

AMENDMENTS TO LB1008

Introduced by Natural Resources.

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

3 Section 1. Section 37-613, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 37-613 (1) Any person who sells, purchases, takes, or possesses
6 contrary to the Game Law any wildlife shall be liable to the State of
7 Nebraska for the damages caused thereby. Such damages shall be:

8 (a) ~~Twenty-five~~ Fifteen thousand dollars for each mountain sheep;

9 (b) Ten ~~Five~~ thousand dollars for each elk with a minimum of twelve
10 total points and three ~~one~~ thousand ~~five hundred~~ dollars for any other
11 elk;

12 (c) Ten ~~Five~~ thousand dollars for each whitetail deer with a minimum
13 of eight total points and an inside spread between beams of at least
14 sixteen ~~eighteen~~ inches, two ~~one~~ thousand dollars for any other antlered
15 whitetail deer, and five hundred ~~two hundred fifty~~ dollars for each
16 antlerless whitetail deer and whitetail doe deer;

17 (d) Ten ~~Five~~ thousand dollars for each mule deer with a minimum of
18 eight total points and an inside spread between beams of at least twenty-
19 two ~~twenty-four~~ inches and two ~~one~~ thousand dollars for any other mule
20 deer;

21 (e) Five thousand dollars for each antelope with the shortest horn
22 measuring a minimum of fourteen inches in length and one thousand dollars
23 for any other antelope;

24 (f) One thousand five hundred dollars for each bear or moose or each
25 individual animal of any threatened or endangered species of wildlife not
26 otherwise listed in this subsection;

27 (g) Five thousand ~~hundred~~ dollars for each mountain lion, lynx,

1 bobcat, river otter, or raw pelt thereof;

2 (h) Twenty-five dollars for each raccoon, opossum, skunk, or raw
3 pelt thereof;

4 (i) Five thousand dollars for each eagle;

5 (j) ~~Five~~ ~~One~~ hundred dollars for each wild turkey;

6 (k) Twenty-five dollars for each dove;

7 (l) Seventy-five dollars for each other game bird, other game
8 animal, other fur-bearing animal, raw pelt thereof, or nongame wildlife
9 in need of conservation as designated by the commission pursuant to
10 section 37-805, not otherwise listed in this subsection;

11 (m) Fifty dollars for each wild bird not otherwise listed in this
12 subsection;

13 (n) Seven hundred fifty dollars for each swan or paddlefish;

14 (o) Two hundred dollars for each master angler fish measuring more
15 than twelve inches in length;

16 (p) Fifty dollars for each game fish measuring more than twelve
17 inches in length not otherwise listed in this subsection;

18 (q) Twenty-five dollars for each other game fish; and

19 (r) Fifty dollars for any other species of game not otherwise listed
20 in this subsection.

21 (2) The commission shall adopt and promulgate rules and regulations
22 to provide for a list of master angler fish which are subject to this
23 section and to prescribe guidelines for measurements and point
24 determinations as required by this section. The commission may adopt a
25 scoring system which is uniformly recognized for this purpose.

26 (3) Such damages may be collected by the commission by civil action.
27 In every case of conviction for any of such offenses, the court or
28 magistrate before whom such conviction is obtained shall further enter
29 judgment in favor of the State of Nebraska and against the defendant for
30 liquidated damages in the amount set forth in this section and collect
31 such damages by execution or otherwise. Failure to obtain conviction on a

1 criminal charge shall not bar a separate civil action for such liquidated
2 damages. Damages collected pursuant to this section shall be remitted to
3 the secretary of the commission who shall remit them to the State
4 Treasurer for credit to the State Game Fund.

5 Sec. 2. Section 57-904, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 57-904 There is hereby established the Nebraska Oil and Gas
8 Conservation Commission. The commission shall consist of three members to
9 be appointed by the Governor. The director of the state geological survey
10 shall serve the commission in the capacity as its technical advisor, but
11 with no power to vote. Any two commissioners shall constitute a quorum
12 for all purposes. At least one member of the commission shall have had
13 experience in the production of oil or gas and shall have resided in the
14 State of Nebraska for at least one year. Each of the other members of the
15 commission shall have resided in the State of Nebraska for at least three
16 years. Initially, two of said members shall be appointed for a term of
17 two years each; and one shall be appointed for a term of four years. At
18 the expiration of the initial terms all members thereafter appointed
19 shall serve for a term of four years. The Governor may at any time remove
20 any appointed member of the commission for cause, and by appointment,
21 with the approval of the Legislature, shall fill any vacancy on the
22 commission.

23 The members of the commission shall receive as compensation for
24 their services not more than four hundred ~~the sum of fifty~~ dollars per
25 day for each day actually devoted to the business of the commission,
26 except ; ~~Provided,~~ that they shall not receive a sum in any one year in
27 excess of four ~~two~~ thousand dollars each. In addition, each member of the
28 commission shall be reimbursed for his or her actual and necessary
29 traveling and other expenses incurred in connection with the carrying out
30 of his or her duties as provided in sections 81-1174 to 81-1177 ~~for state~~
31 ~~employees.~~

1 Sec. 3. (1) Notwithstanding any other provision of law, the public
2 power industry as defined in section 70-601 and the Nebraska Power Review
3 Board may withhold competitive or proprietary information which would
4 give an advantage to business competitors. Competitive information is
5 information which a reasonable person, knowledgeable of the electric
6 utility industry, could conclude gives an advantage to business
7 competitors.

8 (2) Any request for records described in this section shall be
9 subject to the procedures for public record requests provided in sections
10 84-712 to 84-712.09.

11 Sec. 4. Section 70-1015, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 70-1015 (1) If any supplier violates Chapter 70, article 10, by
14 either (a) ~~(1)~~ commencing the construction or finalizing or attempting to
15 finalize the acquisition of any generation facilities, any transmission
16 lines, or any related facilities without first providing notice or
17 obtaining board approval, whichever is required, or (b) ~~(2)~~ serving or
18 attempting to serve at retail any customers located in Nebraska or any
19 wholesale customers in violation of section 70-1002.02, such
20 construction, acquisition, or service of such customers shall be enjoined
21 in an action brought in the name of the State of Nebraska until such
22 supplier has complied with Chapter 70, article 10.

23 (2) If the executive director of the board determines that a private
24 electric supplier commenced construction of a privately developed
25 renewable energy generation facility less than thirty days prior to
26 providing the notice required in subdivision (1)(a) of section
27 70-1014.02, the executive director shall send notice via certified mail
28 to the private electric supplier, informing it of the determination that
29 the private electric supplier is in violation of such subdivision and is
30 subject to a fine in the amount of five hundred dollars. The private
31 electric supplier shall have twenty days from the date on which the

1 notice is received in which to submit the notice described in such
2 subdivision and to pay the fine. Within ten days after the private
3 electric supplier submits a notice compliant with the provisions of
4 subsection (1) of section 70-1014.02 and payment of the fine, the
5 executive director of the board shall issue the written acknowledgment
6 described in subsection (2) of section 70-1014.02. If the private
7 electric supplier fails to submit a notice compliant with the provisions
8 of subsection (1) of section 70-1014.02 and pay the fine within twenty
9 days after the date on which the private electric supplier receives the
10 notice from the executive director of the board, the private electric
11 supplier shall immediately cease construction or operation of the
12 privately developed renewable energy generation facility.

13 (3) If the private electric supplier disputes that construction was
14 commenced less than thirty days prior to submitting the written notice
15 required by subdivision (1)(a) of section 70-1014.02, the private
16 electric supplier may request a hearing before the board. Such request
17 shall be submitted within twenty days after the private electric supplier
18 receives the notice sent by the executive director pursuant to subsection
19 (2) of this section. If the private electric supplier does not accept the
20 certified mail sent pursuant to such subsection, the executive director
21 shall send a second notice to the private electric supplier by first-
22 class United States mail. The private electric supplier may submit a
23 request for hearing within twenty days after the date on which the second
24 notice was mailed.

25 (4) Upon receipt of a request for hearing, the board shall set a
26 hearing date. Such hearing shall be held within sixty days after such
27 receipt. The board shall provide to the private electric supplier written
28 notice of the hearing at least twenty days prior to the date of the
29 hearing. The board or its hearing officer may grant continuances upon
30 good cause shown or upon the request of the private electric supplier.
31 Timely filing of a request for hearing by a private electric supplier

1 shall stay any further enforcement under this section until the board
2 issues an order pursuant to subsection (5) of this section or the request
3 for hearing is withdrawn.

4 (5) The board shall issue a written decision within sixty days after
5 conclusion of the hearing. All costs of the hearing shall be paid by the
6 private electric supplier if (a) the board determines that the private
7 electric supplier commenced construction of the privately developed
8 renewable energy generation facility less than thirty days prior to
9 submitting the written notice required pursuant to subsection (1) of
10 section 70-1014.02 or (b) the private electric supplier withdraws its
11 request for hearing prior to the board issuing its decision.

12 (6) A private electric supplier which the board finds to be in
13 violation of the requirements of subsection (1) of section 70-1014.02
14 shall either (a) pay the fine described in this section and submit a
15 notice compliant with the provisions of subsection (1) of section
16 70-1014.02 or (b) immediately cease construction or operation of the
17 privately developed renewable energy generation facility.

18 Sec. 5. Section 81-15,160, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is
21 created. The department shall deduct from the fund amounts sufficient to
22 reimburse itself for its costs of administration of the fund. The fund
23 shall be administered by the Department of Environmental Quality. The
24 fund shall consist of proceeds from the fees imposed pursuant to the
25 Waste Reduction and Recycling Incentive Act.

26 (2) The fund may be used for purposes which include, but are not
27 limited to:

28 (a) Technical and financial assistance to political subdivisions for
29 creation of recycling systems and for modification of present recycling
30 systems;

31 (b) Recycling and waste reduction projects, including public

1 education, planning, and technical assistance;

2 (c) Market development for recyclable materials separated by
3 generators, including public education, planning, and technical
4 assistance;

5 (d) Capital assistance for establishing private and public
6 intermediate processing facilities for recyclable materials and
7 facilities using recyclable materials in new products;

8 (e) Programs which develop and implement composting of yard waste
9 and composting with sewage sludge;

10 (f) Technical assistance for waste reduction and waste exchange for
11 waste generators;

12 (g) Programs to assist communities and counties to develop and
13 implement household hazardous waste management programs;

14 (h) Capital assistance for establishing private and public
15 facilities to manufacture combustible waste products and to incinerate
16 combustible waste to generate and recover energy resources, except that
17 no disbursements shall be made under this section for scrap tire
18 processing related to tire-derived fuel; and

19 (i) Grants for reimbursement of costs to cities of the second class,
20 villages, and counties of five thousand or fewer population for the
21 deconstruction of abandoned buildings. Eligible deconstruction costs will
22 be related to the recovery and processing of recyclable or reusable
23 material from the abandoned buildings.

24 (3) Grants up to one million five hundred thousand dollars annually
25 shall be available until June 30, 2024 ~~2019~~, for new scrap tire projects
26 only, if acceptable scrap tire project applications are received.
27 Eligible categories of disbursement under section 81-15,161 may include,
28 but are not limited to:

29 (a) Reimbursement for the purchase of crumb rubber generated and
30 used in Nebraska, with disbursements not to exceed fifty percent of the
31 cost of the crumb rubber;

1 (b) Reimbursement for the purchase of tire-derived product which
2 utilizes a minimum of twenty-five percent recycled tire content, with
3 disbursements not to exceed twenty-five percent of the product's retail
4 cost;

5 (c) Participation in the capital costs of building, equipment, and
6 other capital improvement needs or startup costs for scrap tire
7 processing or manufacturing of tire-derived product, with disbursements
8 not to exceed fifty percent of such costs or five hundred thousand
9 dollars, whichever is less;

10 (d) Participation in the capital costs of building, equipment, or
11 other startup costs needed to establish collection sites or to collect
12 and transport scrap tires, with disbursements not to exceed fifty percent
13 of such costs;

14 (e) Cost-sharing for the manufacturing of tire-derived product, with
15 disbursements not to exceed twenty dollars per ton or two hundred fifty
16 thousand dollars, whichever is less, to any person annually;

17 (f) Cost-sharing for the processing of scrap tires, with
18 disbursements not to exceed twenty dollars per ton or two hundred fifty
19 thousand dollars, whichever is less, to any person annually;

20 (g) Cost-sharing for the use of scrap tires for civil engineering
21 applications for specified projects, with disbursements not to exceed
22 twenty dollars per ton or two hundred fifty thousand dollars, whichever
23 is less, to any person annually;

24 (h) Disbursement to a political subdivision up to one hundred
25 percent of costs incurred in cleaning up scrap tire collection and
26 disposal sites; and

27 (i) Costs related to the study provided in section 81-15,159.01.

28 The director shall give preference to projects which utilize scrap
29 tires generated and used in Nebraska.

30 (4) Priority for grants made under section 81-15,161 shall be given
31 to grant proposals demonstrating a formal public/private partnership

1 except for grants awarded from fees collected under subsection (6) of
2 section 13-2042.

3 (5) Grants awarded from fees collected under subsection (6) of
4 section 13-2042 may be renewed for up to a five-year grant period. Such
5 applications shall include an updated integrated solid waste management
6 plan pursuant to section 13-2032. Annual disbursements are subject to
7 available funds and the grantee meeting established grant conditions.
8 Priority for such grants shall be given to grant proposals showing
9 regional participation and programs which address the first integrated
10 solid waste management hierarchy as stated in section 13-2018 which shall
11 include toxicity reduction. Disbursements for any one year shall not
12 exceed fifty percent of the total fees collected after rebates under
13 subsection (6) of section 13-2042 during that year.

14 (6) Any person who stores waste tires in violation of section
15 13-2033, which storage is the subject of abatement or cleanup, shall be
16 liable to the State of Nebraska for the reimbursement of expenses of such
17 abatement or cleanup paid by the Department of Environmental Quality.

18 (7) The Department of Environmental Quality may receive gifts,
19 bequests, and any other contributions for deposit in the Waste Reduction
20 and Recycling Incentive Fund. Transfers may be made from the fund to the
21 General Fund at the direction of the Legislature. Any money in the Waste
22 Reduction and Recycling Incentive Fund available for investment shall be
23 invested by the state investment officer pursuant to the Nebraska Capital
24 Expansion Act and the Nebraska State Funds Investment Act.

25 Sec. 6. The Revisor of Statutes shall assign section 3 of this act
26 to Chapter 70, article 6.

27 Sec. 7. Sections 1, 2, 5, and 9 of this act become operative three
28 calendar months after the adjournment of this legislative session. The
29 other sections of this act become operative on their effective date.

30 Sec. 8. Original section 70-1015, Revised Statutes Cumulative
31 Supplement, 2016, is repealed.

1 Sec. 9. Original sections 37-613 and 57-904, Reissue Revised
2 Statutes of Nebraska, and section 81-15,160, Revised Statutes Cumulative
3 Supplement, 2016, are repealed.

4 Sec. 10. Since an emergency exists, this act takes effect when
5 passed and approved according to law.