

2023

LEGISLATIVE BILL SUMMARIES

NATURAL RESOURCES COMMITTEE

NEBRASKA LEGISLATURE

ONE HUNDRED EIGHTH LEGISLATURE

FIRST SESSION

**NATURAL RESOURCES COMMITTEE MEMBERS**

Senator Bruce Bostelman, Chairperson

Senator Mike Moser, Vice-Chairperson

Senator Tom Brandt

Senator John Cavanaugh

Senator John Fredrickson

Senator Jana Hughes

Senator Mike Jacobson

Senator Julie Slama

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**COMMITTEE STAFF**

Cyndi Lamm, Legal Counsel

Laurie Vollertsen, Committee Clerk

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**Natural Resources Committee 2023**  
**108<sup>th</sup> Legislature**  
**2023 NATURAL RESOURCES COMMITTEE BILLS**  
**Bills by Number: Hearing Date and Status**  
**June 2023**

<i>LB</i>	<i>INTRODUCER</i>	<i>ONELINER</i>	<b>HRG DATE</b>	<b>AM #</b>	<b>STATUS</b>
40	Blood	Adopt the Riparian and Water Quality Practices Act	2/23	<b>AM469</b>	IC
120	Bostelman	Eliminate obsolete provisions relating to a Nebraska Power Review Board Study	2/16	<b>Needs an AM if used</b>	IC
121	Bostelman	Repeal the Trail Development Assistance Act	2/16	<b>Needs an AM if used</b>	IC
217	Hughes	Change a date for certain scrap tire recycling grants	1/26	<b>AM1314</b>	Passed in LB565
241	Briese	Change provisions relating to transfers of water to another state	1/26	<b>Needs an AM</b>	IC
255	Brewer	Change eminent domain and renewable energy generation provisions relating to certain power suppliers	2/22		IC
281	Jacobson	Require the Department of Economic Development to provide grants for youth	2/15	<b>COM AM915</b>	Passed in LB818

		outdoor education camp facilities			
289	Bostelman	Provide powers for agencies created under the Municipal Cooperative Financing Act	1/26		Passed in LB565
292	M Cavanaugh	Prohibit the use of eminent domain under the Jobs and Economic Development Initiative Act	2/8	<b>Needs an AM</b>	IC
395	Erdman	Change the compensation of members of the Nebraska Oil and Gas Conservation Commission	1/26		Passed in LB565
396	Erdman	Provide for streamflow augmentation projects and retention of water rights	3/1	<b>AG Opinion 23-006</b>	IC
397	Erdman	Relocate the Game and Parks Commission headquarters to the city of Sidney, Nebraska	2/9		IC
399	Brewer	Change provisions relating to privately developed renewable energy generation facilities and other electric generation facilities	2/22		IC
400	Brewer	Adopt the Nebraska Pheasant Restoration Act	2/8	<b>AM876</b>	<b>AM passed in LB565</b>
425	Bostelman	Change provisions relating to the Game and Parks Commission and the Game Law	2/9		<b>Passed in LB565</b>

450	Brewer	Prohibit land disposal of wind turbine blades and their component parts	2/8		IC
456	Brewer	Provide for claims for monetary compensation for damage caused by elk or mountain lions and authorize the control of elk and mountain lion populations	2/9		IC
556	Brandt	Adopt the Capacity Grant Act to provide grants to nonprofit organizations that administer weatherization programs through the low-income home energy assistance program	2/1	Needs an AM	IC
565	Bostelman (Committee Priority Bill)	Provide a grant program related to hydrogen hub designations	2/1	AM1314	Passed LB565
567	Bostelman	Change provisions relating to public power and irrigation districts and electric suppliers	2/2	AM1314	Passed in LB565
568	Bostelman	Adopt the Nuclear and Hydrogen Development Act	2/16	AM357 AM1314	Passed in LB565
599	Armendariz	Change provisions relating to recycling under the Environmental Protection Act and the Integrated Solid Waste Management Act and provide for an additional use of the Waste Reduction and Recycling Incentive Fund	2/1	AM383	General File

636	Albrecht	Prohibit political subdivisions from restricting certain energy services	2/8		<b>General File</b>
656	McDonnell	Change provisions relating to the Small Watersheds Flood Control Fund	3/1		<b>IC</b>
723	Bostelman	Adopt the Public Water and Natural Resources Project Contracting Act	2/2	<b>AM232</b> <b>AM1314</b>	<b>Passed in LB565</b>
725	Dungan	Change provisions relating to electric companies and electric cooperative corporations	3/2		<b>IC</b>
726	Dungan	Adopt the Nebraska Electric Consumer Right to Transparency and Local Control Act	3/2		<b>IC</b>
729	McDonnell	Change provisions relating to the Jobs and Economic Development Initiative Fund	2/23		<b>IC</b>
769	Holdcroft	Authorize use of the Critical Infrastructure Facilities Cash Fund to develop a sewer system	2/1	<b>AM645</b> <b>AM915</b>	<b>Passed in LB814</b>

IC In Committee

## SUMMARY OF ENACTED BILLS

### **LB565/AM1314 (Bostelman) COMMITTEE PRIORITY BILL;**

Adopt the Public Water and Natural Resource Project Contracting Act and the Nuclear and Hydrogen Development Act and change provisions relating to regional clean hydrogen hubs, public power and irrigation districts, and natural resources.

**LB565 was passed and signed by the Governor with the following other bills and provisions:**

**The original Committee Amendment AM827 contained the following bills:**

**LB565** (Bostelman) in its original form amends §66-2301 to fund steps necessary to continue forward to compete for designation by the United States Department of Energy as a location for a regional clean hydrogen hub and directs appropriation of \$250,000 from the General Fund for FY2023-24 and \$250,000 for FY2024-25 to the Department of Economic Development for the purpose of providing grants to any public power district that serves a majority of the counties in the state to be used for engineering and modeling work to prepare and support the State’s competitiveness for one of the regional clean hydrogen hub designations and associated federal funding. **(Sec. 34 AM1314)**

**LB567** (Bostelman) amends §70-619 (district powers) to allow high level managers employed by a district to not be disqualified from service on another district board. (Sec. 42 AM1314)

LB567 amends §70-1001.01 adds the word “reliable” and its definition to the statement that “In order to provide the citizens of this state with adequate electric service at as low overall cost as possible . . . “ Section 70-1001 was drafted in 1963 with emphasis on “adequacy” in transmission. Since 1963, the term “reliable” has become more prevalent in the public and in the energy/electricity industry conversations. **(Sec. 42-44 AM1314)**

LB567 also amends the reporting requirements of the annual Load and Capability portion of §70-1025 (3), that requires that the representative organization include in its annual Load and Capability Report “such other information” that the Power Review Board (PRB) requests in writing, so long as the information requested is consistent with the Power Review Board’s statutory responsibilities and that the inclusion of the requested information can be accomplished at a reasonable cost. **(Sec. 45 AM1314)**

**LB568** (Bostelman) as amended by AM357 creates the Nuclear and Hydrogen Development Act to support workforce development and advancement of advanced nuclear and hydrogen industries in Nebraska. The bill directs creation of a Nuclear and



Hydrogen Industry work group to recommend the workforce training needed of the nuclear and hydrogen industries in Nebraska and provide an opportunity for collaboration among the industries and higher education in the state to provide grants, training, curriculum, programming, and marketing to meet the workforce needs of the industry as identified by the work group. The Work Group is to consist of a representative of the Nebraska Community College System, a representative of the Nebraska state college system, two representatives of the nuclear industry, two representatives of the hydrogen industry, and the Director of Economic Development, all to be appointed by the Governor; along with the chairpersons of the Natural Resources, the Appropriations, and the Government, Military and Veterans Affairs Committees or their designees. The Nuclear and Hydrogen Development Act Fund is created to carry out the purposes of the Act. The Fund terminates on July 31, 2028. (Sec. 35-41 AM1314)

**LB723** (Bostelman) at the request of the Governor, creates the Public Water and Natural Resources Project Contract Act. The Act enables the Department of Natural Resources to employ alternative methods of contracting for public water and natural resources public surface water or groundwater-related infrastructure projects, regardless of the funding source and governs the procurement process in the use of the additional methods.

The Act authorizes the department to solicit and execute three additional methods of contracting – design-build, progressive design-build, or construction manager-general contractor contracts for public surface water or groundwater-related infrastructure projects; authorizes the department to hire an engineering or architectural consultant to assist with the development of project performance criteria and requests for proposals and any additional services as requested by the department in relation to a project and precludes consultants used from providing services in a proposal for a project upon which they have consulted.

LB723 directs the department to obtain requests for qualifications and compile and publish a pre-qualified contractor list, and authorizes the use of public-private partnerships. The department is required to be responsible for oversight of any function that is delegated to or otherwise performed by a private partner and directs the Director to adopt and promulgate rules and regulations setting forth criteria to be used in determining when a public-private partnership is to be used for a particular project. Finally, LB723 requires the department to annually report to the Natural Resources Committee regarding private-public partnerships which have been considered or are approved. (Sec. 1-20 of AM1314)

**The following bills were amended into LB565 on Select File with AM1314:**

**LB217** (Hughes) extends the sunset date for new scrap tire projects under §§ 81-15,160 to 81-15,160, which is the Waste Reduction and Recycling Fund and authorizes that proceeds from the fees imposed under the Waste Reduction and Recycling Incentive may be used for costs of administration and to assist political subdivisions for creation and

modification of recycling systems and market development to enhance recycling.  
(Section 46 of AM1314)

**LB289** (Bostelman) amends §18-2441 to grant the Municipal Cooperative Financing companies authority to maintain and service Advanced Metering Infrastructure (AMI) and offer cyber-security type services on behalf of public utilities members to provide savings for members and thus, ratepayers. (Sec. 21 of AM1314)

**LB395** (Erdman) amends §57-904 to changes per diem compensation of members of the Nebraska Oil and Gas Conservation Commission from \$400 per day to \$500 per day and eliminates the \$6,000 annual cap and provides for automatic adjustment to reflect CPI on July 1 of add numbered years beginning July 1, 2025. (Sec. 33 of AM1314)

**LB400** (Brewer) Amended by **AM878** provides for the reduction of specific predators, including mountain lion year round by authorizing landowners, their tenants, or agent to destroy or have destroyed specific predators preying on livestock or poultry or suspected of causing other damage on their land. Authorizes the killing of a mountain lion if encountered in the process of stalking, killing, or consuming livestock on the person's property. Requires immediate reporting to Game and Parks and to aid in transfer to Commission. ((Sec. 31 of AM1314)

**LB425** (Bostelman) amends provisions of the Game Law found in Chapter 37 to define a quorum for the Commission meetings is five out of nine members instead of four out of nine members and raises the caps on fees for several nonresident hunting and fishing permit fees. The bill also expands the amount of land for a controlled shooting area from 2% to 5% of the county's total acreage; Clarifies that an auction permit for a mountain sheep does not count against the lifetime limit of one; allows elk to be hunted in state refuges if the population is deemed detrimental to the refuge. (Sec. 22-30, 32 of AM1314)

## SUMMARIES OF BILLS ON SELECT FILE

NONE

## SUMMARY OF BILLS ON GENERAL FILE

**LB636** (Albrecht) would prohibit political subdivisions from restricting certain energy services

**LB599** (Armendariz) would change provisions relating to recycling under the Environmental Protection Act and the Integrated Solid Waste

Management Act and provide for an additional use of the Waste Reduction and Recycling Incentive Fund.

### **BILLS HELD IN COMMITTEE**

- LB40 (Blood) Adopt the Riparian and Water Quality Practices Act*
- LB120 (Bostelman) (Committee Shell) Eliminate obsolete provisions relating to a Nebraska Power Review Board study*
- LB121 (Bostelman) (Committee Shell) Repeal the Trail Development Assist Act*
- LB241 (Briese) Change provisions relating to transfers of water to another state.*
- LB255 (Brewer) Change eminent domain and renewable energy generation provisions relating to certain power suppliers*
- LB281 (Jacobson) Require the Department of Economic Development to provide grants for youth outdoor education camp facilities. (Portions passed in LB818)*
- LB292 (Cavanaugh, M) Prohibit the use of eminent domain under the Jobs and Economic Development Initiative (JEDI) Act*
- LB396 (Erdman) Provide for streamflow augmentation projects and retention of water rights. AG issued Opinion 23-006*
- LB397 (Erdman) Relocate the Game and Parks Commission headquarters to the city of Sidney, Nebraska*
- LB399 (Brewer) Change provisions relating to privately developed renewable energy generation facilities and other electric generations facilities.*
- LB456 (Brewer) Provide for claims for monetary compensation for damage caused by elk or mountain lions and authorize the control of elk and mountain lion populations*

<i>LB556 (Brandt)</i>	<i>Adopt the Capacity Grant Act to provide grants to nonprofit organizations that administer weatherization programs through the low-income home energy assistance program.</i>
<i>LB656 (McDonnell)</i>	<i>Change provisions relating to the Small Watershed Flood Control Funding</i>
<i>LB725 (Dungan)</i>	<i>Change provisions relating to electric companies and electric cooperative corporations</i>
<i>LB726 (Dungan)</i>	<i>Adopt the Nebraska Electric Consumer Right to Transparency and Local Control Act.</i>
<i>LB729 (McDonnell)</i>	<i>Change provisions relating to the Jobs and Economic Development Initiative (JEDI) Fund</i>

### **BILLS INDEFINITELY POSTPONED**

**None by Committee. On last day of session, bills that had been voted out of Committee but were later passed as part of other bills were Indefinitely Postponed by the Legislature. The bills were:**

- LB217 Amended into LB565**
- LB289 Amended into LB565**
- LB395 Amended into LB565**
- LB425 Amended into LB565**
- LB769 Amended into LB814**

### **BILLS WITHDRAWN**

**NONE**

## INTERIM STUDY RESOLUTIONS REFERRED

LR	INTRODUCER	SUBJECT of STUDY
162	Bostelman	Interim study to examine issues within the jurisdiction of the Game and Parks Commission
224	Brewer	Interim study to examine laws governing the ring-necked pheasant upland game bird in hopes of improving the population of the species
133	Bostelman	Interim study to examine issues under the jurisdiction of the Natural Resources Committee
163		Interim study to examine opportunities to increase recycling of municipal solid waste
248	Cavanaugh, J.	Interim study to survey Nebraska's small public electric utilities, municipalities, and electric cooperatives relating to rate classifications and equipment
216	Dungan	Interim study to examine the economic and climate impacts of the current reliance on fossil fuel energy generation in Nebraska