

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB590

Hearing Date: Wednesday February 12, 2025
Committee On: Natural Resources
Introducer: Moser
One Liner: Provide for a mitigation bank or an in-lieu fee program relating to the incidental taking of threatened or endangered species habitat

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

Vote Results:
Aye: 8 Senators Brandt, Clouse, Conrad, DeKay, Hughes, Juarez, Moser, Raybould
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Mike Moser
Vicki Kremer
Tony Baumert
John Hansen

Representing:

Opening Presenter
Nebraska Department of Transportation
Olsson, American Council of Engineering Companies
Nebraska Farmers Union

Opponents:

Representing:

Neutral:

Al Davis

Representing:

Nebraska Chapter of the Sierra Club

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 590 amends section 37-335 to authorize the Nebraska Department of Transportation to establish and operate a mitigation bank or in-lieu of fee program for construction projects in areas where an endangered species habitat may exist. A mitigation bank for endangered species is a conservation area that compensates for the loss of endangered species habitats. If the department establishes a mitigation bank or an in-lieu fee program pursuant to LB 590, the department may exercise prescribed powers to operate such mitigation bank or in-lieu fee program including entering into cooperative agreements, acquiring title to real property, establishing or restoring habitat, and streamlining the permitting process. The bill also provides for the payment by a mitigation bank owner of a sum in lieu of ad valorem taxes lost by a county for a mitigation bank acquired to restore, enhance, preserve, or create habitat.



Explanation of amendments:

The Committee adopted AM 289, which is a white copy amendment that strikes and replaces the original sections of LB590. AM 289 moves the provisions of the bill from Chapter 37, Game and Parks, to Chapter 39, Highways and Bridges. Section 5 of AM 289 contains the substantive provisions authorizing development and operation of mitigation banks or in-lieu fee programs that were contained in original section 1 of LB 590, but adds authority to provide research and educational opportunities, and makes the requirement to pay a sum in lieu of ad valorem taxes lost only applicable to property acquired after July 1, 2026. Sections 1, 2, 3, 4, 6, and 7 of AM 289 harmonize the provisions of section 5 with sections 39-891, 39-893, 39-1301, 39-1302, 39-1309, and 39-1320.

Tom Brandt, Chairperson

