PREPARED BY: DATE PREPARED: PHONE: Clinton Verner April 23, 2025 402-471-0056

LB 36

Revision: 01

FISCAL NOTE

Revised for AM635, AM930, AM998

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)						
	FY 202	25-26	FY 2026-27			
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE		
GENERAL FUNDS						
CASH FUNDS	\$51,585		\$109,036			
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	\$51,585		\$109,036			

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB36 as amended by AM635 would amend LB309, LB459, LB562, LB590, LB480, and LB344 with committee amendments.

AM635

LB309

LB309 as amended by the Natural Resources Committee would do the following:

- Creates the Safe Battery Collection and Recycling Act;
- Sets definitions under the act;
- Sets administration of the act within the Department of Environment and Energy (NDEE);
- Beginning on 1/1/28, restricts producers or retailers from selling, offering for sale, or distributing for sale any covered battery or battery containing product and creates exemptions;
- Beginning on 1/1/29, restricts producers or retailers from selling, offering for sale, or distributing for sale any covered battery or battery containing product and unless properly marked, defines markings;
- Requires battery stewardship organizations (BSOs) under the act to submit battery stewardship plans to NDEE for review and approval by 1/1/27, sets requirements of the plans;
- Creates an amendment process for battery stewardship plans;
- Requires NDEE to approve, conditionally approve, or deny the plan or amendment within 120 days after receipt of the plan;
 Creates an appeal process for denial of plans;
- Requires BSOs operating a plan under the act to notify NDEE within 90 days of beginning or ceasing participation within a BSO, or within 90 days of adding or removing a processor or transporter under the approved plan;
- Requires BSOs to pay a fee upon approval of the stewardship plan or on 1/1/27, whichever is later, and on an annual basis. The fee is to be set by NDEE and be sufficient to cover all costs incurred by the department to enforce the act for FY27-28 and each fiscal year thereafter. Through June 30, 2027, NDEE shall use the Waste Reduction and Recycling Incentive Fund to pay all costs incurred by NDEE to implement, administer, and enforce the act. Fees collected under this section are to be remitted to the State Treasurer for credit to the Battery Stewardship Cash Fund:
- Creates requirements for BSOs implementing a battery stewardship plan;
- Creates requirements for BSOs implementing a battery stewardship plan to promote and implement the plan;
- Creates reporting requirements for BSOs starting on 6/1/29 with a report every year after;
- Creates website posting requirements for BSOs;
- Creates an exemption of liability for claims of antitrust laws or laws relating to fraudulent, deceptive, or unfair methods of competition or trade practices arising from conduct that complies with a battery stewardship plan approved under Sec. 4 of the act;
- Clarifies that nothing in the act prevents or prohibits a person from offering or performing a fee-based household collection service or a mail-back service for covered batteries or a recycler located in this state from offering a fee-based battery collection service for covered batteries independently of a BSO and provides conditions;
- Creates requirements for individuals beginning 1/1/2028 for disposal methods and procedures of certain batteries defined under the act;
- Creates criminal and civil penalties for violation of the act;
- Requires NDEE to review and evaluate the studies and assessments carried out by other states, requires NDEE to submit a report of their findings by 5/30/28 to the Natural Resources Committee;

- Creates the Battery Stewardship Cash Fund;
- Allows for NDEE to adopt and promulgate rules and regulations to carry out the act;
- Amends the Waste Reduction and Recycling Incentive Fund to allow for NDEE to pay for the act through FY26-27.

We estimate \$51,585 Waste Reduction and Recycling Incentive funds in FY25-26 and \$109,036 Waste Reduction and Recycling Incentive Funds in FY26-27 for administration of the program. We assume the program will be funded via its own fees beginning in FY27-28.

LB459, AM635, AM998

LB459 as amended by the Natural Resources Committee would do the following:

- Declare findings of the Legislature, establishes the Home Weatherization Clearinghouse within the Department of Environment and Energy (DEE), and establishes the following duties for the clearinghouse:
- Serve as a hub for information about the availability and application of process of and eligibility for grants, loans, or other programs that fund weatherization projects; and
- Assist in coordination efforts by state and local agencies to optimize.

LB459 establishes the primary focus of the clearinghouse the facilitation of funding for whole-home rehabilitation projects and caps administrative costs for public or non-profit entities administering the grants at 10% unless expressly required under relevant program rules and regulations. LB459 as amended requires NDEE to utilize existing staff to carry out the Clearinghouse provisions.

Aside from DEE, other state agencies which administer state and federal funds that could be applied for weatherization purposes include the Department of Economic Development (DED) and the Department of Health and Human Services (DHHS).

DED has the following housing programs which allow weatherization or rehabilitation (which can include weatherization as a part of rehabilitation):

- Affordable Housing Trust Fund (AHTF): A review of AHTF from 1998 2022 indicates that approximately \$43M of \$119M awarded has been awarded for projects which entail some form of rehabilitation projects of which weatherization is presumptively a portion of the project. The amount of true weatherization projects is uncategorized and unknown;
- Community Development Block Grant (CDBG), the current Annual Action Plan from DED indicates approximately \$27M in resources available, none of which is used for weatherization projects. This legislation may change distribution going forward;
- Rural Workforce Housing Investment Fund (RWHIF): Funded via transfers from the legislature, the act allows for rehabilitation of which it is presumed that weatherization could be included as part of the rehabilitation process. However funds have not been used for rehabilitation. This legislation may change distribution going forward; and
- Middle Income Workforce Housing Investment Fund (MIWHIF): Funded via transfers from the legislature, the act allows for rehabilitation of which it is presumed that weatherization could be included as part of the rehabilitation process. However funds have not been used for rehabilitation. This legislation may change distribution going forward.

DHHS currently administers portions of the Low Income Housing Energy Assistance Program – Weatherization Assistance Program (LIHEAP - WAP) with DEE, approximately \$6.2M is received under the LIHEAP provisions jointly between the two agencies. The most recent data indicates approximately \$2M - \$3M are awarded per year under WAP, depending upon availability of federal funds. This legislation may change distribution going forward.

Our office does not have a comprehensive list of local funds or non-profit funds available for weatherization purposes.

LB562

LB562 modifies several Nebraska state statutes related to permits and stamps issued by the Nebraska Game and Parks Commission (NGPC) as follows:

- Increases the fees for resident annual motor vehicle park entry permits from \$35 to \$50;
- Adjusts the non-resident annual motor vehicle park entry permit fees from \$60 to instead be double the resident fee;
- Raises the temporary resident motor vehicle park entry permit fees from \$7 to \$10;
- Increases the non-resident temporary motor vehicle park entry permit fees to be twice the resident fee;
- Adjusts the eligibility of landowners for limited elk hunting permits;
- Changes the number of additional mountain sheep permits which may be auctioned from one to two, with the stipulation that the number of additional permits cannot exceed the number of those originally awarded in the random drawing auction:
- Removes outdated electronic permit issuance provisions;
- Allows for county offices, private persons, firms, or corporations acting as a designated permit issuing agent on behalf of NGPC, the ability to collect an issuing fee; and
- Raises the maximum cap from \$15 to \$30 for the cost an aquatic invasive species stamp purchased by owners of motorboats not registered in Nebraska.

The NGPC has indicated that increasing of the fee caps and changing issuing fees will not cause a fiscal impact to the agency; until such time as the NGPC would hold future public hearings and a vote in favor of any fee changes.

LB480

LB480 amends the Water Recreation Act to expand the scope of potential projects under the act. LB480 may shift awards under the act, no fiscal impact.

LB590, AM289

LB590 as amended by AM289 amends Chapter 39 by adding section 30, which allows the Department of Transportation (NDOT) to establish, use, and operate a mitigation or an in-lieu-fee program in accordance with applicable state and federal laws. NDOT may incur costs related to owning of the mitigation bank and ad valorem tax payments to counties related to owning such banks. NDOT anticipates an indeterminable positive fiscal impact as a result of this legislation, no basis to disagree with the agency.

LB36

LB36 amends the Wellhead Protection Act to add a new section requiring certain political subdivisions within the state to notify the controlling entity of a wellhead protection area of any land-use or zoning regulation or building permit within the wellhead protection area and sets terms.

No fiscal impact to the state.

AM930

AM930 creates the Research Excellence Cash Fund within the University of Nebraska, describes eligible uses of the fund. No funding source is created nor duties created. No fiscal impact.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 36	36 AM: 635, 930 AGENCY/POLT. SUB: Department of Transportation		Department of Transportation	
REVIEWED BY: Joe Massey		DATE: 4/24/2025 PHONE: (402) 471-4181		
COMMENTS: The Department of Transportation's assessment of indeterminate fiscal impact from LB 36 as amended by AM 635, 930 appears reasonable.				

ADMINISTR	ATIVE SERVICES STAT	E BUDGET DIVISION: REVIEW OF	AGENCY & POLT. SUB. RESPONSE	
LB: 36	AM: 635, 930	AGENCY/POLT. SUB: Dep	partment of Natural Resources	
REVIEWED	BY: Joe Massey	DATE: 4/14/2025	PHONE: (402) 471-4181	
COMMENTS: Concur with the Department of Natural Resources assessment of no fiscal impact from LB 36 AM 635, 930.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 36	AM: 635, 930	AGENCY/POLT. SUB: : 1	Nebraska Game & Park Commission	
REVIEWE	D BY: Joe Massey	DATE: 4/14/2025	PHONE: (402) 471-4181	
COMMENTS: Nebraska Game & Park Commission's assessment of no net fiscal impact from LB36 AM 635, 930 appears reasonable.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 36	AM: 635, 930	AGENCY/POLT. SUB: : I	Department of Environment and Energy	
REVIEWED BY: Joe Massey		DATE: 4/15/2025	PHONE: (402) 471-4181	
COMMENTS: The Department of Environment and Energy's assessment of no net fiscal impact from LB36 AM 635, 930 appears reasonable.				

LB⁽¹⁾ 36 AM 635 & AM 930

FISCAL NOTE

State Agency OR Political Subdivision Name: (2)	Department of Natural i	Resources	
Prepared by: (3)Isabella Peterson	Date Prepared: (4) 04/1	1/2025 Phone: (5)	402-560-2017

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2025</u>	FY 2025-26		<u> 2026-27</u>
	EXPENDITURES	REVENUE	EXPENDITURES	<u>REVENUE</u>
GENERAL FUNDS	0	0	0	0
CASH FUNDS	0	0	0	0
FEDERAL FUNDS	0	0	0	0
OTHER FUNDS	0	0	0	0
TOTAL FUNDS	0	0	0	0

Explanation of Estimate:

As it relates to the Department of Natural Resources, LB36 AM635 & AM930 proposes to amend Neb. Rev. Stat. § 46-740, which is a section of the Nebraska Ground Water Management and Protection Act pertaining to groundwater allocations for municipalities and municipal-served and nonmunicipal-served commercial or industrial uses in the fully and overappropriated areas of the state of Nebraska. As originally enacted, section 46-740 created an exemption from allocation restrictions imposed after November 1, 2005, that will apply until January 1, 2026, at which point allocations can be set based on the greater of the applicable permit amount or the greatest annual use during the previous twenty years. The bill seeks to clarify the post-January 1, 2026 allocation for municipalities and commercial or industrial uses and proposes certain reporting requirements.

Implementation of this bill is entirely administrative and does not create any fiscal impact upon the Department of Natural Resources' budget or operations costs.

BREAKI	OOWN BY MAJ	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
POSITION TITLE	NUMBER OF <u>25-26</u>	POSITIONS <u>26-27</u>	2025-26 <u>EXPENDITURES</u>	2026-27 EXPENDITURES
	0	0	0	0
	0	0	0	0
Benefits			0	0
Operating			0	0
Travel			0	0
Capital outlay	· 		0	0
Aid			0	0
Capital improvements			0	0
TOTAL			0	0

LB ⁽¹⁾ 36 AM6	35 AM930				FISCAL NOTE
State Agency OR Politi	cal Subdivision Name: ⁽²⁾	Department of Env	vironment and E	nergy	
Prepared by: (3) Ke	evin Stoner	Date Prepared: (4)	April 14, 2025	Phone: (5)	402 471-2186
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICA	L SUBDIVIS	ION
	FV	2025-26		FY 2026-	-07
	EXPENDITURES	REVENUE	EXPENDIT		REVENUE
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					

Explanation of Estimate:

LB 36 AM635 Sections 1-17 adopts the Safe Battery Collection and Recycling Act. This act would require each battery stewardship organization to submit a battery stewardship plan by January 1, 2027 to NDEE for review and approval/denial based upon the requirements in the statute. The battery stewardship organizations must submit a report covering several items to NDEE for review each year starting June 1, 2029. The bill requires the NDEE to prepare an annual report to the legislature assessing other states programs and recommendations for additional legislative additions or revisions. It requires NDEE to put several things on its website including the plans, members covered, brands of covered batteries, and annual reports. The bill requires the battery stewardship organization to pay a fee to NDEE set by NDEE through regulations to cover all costs incurred to administer and enforce the act for fiscal year 2027-28 and each fiscal year thereafter. These funds shall be placed in the Battery Stewardship Fund. Through June 30, 2027, NDEE shall use the Waste Reduction and Recycling Incentive Fund to pay all costs incurred to implement, administer, and enforce the act.

Section 18 establishes the Home Weatherization Clearinghouse within NDEE. The clearinghouse shall serve as the primary contact point for persons applying for grants, loans, or other programs that fund home weatherization projects, whether administered by NDEE, other state or local agencies, nonprofits, or the federal government. NDEE would serve as the coordinator for other state and local agencies administering or applying for such grants, loans, or programs and coordinate efforts to maximize federal dollars. The primary focus would be facilitation of funding for whole-home rehabilitation projects. A whole-home rehabilitation approach is one that analyzes all of the building systems, including the building envelope, heating and cooling systems, electrical system, and electric baseload appliances. The administrative costs for public or nonprofit entities administering such grant programs shall never exceed ten percent of the program costs unless expressly required under the relevant federal, state, or local grant program. The bill states NDEE shall utilize existing staff to carry out this section.

Technical note: Additional administrative responsibilities would require additional staffing or resources to continue to provide weatherization services.

BREAKD	OWN BY MAJ	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER OF	POSITIONS	2025-26	2026-27
POSITION TITLE	<u>25-26</u> <u>26-27</u>		EXPENDITURES	EXPENDITURES
Benefits				
Operating	••			
Гravel				
Capital outlay				
Aid				
Capital improvements	··			
TOTAL				

Capital improvements......

TOTAL.....

I IS (1)	635 and AM 930 Pro rmits to controlling e			of certain regula	ations	FISCAL NOTE
State Agency OR Po	olitical Subdivision Name: (Nebra	ska Game 8	& Park Commis	ssion	
Prepared by: (3)	Kay Mencl	Date	Prepared: (4)	April 11, 2025	Phone: (5)	(402) 471-5189
	ESTIMATE PROV	IDED BY S	STATE AGEN	CY OR POLITIC	AL SUBDIVIS	SION
		Y 2025-26			FY 202	
	<u>EXPENDITURI</u>	<u>ES</u>	<u>REVENUE</u>	<u>EXPEND</u>	<u>ITURES</u>	<u>REVENUE</u>
GENERAL FUNI	OS	<u> </u>				
CASH FUNDS				_		
FEDERAL FUND		<u> </u>		_		
OTHER FUNDS		<u> </u>		_		
TOTAL FUNDS		= <u></u>				
Environment and E Sec. 18 establishes and establishes du Sec. 19 – 23 The p could charge for pa and clarify the num Sec. 24 – 25 expar McConaughy State recreational opport Sec. 26 – 32 The p program to provide permitted activities Sec. 33 Includes la Districts).	ncludes language that cre Energy and establishes d is the Home Weatherizati Ities for the clearinghouse proposed legislation woul ark entry permits and AIS aber of auction tags for bit ands the projects eligible at the Recreation Area to use tunity at those locations. Proposed legislation directs to compensation for the in	efinitions unition Clearing e. Id increase 6 (Aquatic Ir ighorn sheet at Niobrara the funds f cts the Depa cidental tak allocation an	nder the act. ghouse within the maximum nvasive Speciep. State Park, Le rom Water Re artment of Tra te of threatene mong political	the Department of amount the Nebra es) stamp, referent ewis and Clark Sta creation Fund. The insportation to created or endangered subdivisions (mur	f Environment aska Game and ace the park en ate Recreation ne projects mu ate a mitigation species or the nicipalities and	and Energy (DEE) and Parks Commission antry permit issue fee, Area, and Lake ast increase an bank or in-lieu fee ar habitat caused by I Natural Resource
There is no fiscal	I impact to the Nebrask	ka Game a	and Parks.			
Personal Services:	BREAKDOV	WN BY MA	JOR OBJECT	S OF EXPENDIT	<u>'URE</u>	
Personal Services:		NUMBER (OF POSITION	NS 2025	5-26	2026-27
POSITI	ON TITLE	<u>25-26</u>	<u>26-27</u>	EXPEND	<u>ITURES</u>	EXPENDITURES
			<u> </u>	<u> </u>		
Benefits						
Operating						
Travel						
Capital outlay						
Aid						

0.00

0.00

0.00

0.00

LB ⁽¹⁾0036 Provide for notification of certain regulations and permits to controlling entities by counties, cities, and villages under the Wellhead Protection Area Act

State Agency OR Political Subdivision Name: (2)		University of Nebras	ka System			
Prepared by: ⁽³⁾ Anne Barnes		Date Prepared: (4) 04/15/2025		Phone: ⁽⁵⁾	(402) 559-6300	
	ESTIMATE PROV	/IDED BY STATE AG	ENCY OR POLITI	CAL SUBDIVISION	N	
FY 2025 - 26 FY 2026 - 27						
GENERAL FUNDS	EXPENDITURES 0.00	REVENUE 0.00	<u></u>	<u>0.00</u>	<u> </u>	
CASH FUNDS	0.00	0.00		0.00	0.00	
FEDERAL FUNDS	0.00	0.00		0.00	0.00	

0.00

0.00

0.00

0.00

Explanation of Estimate:

OTHER FUNDS

TOTAL FUNDS

No Fiscal Impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

POSITION TITLE	NUMBER OF POSITIONS 25 - 26 26 - 27		2025 - 26 EXPENDITURES	2026 - 27 EXPENDITURES
	0	0		
<u> </u>	0	0		
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

0.00

0.00

LB ⁽¹⁾0036 Provide for notification of certain regulations and permits to controlling FISCAL NOTE AM930 entities by counties, cities, and villages under the Wellhead Protection Area Act

State Agency OR Political Subdivision Name: (2)		University of Nebraska System				
Prepared by: ⁽³⁾ Anne B	Barnes	Date Prepared: (4)	04/15/2025	_ Phone: ⁽⁵⁾	(402) 559-6300	
	ESTIMATE PROV	IDED BY STATE AG	ENCY OR POLITICAL S	BUBDIVISION		
	FY	2025 - 26		FY 2026 - 27		
GENERAL FUNDS	EXPENDITURES 0.00	REVENUE 0.00	EXPENDITUR		0.00	
CASH FUNDS	0.00	0.00	0.00		0.00	
FEDERAL FUNDS	0.00	0.00	0.00		0.00	
OTHER FUNDS	0.00	0.00	0.00		0.00	
TOTAL FUNDS	0.00	0.00	0.00		0.00	

0.00

0.00

Explanation of Estimate:

No fiscal impact.

AM930 amends LB 595 into LB36. LB36 now, if passed, would allow investments toward data and data collection research at the University of Nebraska.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:					
POSITION TITLE	NUMBER OF <u>25 - 26</u>	POSITIONS 26 - 27	2025 - 26 EXPENDITURES	2026 - 27 <u>EXPENDITURES</u>	
	0	0			
	0	0			
Benefits					
Operating					
Travel					
Capital outlay					
Aid					
Capital improvements					
TOTAL					

TOTAL.....

LB ⁽¹⁾ 36 AM635 and AM930						FISCAL NOTE		
State Agency OR Political Subdivision Name: (2) Department of Transportation								
Prepared by: (3)	Jenes	sa Boynton	Date	Prepared: (4)	4/22/2025	Phone:	(5) 402-479-4691	
]	ESTIMATE PROV	IDED BY	STATE AGEN	NCY OR POLIT	ICAL SUBDIV	/ISION	
<u>FY S</u> EXPENDITURES			2025-26 S REVENUE		<u>EXPENI</u>	<u>FY 20</u> DITURES	26-27 REVENUE	
GENERAL FUN	NDS		_					
CASH FUNDS		See below	_		See	below		
FEDERAL FUN	NDS				-			
OTHER FUND	s		_		<u>-</u>			
TOTAL FUND	S	See below			See	below		
support resear If enacted, LB transportation time. If NDOT	creates the creates the critical critic	he Research Exc al to Nebraska's 35 will have a pos as it relates to th a mitigation bank iscal impact cann	economy. sitive fisca nreatened there won not be dete	I impact to N and endangould be an inc ermined at th	DOT by strear ered species the rease in exper	nlining proce nerefore redunse for the ac	y of Nebraska to esses when assessing ucing project delivery d valorem taxes lost by	
Personal Service	es:	BREARDO	VIN DI IVIA	IJOR ODJECI	S OF EAFEND	<u>TTURE</u>		
POSIT	ΓΙΟΝ ΤΙΊ		NUMBER O <u>25-26</u>	OF POSITION <u>26-27</u> ————		5-26 DITURES	2026-27 EXPENDITURES	
Benefits								
Operating								
Travel								
Capital improve	ments							