Hughes)

LB 367 would eliminate provisions relating to fund transfers and change a termination date under the Nebraska Litter Reduction and Recycling Act.

Section 1 amends 81-1558, which creates the Nebraska Litter Reduction and Recycling Fund, by eliminating the statement that transfers may be made from the fund to the General Fund at the Legislature's direction.

Section 2 amends 81-1566, which provides a termination date for the Nebraska Litter Reduction and Recycling Act, by extending the sunset date from October 30, 2020 to September 30, 2025.

Section 3 repeals the original sections.

LB 368 (Hughes)

LB 368 would eliminate the designation of "overappropriated" river basins, subbasins, and reaches.

Section 1 amends 2-969, which creates the Riparian Vegetation Management Task Force and lists criteria for members, by removing references to appointment of members from overappropriated river basins.

Section 2 amends 2-3225, which provides for natural resources districts' levy authority, by eliminating reference to overappropriated basins having the authority to use the 3-cent levy.

Sections 3, 8, and 13 make referencing or technical changes to 2-32,115, 46-706, and 46-718.

The following sections eliminate references to basins designated as overappropriated, leaving the provision of law applicable only to basins designated as fully appropriated:

Section 4 amends 46-229.04, which provides for the number of years a sufficient cause for nonuse of a water appropriation lasts;

Section 6 amends 46-294, which lists the application requirements for intrabasin transfers of water;

Section 7 amends 46-703, which lists legislative findings for the Groundwater Management and Protection Act;

Section 16 amends 46-753, which creates the Water Resources Trust Fund;

Section 18 amends 61-218, which creates the Water Resources Cash Fund;

Section 19 amends 77-3442, which provides for local government property tax levy authorities; and

Section 20 amends 81-15,175, which provides for allocations from the Nebraska Environmental Trust Fund.

The following sections eliminate references to basins designated as overappropriated and replaces them with references to basins designated as fully appropriated:

Section 5 amends 46-290, which provides for approval of transfer or change applications for intrabasin transfers of water;

Section 9 amends 46-713, which requires the Department of Natural Resources to make annual evaluations and make determinations of appropriation status, by removing references to overappropriated, eliminating the standard used to designate a basin as overappropriated, and providing that any river basin, subbasin or reach deemed overappropriated prior to this act is to be deemed fully appropriated on the bill's effective date.

Section 10 amends 46-714, which provides the procedures that take place when a basin is declared fully or overappropriated, by eliminating the procedures for issuing moratoria on new uses in overappropriated basins.

Section 11 amends 46-715, which requires development of integrated management plans for fully and overappropriated basins, by eliminating references to overappropriated basins, and eliminates integrated management and basin-wide planning requirements for overappropriated basins.

Section 12 amends 46-716, which provides for surface water controls in integrated management plans, by requiring, rather than allowing IMPs to adopt such controls, and adding that the controls should include requirements needed to maintain compact or other agreement compliance.

This section also adds language that requires the Department of Natural Resources to manage on-stream reservoirs in fully appropriated basins as flood control structures which are not to exceed 80% capacity before March 1 each year to allow for snow melt and runoff.

Section 14 amends 46-720, which provided transition procedures between the old and new water management laws, by eliminating drilling suspension procedures for areas declared as overappropriated.

Section 15 amends 46-740, which provides for limitations and conditions on groundwater allocations, by making water use limitations that were applicable to overappropriated basins now applicable to fully appropriated basins.

Section 17 amends 46-755, which provides for a basin-wide planning process, by eliminating an exception from required basin-wide planning for areas that have already implemented a basin-wide plan.

Section 21 repeals the original sections.

LB 509 (McCollister)

LB 509 would allow for the increase in the size of net-metered projects from 25 to 100 kilowatts, and create a new rate class for net-metered projects.

The bill amends two sections of the state's net metering policy, 70-2002 and 70-2003 by changing the definitions of net metering and qualified facility. The changes would:

- allow local distribution utilities to charge customer-generators who generate more than 5 kilowatts a separate rate based on the utility's cost of service. Such rate is to be a fixed rate, not to exceed more than 20% of the local distribution utility's fixed rate for customers in the same rate class;
 - provide that no other fee may be charged to a net metering customer for standby, capacity, demand, interconnection, or other costs.
 - increase net metering threshold from 25 kilowatts to 100 kilowatts, but allow the utility to limit the capacity of a facility to 110% of a customer's average monthly usage during the previous year.
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LB 580 (Hilkemann)

LB 580 would increase the municipal solid waste fee for additional funding for residential household hazardous waste facilities or collection events.

Section 1 amends 13-2042, which provides for the landfill disposal fee under the Integrated Solid Waste Management Act, by changing the disposal fee from \$1.25 to \$2 for each 6 cubic yards of uncompacted solid waste, and from \$1.25 to \$2 for each three cubic yards of compacted solid waste, or \$2 per ton of solid waste.

Section 2 amends 13-2042.01, which requires the DEQ to provide a rebate to municipalities or counties of the landfills, by changing the rebate from 10-cents to “a portion” of the disposal fee, depending on whether the municipality or county has a DEQ approved recycled product purchasing policy. If it does, the rebate is 10-cents of each fee. New language states that if the municipality or county uses the funds for residential household hazardous waste collection events or for residential household hazardous waste facilities, then the rebate is 75-cents of each fee.

New language states that the 75-cent rebate is to be based on the household hazardous waste facility’s operating budget for the previous year and the amount of funding received from other grant programs.

New language further requires reporting in order to continue receiving the rebate, and provides additional rebate requirements.

Section 3 provides an operative date of October 1, 2019.

Section 4 repeals the original sections.

LB 606 (Groene)

LB 606 would authorize the development of water augmentation projects by natural resources districts in which the water may be used without ownership of the overlying land.

Section 1 creates new language that would:

- Authorize NRDs to develop water augmentation projects for streamflow enhancement and to acquire real property for such projects;
- Require the governing NRD to allocate the amount of ground water to be withdrawn for an augmentation projects for streamflow enhancement;
- Allow a water augmentation project owner to sell real estate bought for the project, but authorize such owner to continue pumping water for beneficial use needed for the augmentation project, without regard to the land owned.

Section 2 requires that this new language be placed in Chapter 2, article 32, which contain the general rights and duties of Natural Resources Districts.

LB 632 (Hughes)

LB 632 is the committee's annual shell bill, serving as a placeholder for other legislative needs that may need to be addressed.

Section 1 amends 46-1011, which provides the procedures to be used for improvements in rural water districts, by making clarifying, non-substantive changes.

Section 2 repeals the original section.

INTERIM STUDY RESOLUTIONS

LR 96	Slama	Intern study to examine the long-term public power generation and transmission options in the state.
LR 114	Hughes	Interim study to examine conditions under which the board of directors of the Nebraska Cooperative Republican Platte Enhancement Project and the Rock Creek augmentation project may dispose of real property each owns related to the projects.
LR 138	McDonnell	Interim study to identify for adoption by the Legislature three to give infrastructure project opportunities in eastern Nebraska to provide flood control, a reliable drinking water supply, power generation, climate change mitigation, and recreation.
LR 142	Hughes	Interim study to examine any matter concerning the Game and Parks Commission.
LR 154	Groene	Interim study to examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement interlocal project in Lincoln County.
LR 227	Bostelman	Interim study to examine the future of nuclear-generated electricity in Nebraska.