

AMENDMENTS TO LB1008

Introduced by Natural Resources.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 37-613, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           37-613 (1) Any person who sells, purchases, takes, or possesses  
6 contrary to the Game Law any wildlife shall be liable to the State of  
7 Nebraska for the damages caused thereby. Such damages shall be:

8           (a) ~~Twenty-five~~ Fifteen thousand dollars for each mountain sheep;

9           (b) ~~Ten~~ Five thousand dollars for each elk with a minimum of twelve  
10 total points and ~~three~~ one thousand ~~five hundred~~ dollars for any other  
11 elk;

12           (c) ~~Ten~~ Five thousand dollars for each whitetail deer with a minimum  
13 of eight total points and an inside spread between beams of at least  
14 ~~sixteen~~ eighteen inches, ~~two~~ one thousand dollars for any other antlered  
15 whitetail deer, and ~~five hundred~~ two hundred fifty dollars for each  
16 antlerless whitetail deer and whitetail doe deer;

17           (d) ~~Ten~~ Five thousand dollars for each mule deer with a minimum of  
18 eight total points and an inside spread between beams of at least ~~twenty-~~  
19 ~~two~~ twenty-four inches and ~~two~~ one thousand dollars for any other mule  
20 deer;

21           (e) Five thousand dollars for each antelope with the shortest horn  
22 measuring a minimum of fourteen inches in length and one thousand dollars  
23 for any other antelope;

24           (f) One thousand five hundred dollars for each bear or moose or each  
25 individual animal of any threatened or endangered species of wildlife not  
26 otherwise listed in this subsection;

27           (g) Five ~~thousand~~ hundred dollars for each mountain lion, lynx,

1 bobcat, river otter, or raw pelt thereof;

2 (h) Twenty-five dollars for each raccoon, opossum, skunk, or raw  
3 pelt thereof;

4 (i) Five thousand dollars for each eagle;

5 (j) Five ~~One~~ hundred dollars for each wild turkey;

6 (k) Twenty-five dollars for each dove;

7 (l) Seventy-five dollars for each other game bird, other game  
8 animal, other fur-bearing animal, raw pelt thereof, or nongame wildlife  
9 in need of conservation as designated by the commission pursuant to  
10 section 37-805, not otherwise listed in this subsection;

11 (m) Fifty dollars for each wild bird not otherwise listed in this  
12 subsection;

13 (n) Seven hundred fifty dollars for each swan or paddlefish;

14 (o) Two hundred dollars for each master angler fish measuring more  
15 than twelve inches in length;

16 (p) Fifty dollars for each game fish measuring more than twelve  
17 inches in length not otherwise listed in this subsection;

18 (q) Twenty-five dollars for each other game fish; and

19 (r) Fifty dollars for any other species of game not otherwise listed  
20 in this subsection.

21 (2) The commission shall adopt and promulgate rules and regulations  
22 to provide for a list of master angler fish which are subject to this  
23 section and to prescribe guidelines for measurements and point  
24 determinations as required by this section. The commission may adopt a  
25 scoring system which is uniformly recognized for this purpose.

26 (3) Such damages may be collected by the commission by civil action.  
27 In every case of conviction for any of such offenses, the court or  
28 magistrate before whom such conviction is obtained shall further enter  
29 judgment in favor of the State of Nebraska and against the defendant for  
30 liquidated damages in the amount set forth in this section and collect  
31 such damages by execution or otherwise. Failure to obtain conviction on a

1 criminal charge shall not bar a separate civil action for such liquidated  
2 damages. Damages collected pursuant to this section shall be remitted to  
3 the secretary of the commission who shall remit them to the State  
4 Treasurer for credit to the State Game Fund.

5 Sec. 2. Section 57-904, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 57-904 There is hereby established the Nebraska Oil and Gas  
8 Conservation Commission. The commission shall consist of three members to  
9 be appointed by the Governor. The director of the state geological survey  
10 shall serve the commission in the capacity as its technical advisor, but  
11 with no power to vote. Any two commissioners shall constitute a quorum  
12 for all purposes. At least one member of the commission shall have had  
13 experience in the production of oil or gas and shall have resided in the  
14 State of Nebraska for at least one year. Each of the other members of the  
15 commission shall have resided in the State of Nebraska for at least three  
16 years. Initially, two of said members shall be appointed for a term of  
17 two years each; and one shall be appointed for a term of four years. At  
18 the expiration of the initial terms all members thereafter appointed  
19 shall serve for a term of four years. The Governor may at any time remove  
20 any appointed member of the commission for cause, and by appointment,  
21 with the approval of the Legislature, shall fill any vacancy on the  
22 commission.

23 The members of the commission shall receive as compensation for  
24 their services not more than four hundred ~~the sum of fifty~~ dollars per  
25 day for each day actually devoted to the business of the commission,  
26 except ; ~~Provided,~~ that they shall not receive a sum in any one year in  
27 excess of four ~~two~~ thousand dollars each. In addition, each member of the  
28 commission shall be reimbursed for his or her actual and necessary  
29 traveling and other expenses incurred in connection with the carrying out  
30 of his or her duties as provided in sections 81-1174 to 81-1177 ~~for state~~  
31 ~~employees.~~

1           Sec. 4. Section 70-1015, Revised Statutes Cumulative Supplement,  
2   2016, is amended to read:

3           70-1015 (1) If any supplier violates Chapter 70, article 10, by  
4   either (a) ~~(1)~~ commencing the construction or finalizing or attempting to  
5   finalize the acquisition of any generation facilities, any transmission  
6   lines, or any related facilities without first providing notice or  
7   obtaining board approval, whichever is required, or (b) ~~(2)~~ serving or  
8   attempting to serve at retail any customers located in Nebraska or any  
9   wholesale customers in violation of section 70-1002.02, such  
10  construction, acquisition, or service of such customers shall be enjoined  
11  in an action brought in the name of the State of Nebraska until such  
12  supplier has complied with Chapter 70, article 10.

13           (2) If the executive director of the board determines that a private  
14 electric supplier commenced construction of a privately developed  
15 renewable energy generation facility less than thirty days prior to  
16 providing the notice required in subdivision (1)(a) of section  
17 70-1014.02, the executive director shall send notice via certified mail  
18 to the private electric supplier, informing it of the determination that  
19 the private electric supplier is in violation of such subdivision and is  
20 subject to a fine in the amount of five hundred dollars. The private  
21 electric supplier shall have twenty days from the date on which the  
22 notice is received in which to submit the notice described in such  
23 subdivision and to pay the fine. Within ten days after the private  
24 electric supplier submits a notice compliant with the provisions of  
25 subsection (1) of section 70-1014.02 and payment of the fine, the  
26 executive director of the board shall issue the written acknowledgment  
27 described in subsection (2) of section 70-1014.02. If the private  
28 electric supplier fails to submit a notice compliant with the provisions  
29 of subsection (1) of section 70-1014.02 and pay the fine within twenty  
30 days after the date on which the private electric supplier receives the  
31 notice from the executive director of the board, the private electric

1 supplier shall immediately cease construction or operation of the  
2 privately developed renewable energy generation facility.

3 (3) If the private electric supplier disputes that construction was  
4 commenced less than thirty days prior to submitting the written notice  
5 required by subdivision (1)(a) of section 70-1014.02, the private  
6 electric supplier may request a hearing before the board. Such request  
7 shall be submitted within twenty days after the private electric supplier  
8 receives the notice sent by the executive director pursuant to subsection  
9 (2) of this section. If the private electric supplier does not accept the  
10 certified mail sent pursuant to such subsection, the executive director  
11 shall send a second notice to the private electric supplier by first-  
12 class United States mail. The private electric supplier may submit a  
13 request for hearing within twenty days after the date on which the second  
14 notice was mailed.

15 (4) Upon receipt of a request for hearing, the board shall set a  
16 hearing date. Such hearing shall be held within sixty days after such  
17 receipt. The board shall provide to the private electric supplier written  
18 notice of the hearing at least twenty days prior to the date of the  
19 hearing. The board or its hearing officer may grant continuances upon  
20 good cause shown or upon the request of the private electric supplier.  
21 Timely filing of a request for hearing by a private electric supplier  
22 shall stay any further enforcement under this section until the board  
23 issues an order pursuant to subsection (5) of this section or the request  
24 for hearing is withdrawn.

25 (5) The board shall issue a written decision within sixty days after  
26 conclusion of the hearing. All costs of the hearing shall be paid by the  
27 private electric supplier if (a) the board determines that the private  
28 electric supplier commenced construction of the privately developed  
29 renewable energy generation facility less than thirty days prior to  
30 submitting the written notice required pursuant to subsection (1) of  
31 section 70-1014.02 or (b) the private electric supplier withdraws its

1 request for hearing prior to the board issuing its decision.

2 (6) A private electric supplier which the board finds to be in  
3 violation of the requirements of subsection (1) of section 70-1014.02  
4 shall either (a) pay the fine described in this section and submit a  
5 notice compliant with the provisions of subsection (1) of section  
6 70-1014.02 or (b) immediately cease construction or operation of the  
7 privately developed renewable energy generation facility.

8 Sec. 5. Section 81-15,160, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is  
11 created. The department shall deduct from the fund amounts sufficient to  
12 reimburse itself for its costs of administration of the fund. The fund  
13 shall be administered by the Department of Environmental Quality. The  
14 fund shall consist of proceeds from the fees imposed pursuant to the  
15 Waste Reduction and Recycling Incentive Act.

16 (2) The fund may be used for purposes which include, but are not  
17 limited to:

18 (a) Technical and financial assistance to political subdivisions for  
19 creation of recycling systems and for modification of present recycling  
20 systems;

21 (b) Recycling and waste reduction projects, including public  
22 education, planning, and technical assistance;

23 (c) Market development for recyclable materials separated by  
24 generators, including public education, planning, and technical  
25 assistance;

26 (d) Capital assistance for establishing private and public  
27 intermediate processing facilities for recyclable materials and  
28 facilities using recyclable materials in new products;

29 (e) Programs which develop and implement composting of yard waste  
30 and composting with sewage sludge;

31 (f) Technical assistance for waste reduction and waste exchange for

1 waste generators;

2 (g) Programs to assist communities and counties to develop and  
3 implement household hazardous waste management programs;

4 (h) Capital assistance for establishing private and public  
5 facilities to manufacture combustible waste products and to incinerate  
6 combustible waste to generate and recover energy resources, except that  
7 no disbursements shall be made under this section for scrap tire  
8 processing related to tire-derived fuel; and

9 (i) Grants for reimbursement of costs to cities of the second class,  
10 villages, and counties of five thousand or fewer population for the  
11 deconstruction of abandoned buildings. Eligible deconstruction costs will  
12 be related to the recovery and processing of recyclable or reusable  
13 material from the abandoned buildings.

14 (3) Grants up to one million five hundred thousand dollars annually  
15 shall be available until June 30, 2024 ~~2019~~, for new scrap tire projects  
16 only, if acceptable scrap tire project applications are received.  
17 Eligible categories of disbursement under section 81-15,161 may include,  
18 but are not limited to:

19 (a) Reimbursement for the purchase of crumb rubber generated and  
20 used in Nebraska, with disbursements not to exceed fifty percent of the  
21 cost of the crumb rubber;

22 (b) Reimbursement for the purchase of tire-derived product which  
23 utilizes a minimum of twenty-five percent recycled tire content, with  
24 disbursements not to exceed twenty-five percent of the product's retail  
25 cost;

26 (c) Participation in the capital costs of building, equipment, and  
27 other capital improvement needs or startup costs for scrap tire  
28 processing or manufacturing of tire-derived product, with disbursements  
29 not to exceed fifty percent of such costs or five hundred thousand  
30 dollars, whichever is less;

31 (d) Participation in the capital costs of building, equipment, or

1 other startup costs needed to establish collection sites or to collect  
2 and transport scrap tires, with disbursements not to exceed fifty percent  
3 of such costs;

4 (e) Cost-sharing for the manufacturing of tire-derived product, with  
5 disbursements not to exceed twenty dollars per ton or two hundred fifty  
6 thousand dollars, whichever is less, to any person annually;

7 (f) Cost-sharing for the processing of scrap tires, with  
8 disbursements not to exceed twenty dollars per ton or two hundred fifty  
9 thousand dollars, whichever is less, to any person annually;

10 (g) Cost-sharing for the use of scrap tires for civil engineering  
11 applications for specified projects, with disbursements not to exceed  
12 twenty dollars per ton or two hundred fifty thousand dollars, whichever  
13 is less, to any person annually;

14 (h) Disbursement to a political subdivision up to one hundred  
15 percent of costs incurred in cleaning up scrap tire collection and  
16 disposal sites; and

17 (i) Costs related to the study provided in section 81-15,159.01.

18 The director shall give preference to projects which utilize scrap  
19 tires generated and used in Nebraska.

20 (4) Priority for grants made under section 81-15,161 shall be given  
21 to grant proposals demonstrating a formal public/private partnership  
22 except for grants awarded from fees collected under subsection (6) of  
23 section 13-2042.

24 (5) Grants awarded from fees collected under subsection (6) of  
25 section 13-2042 may be renewed for up to a five-year grant period. Such  
26 applications shall include an updated integrated solid waste management  
27 plan pursuant to section 13-2032. Annual disbursements are subject to  
28 available funds and the grantee meeting established grant conditions.  
29 Priority for such grants shall be given to grant proposals showing  
30 regional participation and programs which address the first integrated  
31 solid waste management hierarchy as stated in section 13-2018 which shall



1 include toxicity reduction. Disbursements for any one year shall not  
2 exceed fifty percent of the total fees collected after rebates under  
3 subsection (6) of section 13-2042 during that year.

4 (6) Any person who stores waste tires in violation of section  
5 13-2033, which storage is the subject of abatement or cleanup, shall be  
6 liable to the State of Nebraska for the reimbursement of expenses of such  
7 abatement or cleanup paid by the Department of Environmental Quality.

8 (7) The Department of Environmental Quality may receive gifts,  
9 bequests, and any other contributions for deposit in the Waste Reduction  
10 and Recycling Incentive Fund. Transfers may be made from the fund to the  
11 General Fund at the direction of the Legislature. Any money in the Waste  
12 Reduction and Recycling Incentive Fund available for investment shall be  
13 invested by the state investment officer pursuant to the Nebraska Capital  
14 Expansion Act and the Nebraska State Funds Investment Act.

15 Sec. 6. The Revisor of Statutes shall assign section 3 of this act  
16 to Chapter 70, article 6.

17 Sec. 7. Sections 1, 2, 5, and 9 of this act become operative three  
18 calendar months after the adjournment of this legislative session. The  
19 other sections of this act become operative on their effective date.

20 Sec. 8. Original section 70-1015, Revised Statutes Cumulative  
21 Supplement, 2016, is repealed.

22 Sec. 9. Original sections 37-613 and 57-904, Reissue Revised  
23 Statutes of Nebraska, and section 81-15,160, Revised Statutes Cumulative  
24 Supplement, 2016, are repealed.

25 Sec. 10. Since an emergency exists, this act takes effect when  
26 passed and approved according to law.