

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB317

Hearing Date: Thursday February 13, 2025
Committee On: Natural Resources
Introducer: Brandt
One Liner: Merge the Department of Natural Resources with the Department of Environment and Energy and change the name to the Department of Water, Energy, and Environment and provide, change, and eliminate powers and duties

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

Vote Results:

Aye:	7	Senators Brandt, Clouse, DeKay, Hughes, Juarez, Moser, Raybould
Nay:	1	Senator Conrad
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Tom Brandt
Governor Jim Pillen
Jesse Bradley

Jacob Leaver
Timothy McCoy

Opponents:

Jasper Fanning
LeRoy W. Sievers
Bruce Rieker
Kurt Bogner
Al Davis
John Hansen
Claudia Stevenson*

Neutral:

Katie Torpy
Devin Brundage

Alden Zuhlke

Representing:

Opening Presenter
State of Nebraska
Nebraska Department of Natural Resources,
Nebraska Department of Environment and Energy
Nebraska State Budget Division
Nebraska Game and Parks

Representing:

Nebraska Association of Natural Resources Districts
Nebraska State Irrigation Association
Nebraska Farm Bureau
Self
Nebraska Chapter of the Sierra Club
Nebraska Farmers Union
League of Women Voters of Nebraska

Representing:

Nature Conservancy
Central Nebraska Public Power and Irrigation,
Nebraska Power Association
Nebraska Environmental Quality Council

* ADA Accommodation Written Testimony



Summary of purpose and/or changes:

LB 317 merges the Department of Natural Resources (DNR) into the Department of Environment and Energy (DEE) and renames the merged agency the Department of Water, Energy, and Environment (DWEE) effective July 1, 2025. The Director of Environment and Energy is renamed the Director of Water, Energy, and Environment and the Director of Natural Resources is renamed the Chief Water Officer (CWO) and retains the authority and duties previously prescribed for the administration of duties of the former DNR. LB317 changes and renames the departments and department heads where appropriate, and instructs on the transfers of appropriations, assets, employees, contracts, and relevant duties and obligations.

Sections 1 through 6 are new provisions of law to direct and structure merging the DNR into the DEE effective July 1, 2025 and renaming the newly merged agency the DWEE. The position of Director of Environment and Energy is renamed the Director of Water, Energy, and Environment. The position of Director of Water, Energy, and Environment will administer the new department and the position of Director of Natural Resources is renamed the CWO and retains the authority and powers previously prescribed for the administration of duties of the current DNR. All statutory powers and duties, responsibilities and obligations, contracts, employees, and assets of the current DNR are transferred to the DWEE.

Any appropriation and salary limitation enacted in the 109th Session of the Legislature, First Session, concerning Agency 19 (DNR), is void and any such amounts are appropriated to Agency No. 84 (DWEE). Contracts or other documents referring to DEE or DNR apply to the DWEE effective July 1, 2025. The DWEE succeeds to all rights and obligations under contracts, as well as any cash funds, custodial funds, gifts, trusts, grants, and the appropriation of funds from prior fiscal years available to satisfy obligations incurred under such contracts are transferred and appropriated to the merged department. No lawsuit or claims against the DNR or DEE prior to July 1, 2025 shall abate as a result of the merger. On or after July 1, 2025, provisions of law referring to DNR or DEE in connection with duties and functions of such departments are construed as referring to the DWEE. On July 1, 2025, all items of property, real and personal, and furniture, fixtures, books, documents, and records of DNR pertaining to its duties and functions are transferred to the DWEE.

Sections 7-34 amend affected provisions of Chapter 2 (Agriculture) to (1) insert renamed departments and positions throughout; (2) remove the requirement in section 2-1508 (sec. 15) to use an annual report from the DWEE in the water and planning review process to rank applications for funding; (3) amend section 2-1511 (sec. 18) related to agreements entered for the purpose of allocating funds pursuant to the Water Sustainability Fund after review and approval, limiting the term of such agreements for the payment of such funds to not exceed ten years; (4) include a public water system as defined in section 71-5301 in the list of special projects involving water for any beneficial use and assigning duty for review to the CWO; (5) remove reference related to the outright repeal of sections 2-3277 and 2-3278 (Long Range Implementation Plans and individual project plans) (sec. 29, 30, 392).

Sections 35- 56 amend affected provisions requiring name change of any department or position, or both in Chapter 13 (Cities, Counties, and Other Political Subdivisions), Chapter 19 (Cities and Villages), Chapter 25 (Courts; Civil Procedure), and Chapter 31 (Drainage).

Sections 57 - 60 amend affected provisions in Chapter 37 (Game and Parks) to insert names as needed and to transfer duties related to initial location of state game refuge boundaries and adopting and promulgating rules and regulations for such boundaries to the Nebraska Game and Parks Commission. (sec. 57 and 58).

Sections 61-229 amend affected provisions in Chapter 46 (Irrigation and Regulation of Water) to insert name changes of merged departments and the CWO and definitions as needed (Sec. 110, 116, 128, 140, 166, 226); to clarify hearing contents (sec. 196); remittance of civil penalties and parameters for time to pay (sec. 197); to specify that certain duties of review, including for instream appropriations, are assigned to the CWO; and to eliminate outdated



provisions.

Sections 230-232 amend affected provisions in Chapter 49 (Law) to include merged department name changes.

Sections 233-236 amend affected provisions in Chapter 54 (Livestock) to include merged department name changes where applicable and to clarify that the duty of the DWEE is to review and approve an applicant for a National Pollutant Discharge Elimination System permit rather than to issue the permit (sec. 234).

Sections 237-242 amend affected provisions in Chapter 57 (Minerals, Oil and Gas) to include merged department name changes where applicable.

Section 243 amends section 58-221 to change references from DEE to the DWEE.

Sections 244-247 amend affected provisions in Chapter 60 (Motor Vehicles) to authorize the CWO to issue citations to suspected violators and authorize the Director of Water, Energy, and Environment to promulgate rules and regulations consistent with federal provisions to carry out obligations under this chapter.

Sec. 248-274 amend affected provisions in Chapter 61 (Natural Resources) to change department and director names as needed. Sec. 248 specifically amends section 61-201 to state qualifications of the CWO and deletes a requirement that the CWO be a professional engineer as provided in the Engineers and Architects Regulation Act and adds that the holder of the position shall be appointed by the Governor, subject to the confirmation by the Legislature, and that the CWO shall report directly to the Director of Water, Energy, and Environment. Sec. 252 transfers duties currently assigned to DNR to the DWEE. Sec. 262-263 place the Water Sustainability Fund in the DWEE and substitute the DWEE for DNR for purposes of transfers from the Water Sustainability Fund.

Section 275-291 amend affected provisions in Chapter 66 (Oils, Fuels, and Energy) to change department and director names as needed.

Sections 292-293 amend affected provisions in Chapter 69 (Personal Property) to substitute names for purposes of definitions.

Sections 294-295 amend affected provisions in Chapter 70 (Power Districts and Corporations) to change names as needed.

Sections 296-303 amend affected provisions in Chapter 71 (Public Health and Welfare) to substitute names where needed; to delete the definition of licensed facility operator (sec. 296); and to change the definition of "high-level radioactive waste" to harmonize with the definitions used by the United States Nuclear Regulatory Commission (sec. 299).

Sections 304- 305 amend affected provisions in Chapter 72 (Public Lands, Buildings, and Funds) to substitute merged department name changes where needed.

Sections 306-308 amend affected provisions in Chapter 76 (Real Property) to substitute names where needed for duties related to transfers of real property containing surface water and other documents related to property transfers.

Sections 309-317 amend affected provisions in Chapter 77 (Revenue and Taxation) to substitute department name changes where needed, and to remove obsolete provisions relating to the Low Level Radioactive Waste Disposal Act (The Act is outright repealed in Sec. 392).



Sections 318-384 amend affected provisions in Chapter 81 (State Administrative Departments) to substitute merged department name changes where needed, and to add assistant directors and deputies of DWEE as category (cc) for purposes of coverage in the State Personnel System. (Sec. 324).

Sections 385-386 amend Chapter 84 (State Officers) to substitute merged department name changes where needed.

Sections 387-389 amend affected provisions in Chapter 85 (State University, State Colleges, and Postsecondary Education), Chapter 86 (Telecommunications and Technology), and Chapter 88 (Warehouses) to substitute merged department name changes where needed.

Section 390. Sets the operative date for the act on July 1, 2025.

Section 391. Repealer (repeals amended statutes).

Section 392. Outright Repealer. Outright repeals sections in Chapters 2 , 46, 71, and 81 to eliminate provisions relating to the Conservation Corporation Act, the Low-Level Radioactive Waste Disposal Act, the Nebraska Soil Survey Fund, the state water planning and review process, and obsolete provisions, including reporting requirements no longer needed or used.

Section 393. Emergency Clause

Explanation of amendments:

The committee adopted AM 711 to LB 317, which clears up and closes missed or inconsistent language in the affected statutes, clarifies the powers and duties of the CWO and the DWEE in the newly merged agency, and reinstates a requirement that the CWO must hold a degree in professional Engineering. AM 711 strikes original sections 1 to 6, 11, 26, 38, 46, 56, 61 to 229, 234, 248 to 260, 317, 324, 330, and 345 from the bill and inserts new sections, most of which are harmonizing sections solely due to the change in agency and director names. AM 711 contains no changes to any original sections of LB 317 not struck where no new section is substituted in AM711, except for renumbering sections and correcting the repealer accordingly.

Section-by-section Summary:

Sections 1 through 6 of AM 711 replace original Sections 1 through 6 of the bill to direct the merger of the DNR into the DEE on July 1, 2025, name the new entity DWEE, provide for the applicable transfers and adds an exception to administrative authority and duties where otherwise provided by law, and inserts the CWO where such authority is applicable.

Sections 11 and 26 replace original Sections 11 and 26 of the bill to amend the relevant sections of Chapter 2 (Agriculture) to change references to the current department or departments to the DWEE, to insert the CWO, and to clarify applicable duties and powers.

Sec. 38 replaces original Sec. 38 of the bill and amends section 13-2042.01 of Chapter 13 (Cities, Counties, and Other Political Subdivisions) to change references to the current department or departments to the DWEE, to insert the CWO, and to clarify applicable duties and powers.

Sec. 46 replaces original Sec. 46 of the bill and amends section 25-1064 of Chapter 25 (Courts, Civil Procedure) to



change references to the current department or departments to the DWEE, to insert the CWO, and to clarify applicable duties and powers.

Sec. 56 replaces original Sec. 56 of the bill and amends section 31-1015 of Chapter 31 (Drainage) to change references to the current department or departments to the DWEE, to insert the CWO, and to clarify applicable duties and powers.

Sec. 61-73 replace original Sections 61-73 of the bill and amend the relevant sections of Chapter 46 (Irrigation and Regulation of Water) which are not specifically noted in following sections to change references to the current department or departments to the DWEE, to insert the CWO, and to clarify applicable duties and powers.

Sec. 74 replaces original Sec. 71 of the bill and amends section 46-226.03 to add the definition of the CWO and the definition of "Department" to mean the DWEE.

Sec. 75-78 amend sections 46-227, 46-229, 46-229.01, and 46-229.02 to clarify the duties of the CWO and the DWEE.

Sec. 79 amends section 46-229.03 to name the CWO for purposes of notice provisions and to reflect the date of transfer from DNR as it existed prior to July 1, 2025.

Sec. 80-229 amend affected sections of Chapter 46 (Irrigation and Regulation of Water) which are not specifically noted in previous sections to change references to the current department or departments to the DWEE, to insert the CWO, and to define each where appropriate and clarify applicable duties and powers.

Sec. 313 replaces original Sec. 234 of the bill and amends section 54-2429 to provide that applications for National Pollutant Discharge Elimination System permits shall not be issued until the application has obtained approval from the CWO.

Sec. 327 replaces original Sec. 248 of the bill and amends section 61-201 to require that the CWO of the DWEE must be a professional engineer and directs that the Division of Water of the DWEE shall assist the CWO in carrying out the CWO's duties.

Sec. 328-330 amend affected sections of Chapter 61 (Natural Resources) to change references to the current department or departments to the DWEE, to insert the CWO, and to define each where appropriate and clarify applicable duties and powers.

Sec. 331 replaces original Sec. 252 in the bill and amends section 61-205 to provide that the CWO of the DWEE shall exercise the powers and perform the duties specifically assigned to the DNR prior to July 1, 2025, except for those duties assigned to the Director of Water, Energy, and Environment or the Department.

Sec. 332-339 amend the applicable sections of Chapter 61 to clarify duties of the CWO and DWEE.

Sec. 396 replaces original Sec. 317 of the bill and amends section 77-3442 of Chapter 77 to insert name changes for the DWEE and CWO and to clarify applicable duties.

Sec. 403 replaces original Sec. 324 of the bill and amends section 81-1316 to insert name changes for the DWEE and the CWO and to add the assistant directors and deputies of the DWEE as category (cc) of agencies and persons not subject to the State Personnel System.



Sec. 424 replaces original Sec. 345 of the bill and amends Section 81-15,170 to substitute names as needed.

NOTE* Section 330 of the original bill (section 81-1566) is stricken in AM 711 because it changed the sunset date of the Nebraska Litter Reduction and Recycling Act, but that date was effectively changed from September 30, 2025 to September 30, 2030 by passage this session of LB 167e.

Tom Brandt, Chairperson

