

2022

LEGISLATIVE BILL SUMMARIES

NATURAL RESOURCES COMMITTEE

NEBRASKA LEGISLATURE

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

NATURAL RESOURCES COMMITTEE MEMBERS

Senator Bruce Bostelman, Chairperson

Senator Mike Moser, Vic-Chairperson

Senator Raymond Aguilar

Senator John Cavanaugh

Senator Tim Gragert

Senator Dan Hughes

Senator Mike Jacobsen

Senator Justin Wayne

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COMMITTEE STAFF

Cyndi Lamm, Legal Counsel

Katie Bohlmeyer, Committee Clerk

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Natural Resources Committee 2022

107th Legislature

BILL INDEX

BILLS INTRODUCED IN SECOND SESSION

LB736 (Bostar) Redefine Ethanol.

LB746 (Friesen) Eliminate requirement that Dir. Of Department of Natural Resources be a professional engineer

LB775 (Brewer) Prohibit land disposal of wind turbine blades and their components

LB803 (Hughes) Redefine immediate family for purposes of obtaining ltd. Permits

LB804 (Hughes) Change compensation of certain members of the Nebraska Power Review Board

LB809 (Moser) Change powers and duties of NDEE to use of certain funds related to water.

LB924 (Brewer) Include cities of the first class as grant eligible under Waste Reduction and Recycling Incentive Act

LB925 (Gragert) Adopt the Resilient Soils and Water Quality Act; Appropriate funds

LB978 (Hughes) Provide powers and duties relating to the treatment of dredged and fill materials under the Nat. Res. EPA

LB981 (Hilkeman) Revive Trail Development Assistance Act; Amended to Fund Maintenance for the Cowboy Trail

LB1015 (Hilgers on behalf of the governor). Adopt the Perkins County Canal Project Act

LB1023 (Hilgers) Adopt the Lake Development Act

LB1045 (Bostelman) Change qualifications of certain public power district board members

LB1046 (Bostelman) Change provisions relating to election of board of directors and CEO of public power districts

LB1047 (Bostelman) Change requirements regarding annual load and capability report

LB1058 (Brewer) Provide requirements for public power suppliers relating to base-load generation

LB1081 (Bostar) Provide for a grant program for design, construction, and implementation of a water transport infrastructure (ARPA)

LB1082 (Gragert) Require Game and Parks to provide organ and tissue donation information

LB1099 (Bostelman) Create the Hydrogen Hub Industry Workgroup

LB1102 (Bostelman) Adopt the Nebraska Environmental Response Act

LB1185 (Morfeld) Change provisions relating to the power of an electric cooperative corporation

LB1186 (Bostar) Rename and change provisions of the Oil Pipeline Reclamation Act.

LB1262 (Murman) Adopt the Recreation Area Assistance Act (ARPA)

2021 NATURAL RESOURCES COMMITTEE BILLS
Bills by Hearing Date
August 2022¹

Hearing	Bill	Introducer	One-Liner	Status
WED. 1.19.22				
1:30	LB746	Friesen	Eliminate requirement that Dir. Of Nat Res. Be a professional engineer	IPP
	LB775	Brewer	Prohibit land disposal of wind turbine blades and their components	IPP
	LB804 Speaker Priority	Hughes	Change compensation of certain members of the Nebraska Power Review Bd.	Passed Signed by Gov. 4.18.22
	LB809	Moser	Change powers and duties of NDEE to use of certain funds related to water	CMTE PB Passed Signed by Gov. 4.18.22
WED. 1/26/22				
1:30 PM	LB925	Gragert Priority	Adopt the Resilient Soils and Water Quality Act; Appropriate funds	Passed Signed by Gov. 4.18.22
	LB978	Hughes	Provide powers and duties relating to the treatment of dredged and fill materials under the Nat. Res. EPA	IPP 4.12.22 Amended into LB809, signed by Gov. 4.18.22 Passed
	LB981	Hilkemann Priority	Revive Trail Development Assistance Act; Amended to	IPP

			Fund Maintenance for the Cowboy Trail	
THURS 1/27/22				
1:30 pm	LB736	Bostar	Redefine E85 Ethanol	IPP
	LB924	Brewer	Include cities of the first class as grant eligible under Waste Reduction and Recycling Incentive Act	IPP 4.12.22 Amended into LB809 Signed by Gov. 4.18.22
	LB1046	Bostelman	Change provisions relating to election of board of directors and CEO of public power districts	IPP
	LB1047	Bostelman	Change requirements regarding annual load and capability report	IPP
	LB1058	Brewer	Provide requirements for public power suppliers relating to base-load generation	IPP
1:30 pm	LB803	Hughes	Redefine immediate family for purposes of obtaining ltd. Permits	IPP 4.12.22 Portions Amended into LB809 Signed by Gov. 4.18.22
	LB1045	Bostelman	Change qualifications of certain public power district board members	IPP
	LB1082	Gragert	Require Game and Parks to provide organ and tissue donation information	Passed Signed b Gov. 4.18.22

THURSDAY 2/3/22				
1:30 pm	LB1102 Speaker Priority	Bostelman	Adopt the Nebraska Environmental Response Act	Speaker PB Passed Signed by Gov. 4.18.22
	LB1262	Murman	Adopt the Recreation Area Assistance Act (ARPA)	IPP
WED. 2/9/22				
1:30 pm	LB1015	Hilgers obo Governor Hughes Priority	Adopt the Perkins County Canal Project Act	Hughes PB Passed Signed by Gov. 4.18.22
	LB1099	Bostelman	Create the Hydrogen Hub Industry Workgroup	Bostelman PB Passed Signed by Gov. 3.16.22
THURS. 2/10/22				
1:30	LB1023	Hilgers McDonnell Priority	Adopt the Lake Development Act	McDonnell PB Passed Signed by Gov. 4.18.22
	LB1185	Morfeld	Change provisions relating to the power of an electric cooperative corporation	IPP
WED. 2/16/22				
1:30 pm	LB1081	Bostar	Provide for a grant program for design, construction, and implementation of a water transport infrastructure (ARPA)	IPP Portions amended into LB1014 Signed by Gov. 4.13.22

	LB1186	Bostar	Rename and change provisions of the Oil Pipeline Reclamation Act.	IPP
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1 LEGEND:

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

SUMMARY OF ENACTED BILLS

LB804 (Hughes) amends Section 70-1003 to increase the per diem compensation cap for that member of the Nebraska Power Review Board who serves as the member designated to represent the Nebraska members on the Southwest Power Pool Regional State Committee while serving in that capacity. The per diem compensation does not change under LB804. LB804 changes the current maximum compensation of twenty-five thousand dollars per year for the designated SPP committee member to thirty-five thousand dollars per year.

LB809 (Moser) Committee Priority Bill. amends Section 71-5318, 71-5322, and 81-15,153, the Drinking Water State Revolving Fund Act and the Wastewater Treatment Facilities Construction Assistance Act to better align the funds with existing federal regulation, and new provisions of the Infrastructure Investment and Jobs Act. The Acts provides low interest loans and small community matching grants to municipalities for construction of wastewater treatment facilities and sanitary sewer collection systems to alleviate public health and environmental problems in accordance with the federal Safe Drinking Water Act and raises the forgiveness cap from fifty percent to seventy-five percent. LB809 also adds authority to buy or refinance the debt obligation of any municipality for a public water supply system if the debt was incurred for the system and construction on the system began after July 1, 1993 and raises the allowable amount of forgiveness from fifty to seventy-five percent.

LB809 also contains LB803 (Hughes), LB924 (Brewer), and LB978 (Hughes) LB924 amends Section 81-15,160 (2) of the Waste Reduction and Recycling Incentive Act to allow participation in grants for reimbursement costs of projects under the act by cities of the first class if the projects otherwise meet the criterion of the Act.

LB978 amends Sections 81-1501 to 81-1532 as the next step to authorize Nebraska to administer the federal dredge and fill permit program (404) for activities that affect waters pursuant to direction given by the Legislature in LB302 in 2019.

LB803 amends section 37-455 to expand the definition of immediate family member of a landowner or leaseholder to include grandchildren and step grandchildren and their spouses for the purpose of being eligible for special hunting permits as the immediate family of a qualified landowner. The bill also increases the number of total permits and youth permits that can be issued. As amended by AM1912, the bill allows eight total permits to be issued, retaining the limit of 2 permits to adults over 19, and increases from four to six the number of permits for those younger than 19 years of age.

LB925 (Gragert) creates the Resilience Soils and Water Quality Act and, based upon the conclusions reached by the Healthy Soils Task Force that was created in 2019, directs the Department of Natural Resources to facilitate education on soil health throughout the state by providing technical and legal assistance in the formation of a producer learning community, by dividing the state into regions to establish research farms and to appropriate two hundred and fifty thousand dollars (\$250,000) in fiscal years 2022-23 to 2026-27 to carry out the Act.

LB1015 (Hilgers obo Governor) establishes the Perkins County Canal Project Act that authorizes the state to develop a canal to divert water out of Colorado and into an associated storage facility in Nebraska consistent with the authorization in the 1923 South Platte River Compact. LB1015 is proposed to protect Nebraska's water rights under the compact to for water coming out of Colorado. LB1015 also creates the Perkins County Project Fund (Fund). Appropriations for the project are not in this bill

LB1023 (Hilgers) creates the Lake Development and Water Recreation Enhancement Act based upon recommendations by the S.T.A.R.W.A.R.S. Task force created by LB406 in the 2021 session of the Legislature. The Act directs the Dept. of Natural Resources and the Game and Parks commission to oversee construction and management for certain projects purposed to aid in flood control, economic development, and recreation such as (1) A reservoir at an as of yet unidentified location in between Lincoln and Omaha near Sarpy County, (2) projects at Lake McConaughy, (3) projects in Niobrara State Recreation Area and Lewis and Clark Lake. On behalf of the state, the Department of Natural Resources (DNR) and Game and Parks Commission will each manage the construction and development of certain aspects of the projects in a way that encourages private donations, investments, and public-private partnerships, donations and investments; will Select the land for the lake, applying criterion listed, including preference given to locations that were materially underwater when the Platte River flooded in 2019 where construction will not flood any village or city and prohibits defined conflicts of interest.

LB1082 (Gragert) requires that the Game and Parks Commission present applicants for annual hunting and fishing permits with a brochure describing and explaining the Revised Uniform Anatomical Gift Act that provides for organ donation, and to provide an opportunity on every application for an applicant to indicate whether or not he or she wishes to be an organ donor. The Commission is then responsible to transfer to a federal database designee information about those applicants noting a positive response. LB1082 also provides for dissemination of information describing the options available for a person wanting to change his or her donor status and authorizes the Commission to adopt rules and regulations necessary to carry out the legislation.

LB1099 (Bostelman) allows the Department of Environment and Energy to create a Hydrogen Hub Industry work group, to be appointed by the governor, for the purpose of developing and drafting competitive proposals for submission to the United States Dept. of Energy to seek selection as one of four regional clean hydrogen hubs authorized under the federal infrastructure Investment and Jobs Act.

LB1102 (Bostelman) creates the Nebraska Environmental Response Act and provides authority and potential remedies that can be administered by the Nebraska Department of Environment and Energy (NDEE) in the event the responsible person cannot or will not correct or cleanup site conditions where a pollutant has been or is being released. Includes ability to issue cease and desist orders, recover cleanup costs incurred, and to assess penalties. Creates the Nebraska Environmental Response Cash Fund and appropriated \$300,000 to initially fund. The bill also authorizes the assessment of civil penalties for non-compliance, which, if collected, will be remitted to school districts as provided in the Nebraska Constitution.

SUMMARIES OF BILLS HELD IN COMMITTEE, INDEFINITELY POSTPONED AT END OF SESSION

BILLS INDEFINITELY POSTPONED:

From the 2022 Session:

- *LB736 (Bostar)* - Redefine E-85 for grants for ethanol infrastructure projects
- *LB746 (Friesen)* - Eliminate the requirement that the Director of Natural Resources be a professional engineer
- *LB775 (Brewer)* - Prohibit land disposal of wind turbine blades and their component parts
- *LB1045 (Bostelman)* Change qualifications of certain public power district board members
- *LB1046 (Bostelman)* - Change provisions relating to selection of the board of directors and chief executive officer of certain public power districts
- *LB1047 (Bostelman)* Change requirements regarding annual load and capability report
- *LB1058 (Brewer)* Provide requirements for public power suppliers relating to base-load generation
- *LB1081(Bostar)* - Provide for a grant program for the design, construction, and implementation of water transport infrastructure under the Department of Natural Resources and state intent to appropriate federal funds
- *LB1185 (Morfeld)*- Change provisions relating to the powers of an electric cooperative corporation
- *LB1186 (Bostar)* - Rename and change provisions of the Oil Pipeline Reclamation Act

From 2021 Session they are:

- *LB 223 (Erdman)*- Authorize carrying a firearm while archery hunting
- *LB 266 (McCollister)*- Adopt the Renewable Energy Standards Act
- *LB 305 (Erdman)*- Change appointment and removal provisions for the secretary of the Game and Parks Commission
- *LB399 (Bostelman)*- Placeholder
- *LB 468 (Erdman)* - Provide compensation by the Game and Parks Commission for property damage caused by wildlife

- *LB 483 (Cavanaugh)*- Provide for a climate change study and action plan
- *LB 506 (Cavanaugh)*- Change provisions relating to net metering provided by local distribution utilities
- *LB 513 (Brewer)*- Change qualifications and terms of public power district board members
- *LB 562 (Erdman)* - Relocate the Game and Parks Commission headquarters to the city of Sidney, Nebraska
- *LB 573 (Bostar)*- Change the definition of qualified facility for purposes of net metering
- *LB 589 (Groene)*- Change requirements for integrated management plans by natural resources districts
- *LB 591 (Groene)*- Require a permit for any natural resources district water augmentation project
- *LB 615 (Erdman)*- Provide for the election of members of the Game and Parks Commission
- *LB 627 (Morfeld)*- Change provisions relating to qualified voters for certain public power district elections
- *LB 668 (Hughes)*- Relocate the headquarters of the Game and Parks Commission
- *LB 683 (Wayne)*- Change provisions relating to net metering
- *LB 606 (Hilgers) Placeholder*
- *LB 617 (Hughes)-Placeholder*
- *LB 618 (Hughes)-Placeholder*

BILLS WITHDRAWN: NONE

INTERIM STUDY RESOLUTIONS

Prioritized:

LR355	Interim study to examine and review Chapter 70 of the Nebraska Statutes relating to power districts and corporations.
LR363	Interim study to examine the reprocessing and recycling of spent nuclear fuel.
LR394	Interim study to examine potential changes to Nebraska's net metering policy.
LR419	Interim study to examine the existing federal rule process for nuclear generation license renewal applications.
LR362	Interim study to determine the water quality and quantity benefits and costs of permeable surfacing.
LR402	Interim study to assess the ranking criteria and practices of the Nebraska Environmental Trust.

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 355

Introduced by Bostelman, 23; Brewer, 43; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to examine and review Chapter 70 of the Nebraska Revised Statutes in order to update and modernize language and determine if any updates or revisions are necessary. The study shall include, but not to be limited to, an examination of:

- (1) Statutes relating to electric generation and transmission;
- (2) Statutes governing the approval of and decommissioning of electric generation facilities;
- (3) Statutes governing the Nebraska Power Review Board; and
- (4) Adherence by public power suppliers to the laws and policies of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 363

Introduced by Bostelman, 23.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the reprocessing and recycling of spent nuclear fuel and to examine the statutes relating to the disposal, transportation, and storage of spent nuclear fuel. The study may include, but not be limited to, an examination of the following:

(1) Statutes governing the disposal, transportation, and storage of spent nuclear fuel within Nebraska;

(2) The feasibility of conducting pyrochemical processing or electrorefining of spent nuclear fuel;

(3) Molten salt reactors and the potential of such reactors to recycle spent nuclear fuel;

(4) Advanced non-light water reactors and advanced nuclear reactors and the potential of such reactors to reprocess spent nuclear fuel; and

(5) The amount of money Nebraska has paid into the federal Nuclear Waste Fund, which has failed to produce a permanent nuclear waste storage facility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 394

Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this resolution is to propose an interim study to examine and analyze potential changes to Nebraska's net metering policy to facilitate the increased utilization of solar energy to power Nebraska livestock production facilities. The study shall include, but not be limited to, an examination of the following:

(1) Whether the current twenty-five kilowatts cap on rated capacity for a qualified facility should be increased for livestock production facilities;

(2) Whether livestock production facilities should be exempt from the current cap on the total generating capacity of all customer-generators using net metering served by a local distribution utility;

(3) Whether the rated capacity of a livestock production facility should be measured in alternating current; and

(4) Any other issues related to the purpose of the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 362

Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the costs and benefits associated with the usage of permeable surfaces. This study will determine the water quality and quantity benefits of permeable surfacing and measure the cost of installation and maintenance against the reduced costs for storm water conveyance infrastructure.

This study shall include, but not be limited to:

- (1) Determining what qualifies as a permeable surface;
- (2) Evaluating the cost of installation of permeable surfaces compared to traditional surfaces;
- (3) Evaluating the cost of operation and maintenance associated with permeable surfaces compared to traditional surfaces;
- (4) Determining the environmental impacts of permeable surfaces to water flow and runoff;
- (5) Determining the water quality benefits of permeable surfaces compared to traditional surfaces in terms of pollutant retention and reduction;
- (6) Determining the water quantity benefits of permeable surfaces compared to traditional surfaces in terms of volume and rate of storm water runoff;
- (7) Determining the relative economic benefit in terms of dollar value or a dollars-per-acre metric of water quality and quantity benefits of permeable surfaces compared to traditional surfaces;
- (8) Determining the minimum or maximum size threshold at which the water quality and quantity benefits of permeable surfaces are negligible compared to traditional surfaces; and
- (9) Determining potential statutory changes that balance the costs and benefits associated with the usage of permeable surfaces including potential

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 419

Introduced by Bostelman, 23.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the existing federal rule process for nuclear generation license renewal applications. The study may include, but need not be limited to, an examination of the following:

(1) The need to have reliable baseload generation resources that can ensure utilities can meet zero carbon initiatives;

(2) The need to have a predictable process for sustaining existing nuclear generation and implementing a process to approve advanced nuclear generation;

(3) The delays in creating a new rulemaking process for advanced nuclear reactors which were authorized by Congress under the Nuclear Energy Innovation and Modernization Act;

(4) Continued rulemaking delays, reversal of previous license renewal application approvals, and holds on reviews currently in progress; and

(5) Whether the Legislature should send communication to Congress and the Nuclear Regulatory Commission urging the commission to follow through with the existing federal rule process to streamline nuclear generation license renewal applications and work to move forward with the rulemaking process for the approval of advanced nuclear reactors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 402

Introduced by McCollister, 20.

PURPOSE: The purpose of this resolution is to propose an interim study to assess the ranking criteria and practices of the Nebraska Environmental Trust. The six-member grants committee votes on which projects are eligible for grants with only projects that have at least three of the six members rate the project a perfect score of eleven being eligible for grants.

This year the committee deemed eighty-two of the one hundred eighteen projects eligible for grants, an abnormally low amount. Of those eighty-two, seventy-one projects were granted funding, so the trust only spent around fourteen million dollars out of the approximately twenty million dollars allocated to the trust to spend this year. The funding of only sixty percent of the project applications and expenditure of only sixty-five percent of the funds authorized is unprecedented. The rating of the grants this year also raises a concern as rating scores differed wildly and illogically for projects that had traditionally been funded. One project that had received funding each previous year it had applied was deemed ineligible, with two reviewers rating it an eleven and another rating it a two. The study is intended to assess the rating criteria of the Nebraska Environmental Trust and any other potential factors that might result in such unprecedented changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council