

# FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)					
EXPENDITURES	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	SEE BELOW	790,000	0	0	SEE BELOW
FY2027-2028	SEE BELOW	1,790,000	0	0	SEE BELOW
FY2028-2029	SEE BELOW	1,790,000	0	0	SEE BELOW
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	790,000	0	0	790,000
FY2027-2028	0	1,790,000	0	0	1,790,000
FY2028-2029	0	1,790,000	0	0	1,790,000

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB761 would make the following amendments:

- Amend the Integrated Solid Waste Management Cash fund to have fees collected under 13(c) of 81-1505 for the purpose of permitting operators of hazardous waste processing facilities remitted to the Integrated Solid Waste Management Fund rather than the General Fund;
- Amend 46-606 to have various fees associated with water well permitting and registration increased from \$40 to \$200, expands the eligible use of fees collect from costs associated with making corrections to water well registration data under 46-602 subsections 6 and 7 to the direct and indirect costs to carry out 46-602 (water well registration) and 46-1228 (inspection of water wells and associated authority);
- Amend the directive to the Department of Water, Energy, and Environment for fees under 54-2423 to be adequate to cover 40% of the cost from the prior fiscal year, an increase from 20%; and
- Amend 81-1505 to set the fee set by the Environmental Quality Council to the following:
  - Paid by hazardous waste generators on the basis of an annual fee, the quantity of the waste generated by waste or volume as reported by the generator to the national hazardous waste manifest system, or a combination thereof; and
  - The fee schedule is amended to be sufficient but not exceeding the amount necessary for reimbursement of the cost of monitoring such facilities to be sufficient but not exceeding the cost necessary to pay for the direct and indirect costs of the regulation of hazardous waste management. Fees collected will be remitted to the Integrated Solid Waste Management Cash Fund.

LB761 would create the Water Quality and Quantity Cash Fund under the Nebraska Environmental Protection Act which would allow for receipt of fees pursuant to state permitting of discharges under Sec. 402 of the Clean Water Act. LB761 would add the Water Quality and Quantity Cash Fund to the Nebraska Environmental Protection Act.

Estimate approximately \$415,000 in new cash fund revenue under the Water Well Standards and Contractors' Licensing Fund beginning in FY2026-27. Estimate fees to double under the Livestock Waste Management Cash Fund yielding approximately \$300,000 in new cash fund revenue beginning in FY2026-27.

No basis to disagree with DWEE's estimates for Cash Fund revenue and General Fund reduction under the National Pollutant Discharge Elimination System provision and Hazardous Waste Generation provisions.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 761	AM:	AGENCY/POLT. SUB: Department of Water, Energy, and Environment
REVIEWED BY: Taten Raml	DATE: 1/16/2026	PHONE: (531) 310-4102
COMMENTS: Concur with the Department of Water, Energy, and Environment's assessment of fiscal impact from LB761.		

Please complete ALL (5) blanks in the first three lines.

**2026**

**LB<sup>(1)</sup> 761 - Revised**

**FISCAL NOTE**

State Agency OR Political Subdivision  
Name: <sup>(2)</sup>

Department of Water, Energy, and Environment

Prepared by: <sup>(3)</sup> Isabella Peterson

Date Prepared: 1/16/26  
<sup>(4)</sup>

Phone: <sup>(5)</sup> 402-560-2017

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<b>FY 2026-27</b>		<b>FY 2027-28</b>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>	(790,000)		(1,790,000)	
<b>CASH FUNDS</b>	790,000	790,000	1,790,000	1,790,000
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	0	790,000	0	1,790,000

**Explanation of Estimate:**

LB761 implements fees related to four Department of Water, Energy, and Environment (Department) programs including well registrations, livestock facility permitting, hazardous waste generation under Resource Conservation and Recovery Act (RCRA), and permitting activities under the National Pollutant Discharge Elimination System (NPDES). The fiscal impacts to the agency are described separately below.

Water Well Registrations:

Sec. 2 of the bill amends Section 46-606 to increase well registration fees from \$40 to \$200. This fee increase is expected to generate revenues of approximately \$415,000 each FY to the agency.

	FY26-27 Expenditures	FY26-27 Revenue	FY27-28 Expenditures	FY27-28 Revenue
General Funds	(415,000)		(415,000)	
Cash Funds	415,000	415,000	415,000	415,000

Livestock Facility Permitting:

Sec. 3 of the bill proposes to adjust the fee structure to ensure that livestock facility permitting fees are adequate to meet forty percent of program costs instead of twenty percent. The fee increase is expected to generate revenues of approximately \$300,000 each FY to the agency.

	FY26-27 Expenditures	FY26-27 Revenue	FY27-28 Expenditures	FY27-28 Revenue
General Funds	(300,000)		(300,000)	
Cash Funds	300,000	300,000	300,000	300,000

Hazardous Waste Generation (RCRA):

Sec. 1 and 4 of the bill grants the Department the authority to adopt rules to set fees for hazardous waste generators, allowing for a fee structure, whether flat or annual based on the weight or volume of hazardous waste generated. Such revenues would not be realized by the Department until FY28-29, until the rulemaking process is complete. Therefore, the precise revenue impact is indeterminable at this time, but may be up to \$250,000 starting in FY27-28. The General Fund reduction or increase to the agency would need to correspond to the increase or reduction in cash funds generated through rulemaking which includes stakeholder input.

Additionally, the bill redirects fees currently collected by the Department from facilities that process or dispose

of hazardous waste so that those revenues are retained by the Department in the Integrated Solid Waste Management Cash Fund, rather than the General Fund. This shift will result in approximately \$75,000 annually less that the Department draws from the General Fund.

Between the hazardous waste processing facility fees as adopted and promulgated and the hazardous waste generator fees, there may be up to \$325,000 in revenue in FY27-28.

	FY26-27 Expenditures	FY26-27 Revenue	FY27-28 Expenditures	FY27-28 Revenue
General Funds	(75,000)		(325,000)	
Cash Funds	75,000	75,000	325,000	325,000

#### NPDES:

Sec. 5 of the bill grants the Department the authority to adopt rules to set fees for administering federal Clean Water Act programs including the NPDES, industrial pretreatment, water planning, 319 non-point source, and surface water monitoring. These programs are funded through the EPA's Water 106 Categorical Grant except for the 319 non-point source program, matching General Funds.

This bill reduces or replaces the Department's current reliance on General Funds to meet federal matching requirements. Because fee amounts would be established through the rulemaking process, revenues would not be realized until FY28-29. As a result, the precise revenue impact is indeterminable at this time, but could be up to \$750,000 starting in FY27-28. The General Fund reduction or increase to the agency would need to correspond to the increase or reduction in cash funds generated through rulemaking which includes stakeholder input.

	FY26-27 Expenditures	FY26-27 Revenue	FY27-28 Expenditures	FY27-28 Revenue
General Funds			(750,000)	
Cash Funds			750,000	750,000

#### **BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

##### **Personal Services:**

POSITION TITLE	NUMBER OF POSITIONS		2026-27 <u>EXPENDITURES</u>	2027-28 <u>EXPENDITURES</u>
	<u>26-27</u>	<u>27-28</u>		
	0	0		
	0	0		
<b>Benefits.....</b>			0	0
...				
<b>Operating.....</b>			0	0
....				
<b>Travel.....</b>			0	0
.				
<b>Capital</b>			0	0
<b>outlay.....</b>				
<b>Aid.....</b>			0	0
.				
<b>Capital</b>			0	0
<b>improvements.....</b>				
<b>TOTAL.....</b>			0	0