

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB36

Hearing Date: Wednesday January 29, 2025
Committee On: Natural Resources
Introducer: Brandt
One Liner: Provide for notification of certain regulations and permits to controlling entities by counties, cities, and villages under the Wellhead Protection Area Act

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

Vote Results:
Aye: 8 Senators Brandt, Clouse, Conrad, DeKay, Hughes, Juarez, Moser, Raybould
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:
Senator Tom Brandt
Rick Kubat

Representing:
Opening Presenter
MUD Metropolitan Utilities District

Opponents:

Representing:

Neutral:
Lash Chaffin

Representing:
League of Nebraska Municipalities

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 36 amends the Wellhead Protection Area Act to provide for notification by counties, cities, and villages of certain regulations and permits to controlling entities of wellhead protection areas. Such notification shall be made no less than 30 days prior to any public hearing or anticipated legal action regarding such regulations or permit. The ability of a controlling entity to provide the public with an adequate supply of potable water must be considered by the county, city, or village when making any determinations.

Explanation of amendments:

The Natural Resources Committee adopted AM 635, a white copy amendment that strikes the original language of LB



36 and adds the following bills: LB 309 as amended by AM 595, LB 459 as amended by AM 631, LB 562, LB 590 as amended by AM289, LB 480, and LB 344.

LB 309 as amended adopts the Safe Battery Collection and Recycling Act.

Testifiers on LB309:

Proponents:

Senator Jana Hughes , Opening Presenter
Al Davis, Nebraska Chapter of the Sierra Club
Andy Pollock, Waste Connections
John Hansen, Nebraska Farmers Union

Opponents:

Rich Otto, Nebraska Retail Federation
Joey Adler Ruane, Recycled Materials Association

Neutral: None

Committee vote to attach LB309:

Yes: 8 Brandt, Clouse, Conrad, DeKay, Hughes, Juarez, Moser, Raybould;
No: 0;
Absent: 0;
Present Not Voting: 0;

LB 459 as amended establishes the Home Weatherization Clearinghouse and directs its primary focus is the facilitation of funding for whole-home rehabilitation projects and directs that all grants that accomplish whole-house rehabilitation projects shall be given priority. DEE is directed to utilize existing staff to carry out this section.

Testifiers on LB459:

Proponents:

Senator Danielle Conrad , Opening Presenter
Kenneth Winston, Nebraska Interfaith Power & Light

Opponents: None

Neutral: None

Committee vote to attach LB459:

Yes: 8 Brandt, Clouse, Conrad, DeKay, Hughes, Juarez, Moser, Raybould;
No: 0;
Absent: 0;
Present Not Voting: 0;

LB 562 amends sections 37-438, 37-440, 37-451, 37-455, and 37-1214 to allow an increase to the caps for fees charged by the Game and Parks Commission, to raise the number of certain permits, and to clean up and remove redundant language.

Testifiers on LB562:



Proponents:

Senator Tom Brandt , Opening Presenter

Timothy McCoy, Nebraska Game and Parks Commission

Opponents: None

Neutral: None

Committee vote to attach LB562:

Yes: 6 DeKay, Hughes, Moser, Raybould, Clouse, Brandt;

No: 2 Conrad, Juarez;

Absent: 0;

Present Not Voting: 0;

LB 480 amends sections 37-1802 and 37-1803 to provide the Game and Parks Commission the authority to administer and carry out additional projects under the Water Recreation Enhancement Act.

Testifiers on LB480:

Proponents:

Senator Barry DeKay , Opening Presenter

Jim Swenson, Nebraska Game and Parks Commission

Opponents: None

Neutral: None

Committee vote to attach LB480:

Yes: 8 Brandt, Clouse, Conrad, DeKay, Hughes, Juarez, Moser, Raybould;

No: 0;

Absent: 0;

Present Not Voting: 0;

LB 590 as amended by AM 289 amends provisions in Chapter 39 to authorize the Nebraska Department of Transportation (NDOT) to establish and operate a mitigation bank or in-lieu-fee program for construction projects in areas where an endangered species habitat may exist.

Testifiers on LB590:

Proponents:

Senator Mike Moser , Opening Presenter

Vicki Kremer, Nebraska Department of Transportation

Tony Baumert, Olsson, American Council of Engineering Companies

John Hansen, Nebraska Farmers Union

Opponents: None

Neutral:

Al Davis, Nebraska Chapter of the Sierra Club

Committee vote to attach LB590:

Yes: 8 Brandt, Clouse, Conrad, DeKay, Hughes, Juarez, Moser, Raybould;



No: 0;
Absent: 0;
Present Not Voting: 0;

LB 344 amends section 46-740 of the Nebraska Ground Water Management and Protection Act pertaining to ground water allocations for municipalities and municipal-served and self-served commercial or industrial users in the fully appropriated and over-appropriated areas of the state.

Testifiers on LB344:

Proponents:

Senator Tom Brandt , Opening Presenter

Jesse Bradley, Nebraska Department of Natural Resources, Nebraska Department of Environment and Energy

Dr Brandi Flyr, Nebraska Association of Resources Districts

Opponents: None

Neutral:

Lash Chaffin, League of Nebraska Municipalities

Committee vote to attach LB344:

Yes: 8 Brandt, Clouse, Conrad, DeKay, Hughes, Juarez, Moser, Raybould;

No: 0;

Absent: 0;

Present Not Voting: 0;

Section by section summary:

Sec. 1 to 17: LB 309 as amended by AM595.

LB 309 as amended adopts the Safe Battery Collection and Recycling Act. The bill provides a framework for the Act and creates the Battery Stewardship Cash Fund to carry out the purposes of the Act. Under LB 309, beginning January 1, 2028, no non-exempt producer or retailer may sell, offer for sale, or distribute for sale in Nebraska, any covered battery or battery-containing product unless the producer of the covered battery or battery-containing product is identified and is a member of a battery stewardship organization (BSO) operated under a battery stewardship plan (Plan) approved by the Department of Environment and Energy (DEE), and the covered battery is marked with information to ensure proper collection and recycling. The bill provides definitions, procedures, and the framework for carrying out the Act, including the duties of the DEE in oversight of any BSO Plan and BSO duties and responsibilities for providing collection sites, annual reports, and for all costs associated with implementing a Plan. The bill also provides duties for the DEE regarding review and assessment of studies and a report to the Natural Resources Committee of the Legislature. The bill also provides for limits to liability, provides for civil actions brought by a BSO, and provides a criminal penalty and civil penalty penalties associated with violations of the Act.

Sec. 18: LB 459 as amended by AM 631.

LB 459 as amended establishes the Home Weatherization Clearinghouse to be administered within the Department of Environment and Energy (DEE) for the purpose of the clearinghouse serving as the primary contact point and coordinator for persons applying for grants, loans, or other programs that fund home weatherization projects, whether those programs are administered by the DEE, other state or local agencies, nonprofit entities, or the federal government. LB 459 provides that the clearinghouse shall have as its primary focus the facilitation of funding for whole-home rehabilitation projects and directs that all grants that accomplish whole-house rehabilitation projects shall



be given priority. DEE is directed to utilize existing staff to carry out this section.

Sec. 19 to 23: LB562.

LB 562 amends sections 37-438, 37-440, 37-451, 37-455, and 37-1214 to allow an increase to the caps for fees charged by the Game and Parks Commission, to raise the number of certain permits, and to clean up and remove redundant language. Section 37-438 is amended to allow an increase in the cap for park permit fees. The annual resident fee is capped at no more than \$50, and the daily permit fee is capped at no more than \$10. Nonresident fees remain at twice the resident fee. Section 37-440 is amended to eliminate redundant language. Section 37-451 is amended to increase the allowable number of additional auction permits for mountain sheep from 1 to 2 additional permits. Section 37-455 is amended to clarify who is qualified as a Nebraska resident for a limited permit to hunt elk. Section 37-1214 is amended to authorize an increase in the maximum cost of an aquatic invasive species stamp for nonresident motorboat owners from \$15 to \$30. (The fee for the aquatic invasive species stamp funds programs to educate the public, prevent the introduction of invasive species, monitor waters, inspect and decontaminate conveyances, and treat invasive species populations).

Sec. 24 to 25: LB 480.

LB 480 amends sections 37-1802 and 37-1803 to provide the Game and Parks Commission the authority to administer and carry out additional projects under the Water Recreation Enhancement Act relating to recreational opportunity and water access at Lake McConaughy, Lewis and Clark State Recreation Area, and Niobrara State Park.

Sec. 26 to 32: LB 590 as amended by AM 289.

LB 590 as amended amends provisions in Chapter 39 to authorize the Nebraska Department of Transportation (NDOT) to establish and operate a mitigation bank or in-lieu-fee program for construction projects in areas where an endangered species habitat may exist. The original bill affected Chapter 37 (Game and Parks). The Natural Resources Committee adopted AM 289 to LB 590 which is a white copy amendment that strikes and replaces the original sections of LB 590 and inserts the substantive provisions of the original bill from Chapter 37 into a new section in Chapter 39 (Highways and Bridges).

New section 30 provides for a mitigation bank, the purpose of which is to create an endangered species conservation area that compensates for the loss of endangered species habitat. Under a mitigation banking system, credits are earned for restoring or enhancing wetlands or streams, allowing developers to offset unavoidable impacts to aquatic resources at another location, ensuring no net loss of ecological value. Upon the establishment of a mitigation bank or an in-lieu fee program pursuant to this section, NDOT may exercise prescribed powers to operate such mitigation bank or in-lieu fee program, including entering into cooperative agreements, acquiring title to real property, establishing or restoring habitat, and streamlining the permitting process. This section also provides for the payment by a mitigation bank owner of a sum in lieu of ad valorem taxes lost by a county for a mitigation bank acquired to restore, enhance, preserve, or create habitat. This section also grants authority to provide research and educational opportunities, and makes the requirement to pay a sum in lieu of ad valorem taxes lost only applicable to property acquired after July 1, 2026.

Sections 26, 27, 28, 29, 31, and 32 of AM 635 harmonizes sections 39-891, 39-893, 39-1301, 39-1302, 39-1309, and 39-1320 with the placement of section 30 into Chapter 39.

Sec. 33: LB 344.

LB 344 amends section 46-740 of the Nebraska Ground Water Management and Protection Act pertaining to ground water allocations for municipalities and municipal-served and self-served commercial or industrial users in the fully appropriated and over-appropriated areas of the state. LB 344 removes the post-January 1, 2026, allocations for municipalities set in 2005 and requires integrated management plan, rule, or order and mitigation report requirements



for certain commercial and industrial users of more than twenty-five million gallons of water annually, along with a requirement for annual water use and water consumption reporting by municipalities.

Sec. 34: LB 309 as amended by AM 595.

LB 309 amends section 81,15,160 concerning the Waste Reduction and Recycling Incentive Fund to authorize use of the Fund for the administrative costs of the DEE to implement, administer, and enforce the Safe Battery Collection and Recycling Act (Sections 1 to 17) in fiscal years 2025-26 and 2026-27.

Sec. 35: Repealer.

Tom Brandt, Chairperson

