

Legislature - First Session - 2019

Introducer's Statement of Intent

LB302

Chairperson: Senator Dan Hughes

Committee: Natural Resources

Date of Hearing: January 30, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The bill is introduced at the request of the Governor.

LB 302 has three purposes:

1) Merges of the State Energy Office into the Department of Environmental Quality. The combined agencies are renamed the Department of Environment and Energy effective July 1, 2019. Transfers all statutory powers and duties, responsibilities and obligations, employees, and assets of the State Energy Office to the Department of Environment and Energy. The Director of the Department of Environment and Energy will administer the Department of Environment and Energy, the position currently held by the Director of the Department of Environmental Quality.

Sections 1 through 6 transition sections for the State Energy Office relating to employment, contractual obligations, litigation, real and personal property and transfer of funds from the State Energy Office to the Department of Environment and Energy.

Sections 72 through 74 (beginning on page 77) harmonize reporting duties by removing obsolete language related to the State Energy Office. All reporting duties will continue under the Department of Environment and Energy.

Sections 93 (page 108) and 160 (page 201) clarifies the Director of Environment and Energy may adopt rules and regulations and removes reference to the State Energy Office.

Section 108, beginning on page 139, is where the powers and duties of the State Energy Office are relocated. With this change, the bill outright repeals Sections 81-1601 through 81-1603.

The Department of Environmental Quality and State Energy Office Cash Funds are each renamed (Environment Cash Fund and State Energy Cash Fund in Section 111 on page 158 and Section 157 on page 199 respectively) but remain segregated for their specific statutorily designated purposes.

Remaining sections are harmonizing sections included solely due to the change in agency name.

2) Authorizes the Department of Environment and Energy to develop a program in accordance with rules and regulations that may be adopted by the Environmental Quality Council for issuance of permits relating to the discharge of dredged or fill material into waters of the United States consistent with Section 404 of the federal Clean Water Act, 33 U.S.C. 1251 et seq. The Section 404 program currently is administered jointly at the federal level by the U.S. Army Corps of Engineers and U.S. Environmental Protection agency and may be delegated to states that have adopted approved programs. This change is covered in Section 108 (page 139, lines 12-15), Section 110 (page 158, lines 9-18), and Section 112 (page 160, lines 15-18).

3) Deletes the requirement for the Environmental Quality Council to adopt regulations to carry out the Plastic Container Coding Act, which is unnecessary due to national industry practice on plastic container coding for recycling. This requirement is repealed in Section 181 (page 220, line 20).

Principal Introducer: _____

Senator Dan Hughes