

2011

LEGISLATIVE BILL SUMMARIES

NATURAL RESOURCES COMMITTEE

NEBRASKA LEGISLATURE

ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION

NATURAL RESOURCES COMMITTEE MEMBERS

Senator Chris Langemeier, Chairperson

Senator Ken Schilz, Vice-Chairperson

Senator Tom Carlson

Senator Mark Christensen

Senator Annette Dubas

Senator Ken Haar

Senator Beau McCoy

Senator Jim Smith

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COMMITTEE STAFF

Laurie Lage, Legal Counsel
Barb Koehlmoos, Committee Clerk

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Natural Resources Committee 2011
102nd Legislature

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LB 595 (Carlson) Adopt the Water Resources Revolving Loan Fund Act and change provisions regarding certain revenue. *Held in Committee* (p. 39)

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LB 626 (Mello) Adopt the Electronics Recycling and Job Creation Act. *Held in Committee* (p. 41)

LB 629 (Sullivan) Adopt the Hazardous Liquid Pipeline Reclamation and Recovery Act. *Signed by Governor 5/26* (p. 26)

LB 645 (Christensen) Require inclusion of established surface water and ground water uses in certain agreements as prescribed. *Held in Committee* (p. 42)

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LB 655 (Christensen) Change provisions relating to an occupation tax imposed by natural resources districts. *Held in Committee* (p. 43)

LB 656 (Janssen) Change provisions relating to flood protection and water quality enhancement bonds. *Held in Committee* (p. 44)

LB 683 (Mello) Create the Storm Water Management Commission. *Held in Committee* (p. 44)

LB 697 (Coash) Change permit issuance provisions under the Game Law. *General File with AM, amended into LB 41 signed by Governor 4/14* (p. 28)

LR 40CA (Pirsch) Constitutional amendment to declare fishing, trapping, and hunting to be rights forever preserved subject to reasonable restrictions. *Select File* (p. 29)

LR 51CA (Heidemann) Constitutional amendment to change allocation of state lottery proceeds. *Held in Committee* (p. 45)

2011 NATURAL RESOURCES COMMITTEE BILLS
Bills by Hearing Date

Hearing	Bill	Introducer	One-Liner	Status
<i>BILLS BY HEARING DATE</i>				
WED. 1-19-11				
	229	Fischer	Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund	Signed by Gov 5/17
THURS. 1-20-11				
	208	Langemeier	Provide waiver and injunctive relief powers to the Nebraska Power Review Board	Signed by Gov 2-22
	154	Janssen	Change procedures for filling vacancies on natural resources districts boards	Signed by Gov 2-22
FRI. 1-21-11	28	Langemeier	Change provisions relating to chemigation	Signed by Gov 2-22
	29	Langemeier	Change provisions relating to the use of certain funds by the Department of Environmental Quality	Signed by Gov 2-22
	30	Langemeier	Change the Environmental Protection Act relating to composting sites	Signed by Gov 2-22
WED. 1-26-11	41	Hadley	Change fee, permit and stamp issuance, and possession of game provisions under the Game Law	Signed by Gov 4-14
	421	Pankonin	Change fees for motor vehicle park entry permits	Veto Override 5/17
THURS. 1-27-11	27	Langemeier	Change appropriations for water power and water well registration fees	Signed by Gov 4-14
	31	Langemeier	Change supplemental agricultural appropriation of water provisions	Signed by Gov 4-14
	32	Langemeier	Change dam and appropriation application approval provisions	Signed by Gov 4-14
	366	McCoy	Change subcommittee recommendation provisions relating to the Nebraska Environmental Trust Fund	Signed by Gov 4/26
FRI. 1-28-11	207	Sullivan	Authorize the Game and Parks Commission to convey real property to Sherman County for park purposes	Signed by Gov 4-14
	342	Brasch	Change election hours for drainage districts	Signed by Gov 4-14
WED.	243	Carlson	Change membership on the Republican River Basin Water	Signed by

2-2-11			Sustainability Task Force	Gov 3-10
	LR 51CA	Heidemann	Constitutional amendment to change allocation of state lottery proceeds	In Comm.
THURS. 2-3-11	621	Heidemann	Authorize the Game and Parks Commission to convey certain property to the city of Brownville	Signed by Gov 4-14
	563	Utter	Authorize the Game and Parks Commission to convey Crystal Lake State Recreation Area to the village of Ayr	Signed by Gov 4-14
	529	Carlson	Change provisions relating to conservation and preservation easements and the Nebraska Environmental Trust	In Comm.
FRI. 2-4-11	105	Schilz	Change restrictions on operation of motorboats and personal watercraft	Signed by Gov 4-14
	697	Coash	Change permit issuance provisions under the Game Law – AMENDED INTO LB 41	GF w/AM
	549	Council	Create the Nebraska Youth Conservation Program and provide duties for the Game and Parks Commission	Signed by Gov 5/18
WED. 2-9-11	340	Dubas	Adopt the Hazardous Liquid Pipeline Notification Act	In Comm.
	578	Haar	Require proof of financial responsibility from persons operating pipelines	In Comm.
	629	Sullivan	Adopt the Hazardous Liquid Pipeline Reclamation and Recovery Act	Signed by Gov 5/26
THURS. 2-10-11	248	Dubas	Change provisions relating to burning permits and range-management burning	Signed by Gov 5/17
	442	Avery	Adopt the Outdoor Outfitters and Guides Licensure Act	IPP
	64	Cornett	Change provisions relating to wildlife in captivity	In Comm.
FRI. 2-11-11	155	Utter	Change sealed bid requirements relating to electric generating facility contracts	Signed by Gov 5/17
	156	Utter	Change air pollution emission fee provisions	Signed by Gov 5/26
	393	Schilz	Require state agencies to develop plans to use Nebraska biodiesel fuel	In Comm.
WED. 2-16-11	498	Louden	Change water resources provisions relating to in situ uranium mining	GF w/ AM
	395	Schilz	Change voting provisions for members of the Nebraska Environmental Trust Board	In Comm.
THURS. 2-17-11	38	Haar	Change membership provisions relating to public power district boards	IPP
	391	Schilz	Create the Nebraska Invasive Species Council	GF w/AM
	392	Schilz	Provide powers and duties relating to aquatic invasive species	In Comm.

WED. 2-23-11	103	Schilz	Change instream appropriation provisions	In Comm.
	458	Schilz	Change expense recovery provisions relating to oil and gas wells	Signed by Gov 5/18
	487	Karpisek	Provide for resolution and ordinance power relating to flood protection and water quality enhancement projects	In Comm.
THURS. 2-24-11	227	Mello	Require the State Energy Office to perform a state energy assessment	In Comm.
	369	Howard	Require state agencies to develop and implement energy conservation plans	IPP
	533	Fischer	Change membership of the Niobrara Council	In Comm.
FRI. 2-25-11	579	Haar	Change provisions relating to power supply plan contents	In Comm.
	580	Haar	Create the Energy Auditor Advisory Board	IPP
WED. 3-2-11	526	Carlson	Change provisions relating to water transfers	In Comm.
	595	Carlson	Adopt the Water Resources Revolving Loan Fund Act and change provisions regarding certain revenue	In Comm.
	596	Carlson	Provide for standing with respect to integrated management plan proceedings	In Comm.
THURS. 3-3-11	655	Christensen	Change provisions relating to an occupation tax imposed by natural resources districts	In Comm.
	656	Janssen	Change provisions relating to flood protection and water quality enhancement bonds	In Comm.
	127	Avery	Change input into determinations and management plans for regulation of water	In Comm.
FRI. 3-4-11	LR 40CA	Pirsch	Constitutional amendment to declare fishing, trapping, and hunting to be rights forever preserved subject to reasonable restrictions	SF
WED. 3-9-11	626	Mello	Adopt the Electronics Recycling and Job Creation Act	In Comm.
	587	Nordquist	Provide grants for compressed natural gas innovation projects and funding	In Comm.
	653	Christensen	Provide for interbasin transfers during times of flooding as prescribed	In Comm.
THURS. 3-10-11	328	Fischer	Provide for amendment of hydropower appropriations as prescribed	In Comm.
	645	Christensen	Require inclusion of established surface water and ground water uses in certain agreements as prescribed	In Comm.
	683	Mello	Create the Storm Water Management Commission	In Comm.

SUMMARIES OF ENACTED BILLS

LB 27

LB 27, introduced on behalf of the Department of Natural Resources, clarifies what constitutes a small capacity water well in a permit fee statute, making it consistent with other water well statutory references and adds a clarifying reference to an appropriations statute. Within Chapter 46, there are several statutes that describe well capacity for various purposes. They all either refer to wells that pump “50 gallons per minute or less” or “more than 50 gallons per minute.” This bill makes the “fees on wells” statute consistent with the other Chapter 46 sections of law. The bill passed 42-0 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 amends 46-236, relating to water lease requirements with the state, by adding reference to a statute that lists conditions that must be met to get an application for water approved.

Section 2 amends 46-1224, which creates the Water Well Standards and Contractors’ Licensing Fund, by clarifying that certain fees apply to water wells that pump 50 gallons per minute or less (instead of “less than 50 gallons”). Also clarifies that certain fees apply to water wells that pump more than 50 gallons per minute (instead of “50 gallons per minute or more”).

Section 3 repeals the original sections.

LB 28

LB 28 removes some of the paperwork requirements of issuing and maintaining chemigation permits. The Nebraska Chemigation Act and rules and regulations adopted by the Department of Environmental Quality require the natural resources districts to inspect chemigation safety equipment and systems, take and review applications for and issue chemigation permits. This bill eliminates some reporting duties the districts have so that the system can be run more efficiently. The bill passed 49-0, and was signed by the Governor on February 22.

Details of Final Bill

Section 1 amends §46-1117, which requires one to obtain a permit before applying chemicals to land or crops using chemigation, by deleting the requirement that a copy of each approved permit application be immediately forwarded to the Department of Environmental Quality (DEQ) and inserting new language allowing the natural resources district issuing the permit to keep the information from the permit application and provide it, or a copy of the permit, to DEQ upon request.

Section 2 amends §46-1123, which requires a natural resources district to submit annual chemigation permit reports to DEQ, by eliminating the requirement that locations and names of permit holders be included in the report.

Section 3 repeals the original sections.

LB 29

LB 29 modifies language on the use of various funds the Department of Environmental Quality administers so that they may be used more efficiently and for their intended purposes.

The bill: (1) Makes changes to the funding sources for reimbursement to political subdivisions for cleaning up illegal roadside dumps (Integrated Solid Waste Management Cash Fund to the Waste Reduction and Recycling Incentive Fund); (2) Allows the Department of Environmental Quality to fund petroleum-related emergency response activities out of the Petroleum Release Remedial Action Cash Fund (currently funded through the Integrated Waste Cash Fund), but all other emergency response activities will continue to use the Integrated Waste Cash Fund; and (3) Eliminates authority to use the Integrated Waste Cash Fund for livestock facility waste cleanup. The bill passed 47-0 and was signed by the Governor on February 22.

Details of Final Bill

Section 1 amends §13-2042, relating to landfill disposal fees, by removing authority to use fees credited to the Integrated Solid Waste Management Cash Fund for spill cleanup activities under the Livestock Waste Management Act. Also removes authority to use fees credited to the Integrated Solid Waste Management Cash Fund for reimbursements to political subdivisions for illegal roadside dumps, and moves the authority instead to the Waste Reduction and Recycling Incentive Fund.

Section 2 amends §66-1519, which creates the Petroleum Release Remedial Action Cash Fund, by removing obsolete language and providing authority for the fund to be used for costs incurred by the Department of Environmental Quality in responding to spills and other environmental emergencies related to petroleum.

Section 3 amends 81-15,162, relating to tire fees under the Waste Reduction and Recycling Incentive Act, by adding that fees credited to the Waste Reduction and Recycling Incentive Fund may be used for grants to political subdivisions for illegal roadside dump cleanups.

Section 4 repeals the original sections.

LB 30

LB 30 changes the frequency in the permit terms and inspections of permitted compost sites by the Department of Environmental Quality, and allows compost site permits to be transferred to a new owner if a site is sold. The bill passed 49-0 and was signed by the Governor on February 22.

Details of Final Bill

Section 1 amends §81-1505, relating to rules and regulations adopted by the Environmental Quality Council, by changing the term of composting site permits from five years to 10 years, and removing the prohibition on transferability of the permit.

Also eliminates the semi-annual inspection requirement by the department.

Section 2 repeals the original section.

LB 31

LB 31, introduced on behalf of the Department of Natural Resources, changes supplemental direct flow agricultural appropriations relating to additional flows and how the department considers new permits. The bill passed 42-0 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 amends 46-240.01, relating to supplemental additional appropriations for agricultural appropriators, by eliminating the language that gives existing agricultural appropriators, if below the statutory limit, a right of additional supplemental appropriations from direct flow of public waters within the drainage basin of the stream from which such water originates.

Section 2 repeals the original section.

LB 32

LB 32, introduced on behalf of the Department of Natural Resources, removes the requirement that surface water appropriations for storage, and plan approvals for dams, be issued at the same time. The bill passed 42-0 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 amends 46-1654, relating to the application process under the Safety of Dams and Reservoirs Act, by removing the requirement that approval for a water appropriation and approval under the act be issued simultaneously.

Section 2 repeals the original section.

LB 41

LB 41, introduced at the request of the Game and Parks Commission, addresses several elements of the Game Law related to permits, stamps, possession of wildlife, military permits, and dealing with beaver and muskrat damage. The bill makes many technical changes, including rewriting, moving, and eliminating several sections of statute.

The provisions of LB 697, introduced by Sen. Coash, were amended into LB 41 through AM 737. The amendment allows the Nebraska Game and Parks Commission to create a process to determine whether the offense for which one's permit to hunt, fish or harvest fur has been revoked in a jurisdiction outside of Nebraska is also an offense under Nebraska's Game Law and whether such person is eligible for a permit in Nebraska. The bill passed 44-0 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 amends 37-238, which defines "raptor" under the Game Law, by striking a golden and bald eagle exception, and adding "accipitriformes" and specifying that caracaras, eagles, falcons, harriers, hawks, kites, osprey, owls and vultures are included.

Section 2 amends 37-327, which gives the commission the duty to establish fees, by removing reference to a fee for destroying beaver or muskrat by a public power, irrigation or drainage district employee.

Section 3 amends 37-405, relating to hunting, fishing or fur harvesting permit holders, by adding authority for the commission to issue multiple-year hunting, fishing or fur harvest permits. Also states that such a permit does not become invalid if the holder moves outside of the state.

Section 4 amends 37-407, relating to permit fees, by eliminating the requirement that the two consecutive day hunting permits be issued between the Wednesday before Thanksgiving and December 31st of the same calendar year and eliminates the one per year limit on two-day permits. Adds that payment for a multiple-year permit is to be made in a lump sum and the fee cannot be more than the number of years the permit is valid times the annual permit fee. Also raises the fee cap for nonresident two-day hunting permits from \$35 to \$55.

Section 5 amends 37-411, relating to permit violations and penalties, by eliminating the exception that allows one to possess a fur bearing animal or raw fur for up to 10 days after a permit expires.

Section 6 amends 37-420, relating to veterans/special permits, by clarifying that fee-exempt disabled veterans' permits include state issued habitat, aquatic habitat, and Nebraska migratory waterfowl stamps.

Section 7 amends 37-421, relating to combination permits, by clarifying that the reduced fee veteran and senior (age 69 and over) permits issued under this section include state issued habitat, aquatic habitat and Nebraska migratory waterfowl stamps.

Section 8 amends 37-421.01, relating to deployed military permits, by allowing any resident who is deployed out of Nebraska or has been deployed within the last 12 months to purchase an annual combination permit that includes all Nebraska issued stamps for a reduced fee of \$5.00. Current law allows one to get a reimbursement for a permit purchased before deployment. Also allows the commission to determine what constitutes evidence of deployment.

Section 9 amends 37-426, relating to birds, animals and aquatic organisms stamps, by providing for multiple-year habitat, migratory waterfowl, and aquatic habitat stamps. Also provides for multiple-year stamps to be issued in conjunction with multiple-year permits and sets a fee.

Section 10 amends 37-427, relating to conditions of stamps, by stating that a multiple-year stamp expires at midnight on the last day of the year that the stamp is valid. Clarifies expiration language for other stamps.

Section 11 amends 37-431, relating to the Nebraska Habitat Fund and the Nebraska Aquatic Habitat Fund, by adding that the fees received for annual and multiple-year stamps are to be credited to these two funds.

Section 12 amends 37-450, relating to permits to hunt elk, by adding an exception for auction or lottery permits to the prohibition on having more than one antlered-elk permit in a person's lifetime.

Section 13 amends 37-461, relating to muskrat permits, by adding beavers to the statute that allows the commission to issue a permit to destroy a muskrat causing damage to a dam, canal, drainage ditch, irrigation ditch, private fish pond, aquaculture facility, artificial waterway, railroad embankment or other property. Clarifies that a permit may be issued to the one who owns or controls the property which may be used by the owner or the owner's designee. Also prohibits such muskrats or beavers from being sold or used unless a proper permit is held.

Section 14 amends 37-464, relating to fur holding after season permits, by requiring a fur harvesting permit, captive wildlife permit, fur buyer's permit, or permit issued to destroy damage-causing muskrats or beavers, to possess raw fur, pelt, or carcass of any fur bearing animal protected by the Game Law. Eliminates the requirement that a permit be obtained if fur has not been disposed of within 10 days after the open season.

Section 15 amends 37-483, relating to recall pen permits, by eliminating the \$15 permit for recall pens, and requires instead a captive wildlife permit, which is \$30.

Section 16 through 22 change provisions relating to licensing of game breeding and controlled shooting areas and does the following:

- amends 37-484, relating to game breeding and controlled shooting area licenses, by removing the requirement that tracts of land be contiguous, and broadening the amount of land one must have to get a license under this section from 120 to 1,280 acres to 80 to 2,560 acres;
- amends 37-485, relating to game breeding and controlled shooting areas license requirements, by eliminating the requirement that land be contiguous and inserting that the land may be comprised of one or more tracts, but each tract must be within two miles of another tract;
- amends 37-487, relating to posting of signs, by removing specific posting requirements and allowing the commission to determine how it should be done;
- amends 37-488, relating to gamebird licenses, by removing specific requirements for the marking and transport of gamebirds released and allowing the commission to determine the requirements via rules and regulations;
- amends 37-489, relating to gamebird records and reports, by removing specific release recording and reporting requirements and allowing the commission to determine release numbers;
- amends 37-490, relating to closed season, by adding that turkeys may be hunted throughout the open season at breeding and controlled shooting areas and allowing dog training or trial activities to be permitted under the commission's rules and regulations;

- amends 37-492, relating to rules and regulations on game breeding and controlled shooting areas, by raising the limit from one to two percent of total acreage in a county that can be licensed for game breeding and controlled shooting areas. Also removes the prohibition on commercial areas with boundaries within one mile of a game refuge or wildlife management area.

Section 23 amends 37-497, relating to raptors, by reducing the minimum age of a falconry permit holder from 14 to 12. Also allows the commission to issue nonresident raptor collecting permits for a fee not more than \$200. Allows the commission to adopt rules and regulations.

Section 24 amends 37-498, relating to raptors, and **Section 25** amends 37-4,103, relating to raptors violations and penalties, by cleaning up the language. Also eliminates the requirement that the raptors in possession of an offender be confiscated when the violator's license is revoked, and instead allows the court to order the revocation of the offender's permit.

Section 26 amends 37-503, relating to illegal possession of game, by clarifying that no person may have in their possession any unmounted game except during open season or as allowed under the Game Law.

Section 27 amends 37-512, relating to raw fur tag requirements, by removing certain prohibitions related to transporting raw furs.

Section 28 amends 37-615, relating to Game Law violations and penalties, by eliminating language that will be restated in another section.

Section 29 amends 37-618, which states the conditions under which one may be denied a license to hunt, fish, or harvest fur in Nebraska, by clarifying the language, and authorizing the Game and Parks Commission to create a process for reviewing permit revocations and to create an application screening process to determine whether a hearing is necessary.

Section 30 repeals the original sections.

Section 31 repeals outright:

- 37-460, which provides for permits to destroy beaver;
- 37-499, which limits the number of raptors a falconry licensee may possess depending on the type of license one has;
- 37-4,100, which requires commission inspections of licensed falconries;
- 37-4,101, which requires written reports to the commission for its activities relating to raptors;
- 37-4,102, which allows the commission to establish the laws governing raptor capture and limits the number of raptors to be taken to two, and if nestlings are taken, requires that two nestlings be left in the nest;
- 37-562, which allows a public power, irrigation or drainage district employee to have trapped or destroy beaver or muskrat causing damage to such an entity's operations.

LB 105

LB 105 requires boating safety education and certification for certain watercraft operators in Nebraska. The bill passed 41-2 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 amends Section 1 amends 37-1241.06, which sets the age requirements for operating a motorboat or personal watercraft, by removing obsolete language, and requiring , as of January 1, 2012, that anyone born after December 31, 1985 (26 and under as of January 1, 2012), successfully complete a boating safety course approved by the commission and be issued a valid boating certificate.

Section 2 amends 37-1241.08, which states exceptions to the State Boat Act, by cleaning up/clarifying the intent of the section. No substantive changes.

Section 3 provides an operative date of January 1, 2012.

Section 4 repeals the original sections.

LB 154

LB 154 changes the way natural resources district board vacancies are to be handled depending on the length of the vacated unexpired term. The bill passed 49-0 and was signed by the Governor on February 22.

Details of Final Bill

Section 1 amends 2-3215, relating to natural resources districts board vacancies, by requiring the board of directors to give notice in writing to the Secretary of State and the public via publication or posting. Also adds a new procedure for vacancies when one occurs in the first year of the unexpired term, or prior to August 1 of the second year of the unexpired term. In such case, the appointee is to serve until the first Thursday after the first Tuesday in January after the next regular general election. At that regular general election, a director will be elected to serve the unexpired term.

However, if the vacancy occurs after August 1 of the second year, or during the third or fourth year of the unexpired term, the appointee is to serve until the term expires.

Section 2 repeals the original section.

LB 155

LB 155 gives joint entities the same authority as power districts regarding sealed bids for electric generation facility contracts by removing the requirement for taking sealed bids for radioactive materials, maintenance, or repair. The bill passed 44-0 and was signed by the Governor on May 17.

Details of Final Bill

Section 1 amends 13-824.01, relating to electric generating facilities under the Interlocal Cooperation Act, by adding to the exemption from having to use the competitive bidding system, those contracts entered into by a joint entity relating to radioactive material, or its energy, for technologically complex or unique equipment, or for any maintenance or repair. Certain conditions must also be met (compliance is impractical or not in public interest, approval by 2/3 vote of the governing body, and notice of contract must be provided.)

Section 2 repeals the original section.

LB 156

LB 156 changes air pollution emission fee provisions to ensure a cap on emission fees for certain municipalities with mid-sized electric generation facilities. The bill passed 46-0 and was signed by the Governor on April 26.

Details of Final Bill

Section 1 amends 81-1505.04, relating to the annual emission fee under the Environmental Protection Act, by allowing mid-sized electric generation facilities owned by a municipality to still be considered as mid-sized even if it gets permitted with a larger unit (more than 115 mw) under separate ownership. If under separate ownership, each facility is to be considered a separate major source. This would allow such mid-sized facility from having to pay beyond its current emission fee based on a cap of 400 tons per year for a regulated pollutant.

Section 2 repeals the original section.

LB 207

LB 207 authorizes property to be transferred from the Game and Parks Commission to Sherman County. The bill passed 43-0 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 creates new language authorizing the Game and Parks Commission to convey Bowman State Recreation Area to Sherman County for public park purposes. Language further provides the legal description of the property.

Section 2 amends 37-354, which lists maintenance duties for property conveyed by the commission, by adding reference to the new conveyance.

Section 3 repeals the original section.

Section 4 contains an emergency clause.

LB 208

LB 208 makes clarifications to the statutes governing certified renewable export (wind for export) facilities. The bill passed 49-0 and was signed by the Governor on February 22.

Details of Final Bill

Section 1 amends 70-1001.01, which provides definitions for the Nebraska Power Review Board (PRB) sections, by recognizing that “electric supplier” in the wind for export law does not mean the same thing as “electric supplier” in the rest of the Power Review Board statutes. For all other Power Review Board purposes, electric suppliers sell at wholesale or retail within the state.

Section 2 amends 70-1013, relating to Power Review Board hearings, by clarifying that a hearing is to be held 120 days *after* an application is filed rather than 120 days *from the day of filing*. Also allows the PRB to waive the conditional approval hearing for a certified renewable export facility (wind for export), if in its judgment the required findings can be made without one.

Section 3 amends 70-1014.02, relating to certified renewable export facility applicants (wind for export), by making the same “electric supplier” clarification as in Section 1.

Section 4 amends 70-1015, relating to electric general facility and transmission line suppliers, by allowing the PRB to enjoin or otherwise impose limitations on an owner or operator of a certified renewable export facility who is in violation of law or board-imposed requirements. Also recognizes that a court may impose conditions on a violator that may be rectified.

Section 5 amends 76-3001, relating to wind agreements, by eliminating language adopted in a bill two years ago relating to decommissioning security that is inconsistent with LB 1048.

Section 6 repeals the original sections.

LB 229

LB 229 transfers funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund. The bill passed 39-5 and was signed by the Governor on May 17.

Details of Final Bill

Section 1

- Amends the statute that creates the Water Resources Cash Fund, 61-218, by removing the Legislature’s authority to make transfers from the fund to the General Fund;
- States that it is the Legislature’s intent to transfer \$3,300,000 each fiscal year (2011-12 through 2018-19) from the General Fund to the Water Resources Cash Fund. Adds that rules and regulations

must contain provisions for an explanation for use of funds, which may include for the achievement of a sustainable balance of consumptive water uses, must contain a local match, and an explanation of the local match requirement;

- Requires the Department of Natural Resources to apply for a \$9,900,000 grant from the Nebraska Environmental Trust:
 - Paid out in three annual installments of \$3,300,000
 - For the purpose of aiding management actions to reduce consumptive uses of water, enhance streamflows, recharge groundwater, or support wildlife habitat
 - For use only in a fully or overappropriated river basin;
- States that it is the Legislature’s intent that the Department of Natural Resources apply for an additional three-year grant to begin in 2014-15 if the criteria listed below are met; and
- Requires that the grant funds be placed in a subaccount within the Water Resources Cash Fund, from which monthly interest earnings are to be returned to the Environmental Trust Fund.

Section 2 amends Section 81-15,174, which creates the Nebraska Environmental Trust Fund, by eliminating obsolete language.

Section 3 amends 81-15,175, the statute that sets out the Nebraska Environmental Trust’s grant process, and

- Requires that applications submitted by the Department of Natural Resources under Section 1 be awarded 50 priority points in the grant ranking process if the Legislature has authorized annual transfers of \$3.3 million for three years and if the application is consistent with the purposes of the Water Resources Cash Fund;
- Requires the grant award to be paid out as follows:
 - Initial \$3.3 million no later than 15 business days after the date of grant approval
 - Second \$3.3 million no later than May 15, 2013
 - Third \$3.3 million no later than May 15, 2014;
- Authorizes the Department of Natural Resources to apply for an additional three-year grant that receives 50 priority points in the ranking process as long as these benchmarks are met by July 1; 2014:
 - The Natural Resources Committee creates and issues a report containing:
 - An outline of water management funding needs
 - An outline of statewide funding options to create a dedicated funding source and
 - Recommended legislation;
 - The Department of Natural Resources has submitted a report to the Legislature showing “demonstrable evidence” that the projects funded by the trust grants have resulted in water conservation, enhancement, or restoration;
 - The Department of Natural Resources provides the Environmental Trust Board a report by July 1, 2014 showing:

- The natural resources districts have met the 40% matching fund requirement for Water Resources Cash Fund projects;
- Ten percent or less of the matching fund requirement came from in-kind contributions, which are not to include land or land rights;
- That all other projects funded by the Department of Natural Resources using Environmental Trust grants under this section were matched not less than 40% by other sources.

Sections 4 and 5 require the transfer of \$600,000 at the end of fiscal years 2012 and 2013 from the General Fund to the Water Resources Cash Fund.

Section 6 repeals the original sections.

Section 7 contains an emergency clause.

LB 243

LB 243 provides for an additional member to the Republican River Basin Water Sustainability Task Force. The task force was created last session through passage of LB 1057. The intent of that bill was to include all senators representing districts containing any portion of the Republican River Basin on the task force. This bill would simply add a spot on the task force for a senator whose district is in the basin but was not accounted for in LB 1057. The bill passed 47-0 and was signed by the Governor on March 10.

Details of Final Bill

Section 1 amends 46-2,140, which creates the Republican River Basin Water Sustainability Task Force, by requiring the Legislature's Executive Board to appoint five (rather than four) ex officio members and providing that two (rather than one) members must have a portion of their legislative district in the basin.

Section 2 repeals the original section.

Section 3 contains an emergency clause.

LB 248

LB 248 clarifies the purposes for which open burning may be utilized. The bill passed 41-0 and was signed by the Governor on May 17.

Details of Final Bill

Sections 1, 3 and 4 clean up and clarify the open burning ban, the definition of land management burning, and waiver language in 81-520.01, 81-520.04, and 81-520.05.

Section 2 amends 81-520.03, which states the purposes for which burning may be used, by clarifying the manner in which a fire chief may designate a fire department member to share powers and duties relevant to these sections.

Also adds to the purposes for which land management burning can be done: for vegetative matter on land used for grazing, pasture, forests, or other grassland to control weeds, pests, insects, and disease, to prevent wildland fires, manage watersheds, care for windbreaks, and to conduct scientific research.

Section 5 repeals the original sections.

LB 342

LB 342 changes the hours during which drainage district elections may take place. Drainage districts can be organized by district court, by the vote of landowners, or by municipalities. This bill would apply to drainage districts organized by a vote of landowners (Chapter 31, Article 4). The bill passed 43-0 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 amends 31-409, relating to election of directors of drainage districts organized by landowners, by removing the hours that an annual election is to be held at the county courthouse.

Section 2 amends 31-409.02, relating to notice of such elections, by requiring the notice of election to include the location or locations of the election, and the hours for voting.

Section 3 repeals the original section.

LB 366

LB 366 eliminates the requirement that the Nebraska Environmental Trust Board have at least eight affirmative votes to deviate from a subcommittee recommendation regarding allocations from the endowment fund. The bill passed 46-0 and was signed by the Governor on April 26.

Details of Final Bill

Section 1 amends 81-15,175, relating to allocations from the Nebraska Environmental Endowment Fund, by eliminating language allowing for a motion to deviate from a subcommittee's recommendations and for the motion to be adopted with at least eight board members voting in the affirmative. Also requires that subcommittee meetings be subject to the Open Meetings Act.

Section 2 amends 84-1409, which contains the Open Meetings Act, by stating that subcommittee meetings of the Nebraska Environmental Trust are not included in the "public body exclusions" portion of the act.

Section 3 repeals the original section.

LB 421

LB 421, introduced on behalf of the Game and Parks Commission, changes public park fees which are needed to support park functions that have been reduced due to budget cuts.

The Governor vetoed the bill, but the Legislature overrode the veto with a 42-5 vote on May 17, 2011.

Details of Final Bill

Section 1 amends 37-438, governing fees for annual and temporary park permits, by raising the fee for an annual resident permit from \$20 to \$25, and the fee for an annual nonresident permit from \$25 to \$30. Also changes the temporary resident permit from four to five dollars, and the temporary nonresident permit from five to six dollars.

Section 2 amends 37-440, relating to issuance and display of permits, by requiring that the permit be placed on the driver's side of the windshield, and by changing the "administration cost" reimbursed to permit agents for the cost of issuing permits from between twenty-five and thirty-five cents to one dollar.

Section 3 provides an operative date of January 1, 2012.

Section 4 repeals the original sections.

LB 458

LB 458 changes the amounts of certain expenses that can be recovered by oil and gas well drillers. The bill passed 47-1 and was signed by the Governor on May 18.

Details of Final Bill

Section 1 amends 57-909, relating to oil and gas pools and spacing units, by changing how the share of production is to be allocated to a non-consenting property owner. The owner is to receive from the driller/operator their share of the production applicable to their interest, after the driller has recovered a portion of the costs of drilling and other expenses and a portion of the costs of all equipment used, both based on the depth of the well.

For drilling and other intangible expenses:

- 300% for wells less than 5,000 feet deep
- 400% for wells 5,000 to 6,499 feet deep
- 500% for wells 6,500 feet deep or deeper

For equipment:

- 200% for wells less than 5,000 feet deep
- 300% for wells 5,000 to 6,499 feet deep

- 500% for wells 6,500 feet deep or deeper

Section 2 repeals the original section.

LB 549

LB 549 creates the Nebraska Youth Conservation Program that will be administered by the Nebraska Game and Parks Commission and that employs at-risk youth in natural resource conservation jobs. The bill passed 44-0 and was signed by the Governor on May 17.

Details of Final Bill

Section 1 creates legislative findings that: Nebraska youth should be encouraged to reach their full potential; employing at-risk youth to conserve, develop, enhance and maintain our natural resources is beneficial to all; and the Nebraska Youth Conservation Program offers the state this unique opportunity.

States the intent of the Legislature is that program participants learn good work habits, positive attitudes and broadened professional horizons; that the program combine academic, environmental, and job skills training to develop productive youth; and that the Game and Parks Commission coordinate and collaborate with government, educational, and community partners for the benefit of participants.

Section 2 defines at-risk youth as one with a barrier to successful employment, demonstrates low income, has been impacted by substance or physical abuse or negative contact with law enforcement; or has school problems.

Section 3 creates the Nebraska Youth Conservation Program, which is to employ at-risk youth in natural resources jobs under the Game and Parks Commission's jurisdiction. The commission is authorized to administer the program or to contract administration with another appropriate entity (such as the Department of Labor.)

Requires participants be at-risk youth, 16 to 21 years of age, unemployed, and from Nebraska. Special effort is to be made to select applicants in rural or urban high-poverty areas. Participants in the six-week program are temporary employees, are to be paid no less than the minimum wage, and may receive meals and protective clothing.

Clarifies that the program should not displace current employees or cause reductions in their hours or wages, should be in compliance with applicable federal and state labor and education laws, and authorizes the commission to coordinate with job training and placement programs.

Sections 4 and 5 authorize the commission to adopt and promulgate rules and regulations, and require the commission to report on the program to the Legislature by December 1, 2012.

Sections 6, 7, and 8 create the Nebraska Youth Conservation Program Fund, require the State Treasurer to transfer \$994,400 from the State Settlement Cash Fund to the new fund, and amend 59-

1608.04, which creates the State Settlement Cash Fund, by eliminating legislative discretion over the fund and authorizing the Attorney General to determine the fund's use.

Sections 9, 10 and 11 assign the new language to the Game and Parks Commission statutory sections, repeal the original sections, and insert an emergency clause.

LB 563

LB 563 allows the conveyance of Crystal Lake State Recreation Area to Ayr for specific purposes. The bill passed 44-0 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 authorizes the Game and Parks Commission to convey Crystal Lake State Recreation Area to the village of Ayr for public park purposes and provides that title to the land shall revert to the commission if Ayr ceases public park and recreation operations. Also provides the legal description of the land to be conveyed.

Section 2 amends 37-354, relating to property conveyed by the Game and Parks Commission, by adding reference to Section 1 of this bill. The section contains operation and maintenance standards to be followed.

Section 3 repeals the original section.

Section 4 contains an emergency clause.

LB 621

LB 621 allows conveyance of Brownville State Recreation Area to Brownville village. The bill passed 44-0 and was signed by the Governor on April 14.

Details of Final Bill

Section 1 contains new language authorizing the Game and Parks Commission to convey Brownville State Recreation Area in Nemaha County to the village of Brownville for public park purposes. New language provides the legal description of the property.

Section 2 states the intent that the property be managed for public access and public outdoor recreation, be safe and sanitary, and follow the legal responsibilities connected to the land. Specifically includes maintenance of the federally funded public boating access facilities, assigned through 2013.

Section 3 contains an emergency clause.

LB 629

LB 629, as introduced, would have adopted the Hazardous Liquid Pipeline Reclamation and Recovery Act, and required Nebraska Public Service Commission certification to construct or operate a hazardous liquid pipeline through the state.

The committee amendment replaced the bill, which became the Oil Pipeline Reclamation Act. It passed by a 47-0 vote and the Governor signed the bill on May 26th.

Details of Final Bill

Sections 1 through 6 create the Oil Pipeline Reclamation Act which does the following:

- Requires that a pipeline carrier owning, constructing, operating or managing a pipeline through the state for transporting oil be financially responsible for reclamation costs related to construction, operation and management of the pipeline, except to the extent another party is determined to be responsible;
- Reclamation is to begin as soon as reasonably practicable upon backfill;
- Responsibility continues until the pipeline is permanently decommissioned or removed;
- The act does not prohibit a government entity from pursuing reclamation costs related to roads, bridges and other infrastructure;
- The act provides the minimum standards to be met by a pipeline carrier;
- The act is not to affect the agreements made between a landowner and pipeline carrier, and is not to affect a pipeline carrier's duties under applicable federal law or permits.

Sections 7 and 8 contain an emergency clause and severability clause.

SUMMARY OF BILLS ADVANCED

LB 391

LB 391 would create the Nebraska Invasive Species Council to address growing concerns about harmful invasive species. The bill, introduced by Sen. Schilz, is on General File.

Section-by-section description

Sections 1 through 6 contain new language creating the Nebraska Invasive Species Council. The bill would do the following:

- Declares legislative findings about the harm of invasive species caused to Nebraska’s resources and the need for a mechanism through which interested organizations may collaborate and develop a plan to address the threat;
- Clarifies that invasive species means non-native, aquatic or terrestrial organisms that can spread and cause economic or biological harm; and does not include livestock, honey bees, intentional agronomic crops or non-native organisms that do not cause harm;
- Creates the Nebraska Invasive Species Council that has seven voting members from specific agencies or organizations, and up to five more voting members from the public representing other interests;
- Allows non-voting, ex officio members from four federal entities from whom council members shall seek input;
- Provides duties for the council, including: recommending action to minimize harm from invasive species; developing a statewide adaptive management plan; providing a forum for understanding invasive species issues; facilitating coordination between all levels of governmental entities for the prevention, control, and management of invasive species; assisting with public outreach and awareness; and providing information to the Legislature;
- Provides what the contents should be in an adaptive management plan;
- Requires the plan to be updated at least once every three years and submitted to the Governor and Agriculture Committee;
- Requires an annual report and recommendations to be submitted to the Governor and Agriculture Committee; and
- Requires the council to establish advisory and technical committees and complete the initial plan within three years after the effective date.

Committee amendment AM683 would clarify that domestic pets are not considered invasive species under the bill and would add that a representative from the Nebraska Association of Resources Districts is to serve on the council.

LB 498

LB 498 would change water resources provisions relating to in situ uranium mining. The bill, introduced by Sen. Loudon, is on General File.

Section-by-section description:

Section 1 amends 46-676.01, relating to the Industrial Ground Water Regulatory Act, by stating that the act does not apply to in-situ recovery facilities recirculating water from an exempted aquifer as determined by the Department of Environmental Quality.

Section 2 amends 46-677, relating to groundwater withdrawal permits under the act, by adding that in situ uranium mining is an industrial purpose and a permit to withdrawal and transfer water must be obtained before construction of water wells.

Section 3 amends 46-706, which contains the definitions under the Ground Water Management and Protection Act, by adding that "consumptive use" does not include water withdrawn for in situ uranium mining where water is subsequently reinjected into the underlying aquifer from which it was withdrawn.

Section 4 repeals the original sections.

The committee amendment, AM1580, replaces the bill. The original bill called for an exclusion for in situ mining from the Industrial Ground Water Regulatory Act permit that the Department of Natural Resources issues. The amendment would work within the current statute that allows permits to be amended via applications for additional water, by authorizing the approval of amended permits as long as the amount of additional water requested is within the limits set by DEQ in a different permit process. An in situ mining facility is currently required to obtain the DEQ permit. This ensures that a stringent permitting process remains in place, while accommodating the facility's need for additional water.

LB 697

LB 697 would change permit issuance provisions under the Game Law. The provisions of the bill, introduced by Sen. Coash, were amended into LB 41 through AM 737, which is a revision of LB 697, including the suggested committee amendment.

The committee amendment, AM610, would replace subsection (3) of Section 2 and clarify the language describing the Game and Parks Commission's authority to create a permit review process. The amendment would add authority for the commission to create an application screening process to determine whether a hearing is necessary.

Section-by-section description:

Section 1 amends 37-615, relating to Game Law violations and penalties, by eliminating language that will be restated in another section.

Section 2 amends 37-618, which states the conditions under which one may be denied a license to hunt, fish, or harvest fur in Nebraska, by clarifying the language, and authorizing the Game and Parks Commission to create a process to allow a person whose license to hunt, fish, or harvest fur has been

suspended or revoked in another state to request a hearing to determine whether the violation for which the license was lost is a violation under Nebraska Game Law.

Section 3 repeals the original sections.

LR 40CA

Introduced by Sen. Pirsch, LR 40CA is a constitutional amendment to declare fishing, trapping, and hunting to be rights forever preserved subject to reasonable restrictions. The bill is on Select File.

Section-by-section description:

Section 1 calls for the following amendment to Article XV of Nebraska's Constitution to be submitted to voters at the November 2012 general election: that fishing, trapping and hunting are a valued part of the heritage of the people and will be a right forever preserved for the people subject to reasonable restrictions as prescribed by law.

Section 2 requires that the proposed amendment be placed on the ballot in a specific manner with specific wording.

SUMMARIES OF BILLS HELD IN COMMITTEE

LB 64

LB 64 would change provisions relating to the types of wildlife that can be held captive and provide a permitting process. Also would create a definition of “wildlife sanctuary.”

Section-by-section description:

Section 1 amends 29-818, relating to criminal procedures concerning seized property, by adding wildlife as a category of property that an officer may seize pursuant to a warrant (the other categories are pet animals or equines) but is subject to a hearing process to determine the disposition of the animal. Defines wildlife as an animal that cannot be kept in captivity without a permit under the Game Law.

Sections 2 and 3 amend 37-201 and 202 by adding that the new sections in this bill are to be considered part of the Game Law.

Sections 4 and 5 amend 37-209.01 to 210.01 by adding to the definitions of captive and captivity “wild reptiles.”

Section 6 amends 37-246, which defines wild mammals, by creating a more detailed definition through use of formal species classifications.

Section 7 creates a new definition of wild reptiles, and uses formal species classifications.

Section 8 creates a new definition of wildlife sanctuary as a nonprofit organization and operates as a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned or displaced wildlife are cared for or released to their natural habitat. Activity at such a facility is natural except for routine animal husbandry, is not commercial, does not involve breeding, and does not participate in unescorted visitations or allow direct contact between the public and animals.

Section 9 amends 37-477, relating to permits for animals in captivity, by requiring a permit for wildlife held, even if one held wildlife before the effective date of this act, that person is required to obtain a wildlife auction permit or captive wildlife permit within 60 days after the effective date. Animal is not allowed to be traded, sold, or otherwise disposed of without written permission from the Game and Parks Commission. Allows the commission to adopt rules and regulations regarding wild reptiles.

Section 10 amends 37-478, relating to captive wildlife auction permits, by adding reference to captive wild reptiles.

Section 11 amends 37-479, relating to regular captive wildlife permits, by adding reference to captive wildlife permits, by requiring a permit holder under this section to maintain liability insurance of at least \$250,000 per occurrence, for damage caused by the wild animal. Also requires posting of the permit and other signage. Requires local law enforcement to be called should any captive wildlife escape, and owner is liable for recapture expenses. Prohibits one from intentionally releasing a wild animal.

Section 12 amends 37-481, by clarifying exemptions to this bill's provisions, and adds governmental agency, university research facility, and wildlife sanctuary to the list. Eliminates the general exemption for a zoo or park, but leaves in the exemption for zoos that are accredited.

Section 13 repeals the original sections.

LB 103

LB 103 would change instream appropriation provisions.

Section-by-section description:

Section 1 amends 46-2,115, relating to instream appropriation applications, by adding a new requirement that the instream appropriation is not in a river basin, subbasin or reach that is fully or overappropriated.

Also clarifies that this subdivision should be construed to prohibit the approval of a proposed transfer or change of a natural-flow appropriation for direct out-of-stream use, above ground reservoir storage, or for intentional underground water storage to an instream appropriation, under Section 46-290 (3)(c).

Section 2 repeals the original section.

LB 127

LB 127 would amend the Nebraska Ground Water Protection Act by adding the Game and Parks Commission as stakeholder in the development of Integrated Management Plans (IMPs).

Section-by-section description:

Sections 1 through 3 amend 46-714, 46-715, and 46-717, the statutes that describe the procedures for determining whether a river basin is fully or overappropriated and for the development of integrated management plans under the Nebraska Ground Water Management and Protection Act, by adding the Game and Parks Commission as a party that must be consulted by the Department of Natural Resources and the natural resources districts regarding these sections.

Section 4 repeals the original sections.

LB 227

LB 227 would require the State Energy Office to implement a state energy plan and to conduct energy assessments.

Section-by-section description:

Section 1 creates new language requiring the State Energy Office to develop a long-range state energy assessment, and starting on July 1, 2012, and every two years after that, do an energy assessment and assign priorities. Every even-numbered year by December 1st, the office is to present its assessment to the Legislature to be referred to the appropriate committee for review. The assessment is to contain information on:

- The production, distribution, consumption and conservation of energy;
- Present and future demands for energy;
- Energy policy and conservation recommendations; and
- The impact and relationship of state energy policies to national/regional policies.

Sections 2, 3, 4, 5 and 6 amend 81-1601, 81-1603, 81-1605, 81-1606, and 81-1607.01, which create and provide duties for the State Energy Office, by adding the authority to carry out the provisions of section 1 of this bill.

Section 7 repeals the original sections.

LB 328

LB 328 would authorize an appropriator to apply to the Department of Natural Resources for an amended appropriation of water for a hydropower plant that recognizes benefits for fish, wildlife, and recreational purposes.

Section-by-section description:

Section 1 amends 46-233, relating to applications to appropriate water, by authorizing an appropriator to apply for an amendment to an appropriation for water for a hydropower plant within a Nebraska river channel so that it may also recognize benefits for fish, wildlife, and recreational purposes.

Section 2 repeals the original section.

LB 340

LB 340 would create the Hazardous Liquid Pipeline Notification Act and requires an application process for a pipeline to be administered through the Public Service Commission (PSC). The following describes the bill as amended by AM192, which Sen. Dubas provided to the committee at the public hearing.

Section-by-section description:

Sections 1 through 13 contain new language creating the Hazardous Liquid Pipeline Notification Act that defines hazardous liquid as petroleum, and pipeline carrier as one engaging in owning, operating or managing a pipeline or a part of a pipeline for hazardous liquid transportation. Other new provisions:

- The act's purpose is to make sure protection of natural resources, socioeconomic impacts, and public participation are taken into consideration before placing a pipeline;

- The pipeline carrier is required to file an application, along with supporting documents, with the PSC and a copy filed with the county register of deeds. The application is to contain all information about the project, including the number of employees that will be hired, and an environmental impact statement;
- A hearing process is authorized and includes notification of public hearing requirements;
- Pipeline carrier has the burden of establishing that the pipeline serves the public interest. PSC is to evaluate: a) compliance with applicable laws; b) environmental, economic and social impact evidence; c) efforts to ensure health, safety and welfare of residents in the pipeline's route; d) how the pipeline would affect orderly local development; e) views of governing bodies; and f) any other relevant factors;
- The PSC is to grant or deny the application. If granted, the carrier is to file status reports with the PSC every six months and when the project is finished. The carrier is to notify the PSC of any substantial changes. Provides an appeal process;
- The carrier applicant is to pay for the costs associated with processing the application;
- The Public Service Commission Pipeline Regulation Fund is created;
- The carrier is authorized to use eminent domain and to have access to any right-of-way needed if the application is granted. The relevant county board is to assess payment for any right-of-way;
- Violation of the act is a Class III misdemeanor;
- PSC is authorized to adopt rules and regulations;
- PSC is authorized to contract for professional services;
- Excludes natural gas pipelines from the act.

Sections 14 through 19 amend 57-1101 through 57-1106, which authorize eminent domain to be used specifically for pipelines and state how public lands are to be handled, by cleaning up the language and clarifying that these sections apply to transportation of gases only.

Sections 20 through 29 amend various statutes within Chapter 75, Article 1 dealing with the Public Service Commission's organization, composition, regulatory scope, and procedures. The amendment cleans up language, inserts references to the new act (which gives the commission the authority to implement the act's provisions), states that a hearing under the new act is not to be held until 30 days after notice is provided, and authorizes the commission to hold public meetings as provided by the new act.

Remaining sections repeal the original sections, contain a severability clause, and insert an emergency clause.

LB 392

LB 392 would provide powers and duties relating to aquatic invasive species.

Section-by-section description:

Sections 1 through 5 add references to the new language in current statutes, and add definitions for aquatic invasive species, authorized inspector, and conveyance.

Section 6 creates new language prohibiting one from possessing, importing, exporting, purchasing, selling or transporting aquatic invasive species except when being removed from a conveyance and disposed of. Allows the commission to adopt rules and regulations on the inspection, decontamination, and treatment of conveyances that transport aquatic invasive species. Refusal to submit to conveyance inspection is a Class III misdemeanor.

Section 7 creates new language authorizing inspectors to stop and inspect any conveyance for aquatic invasive species. Inspectors are authorized to order decontamination of a conveyance. Allows a conservation or peace officer to impound a conveyance if an aquatic invasive species is present; the transporter refuses to submit to an inspection; or the transporter refuses to comply with a decontamination order.

Section 8 creates new language requiring the operator of an out-of-state registered vessel to purchase an aquatic invasive species stamp before entering Nebraska waters. The \$30 stamp, that can be purchased electronically or through a vendor, must be displayed "starboard aft" and visible.

Section 9 creates the Aquatic Invasive Species Program, to be funded by 20% of all boat registration fees and from the sales of aquatic invasive species stamps. The program is to monitor and sample Nebraska waters for aquatic invasive species, hire personnel, purchase equipment, provide enforcement, education and research, and conduct removal projects.

Section 10 allows the commission to adopt rules and regulations on the new sections.

Sections 11 through 13 amend 37-524, 37-547, and 37-548, relating to prohibited acts under the Game Law concerning wildlife and nonnative animals, by adding aquatic invasive species to the list of animals determined to be a threat to economic or ecologic conditions, that are unlawful to possess, import, commercially exploit, or release without written permission from the commission. Also allows the commission to adopt rules and regulations on importation, possession, and commercial exploitation of aquatic invasive species, and on whether a species causes economic or ecologic harm.

Sections 14 and 15 amend 37-1214 and 37-1215, relating to boat registration under the State Boat Act, by setting the fee at \$28 for Class 1 boats, \$56 for Class 2 boats, \$80 for Class 3 boats, and \$138 for Class 4 boats, and providing a prorating process.

Section 16 repeals the original sections.

LB 393

LB 393 would require state agencies to develop plans to use Nebraska biodiesel fuel.

Section-by-section description:

Section 1 creates new language that comprises the whole bill. It would require:

- state agencies to use Nebraska biodiesel fuel in its diesel-operated motor vehicles;
- that at least two percent of an agency's annual diesel fuel usage should be from Nebraska;
- that different blending ratios be allowed;
- agencies to track and report to the Natural Resources Committee their biodiesel fuel use, and benchmarks for future use.

The bill would also allow the committee to recognize agencies that have implemented the most effective programs; defines Nebraska biodiesel fuel, and requires agencies to comply only to the extent Nebraska biofuel is available.

LB 395

LB 395 would change voting provisions for members of the Nebraska Environmental Trust Board.

Section-by-section description:

Section 1 amends 81-15,170, which creates the Nebraska Environmental Trust Board, by adding that the board members who are the director of Environmental Quality, director of Natural Resources, director of Agriculture, secretary of the Game and Parks Commission, and chief executive officer of the Department of Health and Human Services (or a designee), are to be nonvoting advisory members of the board.

Section 2 amends 81-15,170.01, which requires compliance with the conflict of interest provisions of the Nebraska Political Accountability and Disclosure Act, by eliminating the language requiring a director-board member to abstain from voting on applications for his or her own agency.

Section 3 amends 81-15,175, relating to fund allocations by the board, by allowing the board to deviate from a subcommittee's recommendation with five votes, instead of eight.

Section 4 repeals the original sections.

LB 487

LB 487 would provide for resolution and ordinance power relating to flood protection and water quality enhancement projects.

Section-by-section description:

Section 1 amends 2-3226.11, relating to flood protection and water quality bonds, by adding that a city council or village board may pass an ordinance of disapproval of certain projects within its jurisdiction. Eliminates the word “exclusive” so that a county, city council or village board may pass such an ordinance for projects within its zoning jurisdiction. The project in question would no longer have to be exclusively in the local entity’s zoning jurisdiction. Also prohibits bond proceeds from being used for recreational facilities if the county board, city council or village board passes such a resolution or ordinance.

Section 2 repeals the original section.

LB 526

LB 526 would change provisions relating to water transfers to enable the transfer of the entire amount of a surface water irrigation right for a nonconsumptive use.

Section-by-section description:

Section 1 amends 46-294, relating to water appropriation transfer applications, by adding an exception to the requirement that such transfer will not exceed the historic consumptive use under the appropriation. The rule doesn’t apply to a transfer of the entire surface water irrigation right for a nonconsumptive use.

Section 2 repeals the original section.

LB 529

LB 529 would change provisions relating to conservation and preservation easements and the Nebraska Environmental Trust.

Section-by-section description:

Section 1 amends 76-2,112, relating to conservation and preservation easements, by adding new language requiring a proposed easement holder to provide written notice, describing the conveyance and the fiscal impact (on property taxes), to each governmental body that levies taxes on such property. Also adds a condition under which a proposed acquisition may be denied by the local governing body which is if the easement is inconsistent with the best interest of the county.

Section 2 amends 76-2,114, relating to judicial modification or termination of an easement, by limiting the duration of a conservation or preservation easement to 10 years, if held by a charitable corporation or trust. Ninety days before the 10-year expiration, the charitable corporation or trust must notify the county board in writing whether or not they want to continue the easement. Failure to notify the

county board results in termination of the easement at the end of 10 years. After the county board receives notice it has 60 days to hold a public hearing on whether to grant or deny the easement.

Section 3 amends 81-15,173, which lists the Nebraska Environmental Trust Board's powers and duties, by prohibiting the board from holding property in fee or obtaining easements.

Section 4 amends 81-15,176, containing the environmental categories for grants under the Nebraska Environmental Trust Act, by adding eligibility criteria: no more than 10% of the annual grant allocation is to be used by recipients for land purchases and easements, and only political subdivisions are allowed to use grant funding for land acquisitions.

Section 5 repeals the original section.

LB 533

LB 533 would alter the membership of the Niobrara Council.

Section-by-section description:

Section 1 amends 72-2007, relating to Niobrara Council membership, by cleaning up some language; requiring county board commissioners to serve on the council, rather than their representatives; and requiring that council members from the U.S. Fish and Wildlife Service and National Park Service be the regional directors, rather than representatives selected by the Governor. Also clarifies that these federal agencies must notify the council and Governor in writing whether their appointees may vote on matters before the council; removes the requirement that the council meet "preferably once a month"; and eliminates the provision prohibiting a council member from voting on any matter on which he or she participated or voted as a political subdivision representative.

The bill also states that a representative "designated by" rather than "of" a conservation, environmental, or wildlife organization is to be selected by the Governor from a list provided by the county board representatives on the council.

Section 2 repeals the original section.

LB 578

LB 578 would require an oil pipeline company to provide adequate financial assurance to cover corrective action, remediation, reclamation, and decommissioning costs.

Section-by-section description:

Section 1 contains the contents of the entire bill. It would require a pipeline company to show proof of financial responsibility, which is to be set and administered by the Public Service Commission. The amount is to be sufficient to cover issues caused by releases from the pipeline and for decontamination,

decommissioning, site closure, and stabilization, if there has been some failure on the part of the pipeline operator. The types of financial responsibility allowed are listed, the conditions for determining the amount of financial security are listed, and the rights of a local governmental entity are clarified.

LB 579

LB 579 would require energy efficiency and conservation information to be included in the Power Review Board's biennial long-range power supply plan.

Section-by-section description:

Section 1 amends 70-1025, which states the requirements for long-range power supply plans under the Power Review Board statutes, by adding that such plan must identify the potential for energy efficiency, conservation, and load management programs to reduce or offset power supply demands that would otherwise need to be met by additional planned electric generation.

Section 2 repeals the original section.

LB 587

LB 587 would provide grants for compressed natural gas innovation projects and funding.

Section-by-section description:

Sections 1 through 5 contain new language to do the following:

- Provide definitions, including "compressed natural gas innovation project" as an infrastructure investment relating to storage, distribution, or dispensing of compressed natural gas;
- Create the Compressed Natural Gas Innovation Fund to be used for grants under this act;
- Require the Department of Environmental Quality to administer the grant program;
- Allow grant applications of up to \$200,000 and require the applicant to pay at least 80% of the cost of the project;
- Authorize the DEQ to approve of no more than one grant per county in the first five years of the grant program, and only approve projects that are located within one mile of a portion of the National System of Interstate and Defense Highways (in other words, I-80);
- Require an annual report beginning December 1, 2012 to be submitted to the Legislature; and
- Require the DEQ to adopt rules and regulations.

Section 6 amends 66-1519, which creates the Petroleum Release Remedial Action Cash Fund, by directing the State Treasurer to transfer \$500,000 from the fund to the Compressed Natural Gas Innovation Fund every July 1st.

Section 7 amends 66-1810, relating to services to ratepayers under the State Natural Gas Regulation Act, by adding that a jurisdictional utility may change a motor vehicle rate after providing notice to the Public Service Commission and the public. Such rate cannot be suspended.

Section 8 amends 66-1825, relating to rate requirements under the State Natural Gas Regulation Act, by adding that motor vehicle rates of a natural gas public utility are not to be considered discriminatory.

Section 9 repeals the original sections.

Section 10 contains an emergency clause.

LB 595

LB 595 would adopt the Water Resources Revolving Loan Fund Act and change provisions regarding certain revenue.

Section-by-section description:

Sections 1 through 12 contain new language creating the Water Resources Revolving Loan Fund Act. The act would:

- Provide intent and findings language regarding the protection and management of the state's water resources;
- Provide definitions;
- Create the Water Resources Revolving Loan Fund and an administration fund, to be administered by the DNR and allow transfers from the administrative fund to the revolving loan fund to meet financing requirements;
- Authorize interest-free loans from the revolving loan fund for no more than 40% of a project cost to an NRD or joint public agency IF applicant agrees to match the loan amount with bonds or other funding sources. Loans for project costs over 40% are to bear an interest rate established by the Natural Resources Commission (NRC). Maximum loan term is 10 years, and no more than 30% of the average annual balance in the fund may be used for a single project. The NRC is to create rules and regulations for disbursement and repayment terms;
- Allow loans to be made for: 1) purchase or lease of water rights, including storage water rights; 2) purchase or lease, or administration and management, of canals or reservoirs constructed for irrigation from a river; 3) vegetation management and removal of invasive species; 4) augmentation of river flows; and 5) development, storage, or transportation of water, or providing, contracting, or furnishing water for beneficial uses;
- Projects are to be owned, operated or financed by a natural resources district or joint public agency, and preference is to be given to such entities within a basin that is bound by an interstate compact, decree or formal state contract or agreement;

- Create loan application procedures that require a decision within six months of receipt and require a project to start within six months after receipt of the loan; if not, the loan is to be returned to the department and credited to the revolving loan fund;
- Allow a state aid deduction from the loan recipient who fails to repay the loan and require that any such amounts be placed in the revolving loan fund;
- Provide powers and duties to the NRC pursuant to the fund;
- Provide powers and duties to the DNR pursuant to the fund;
- State that a loan agreement is valid and binding and payable according to the agreement and that a pledge of funds by the DNR and approved by the NRC, is valid and binding and subject to an immediate binding lien;
- State that actions by the commission, pledge agreements by the department or any other pledge instrument do not need to be recorded; and
- Require the State Treasurer to transfer half of the Water Contingency Cash Fund to the revolving loan fund and other payments made by NRDs are to be credited to the revolving loan fund. Half of the funds remaining in the Water Contingency Cash Fund and other remaining funds are to be transferred to the Cash Reserve Fund.

Section 13 amends 2-3225, relating to natural resources districts' tax levy powers, by adding that the tax proceeds may be used for payment of costs and expenses of qualified projects under 2-3226.04, or as authorized under the Water Resources Revolving Loan Fund Act.

Section 14 amends 2-3226.04, relating to use of river-flow enhancement bonds, by adding that bond proceeds may pay for the development, storage, transportation, provision of, contracting for, and furnishing of water for domestic purposes, agriculture, manufacturing, and all other beneficial uses.

Section 15 amends 2-3226.05, relating to natural resources districts' occupation tax authority, by adding that the tax proceeds may be used for payment of costs and expenses of projects authorized pursuant to the Water Resources Revolving Loan Fund Act.

Section 16 amends 2-3226.08, relating to repayments to the Water Contingency Cash Fund, by adding that after repayment of the assistance, the district receiving loan proceeds under the Water Resources Revolving Loan Fund Act is to remit loan proceeds to the DNR pursuant to the loan agreement.

Section 17 amends 2-3226.09, relating to duties of the State Treasurer to the Water Contingency Cash Fund, by adding reference to the new fund, and requiring the State Treasurer to transfer at the end of each month half of the balance in the Water Contingency Cash Fund to the Water Resources Revolving Fund and half to the Cash Reserve Fund.

Section 18 repeals the original sections.

LB 596

LB 596 would provide for standing with respect to integrated management plan proceedings.

Section-by-section description:

Section 1 amends 46-717, relating to integrated management plans (IMPs) under the Nebraska Ground Water Management and Protection Act, by adding a new provision allowing an irrigation, reclamation or public power and irrigation district; a mutual irrigation company; canal company; or municipality that has an appropriation of water that is part of an IMP, to have standing to participate in legal or administrative proceedings affecting the IMP.

Section 2 repeals the original section.

LB 626

LB 626 would adopt the Electronics Recycling and Job Creation Act.

Section-by-section description:

Sections 1 through 12 create new language to do the following:

- Create the Electronics Recycling and Job Creation Act (act);
- Purpose is to establish a comprehensive electronics recycling system to ensure safe and environmentally sound management of such devices;
- Provide definitions of computer, electronic device, manufacturer, monitor, peripheral, recycling, television, and video display. Includes that “electronic device” does not include components of motor vehicles; parts of larger pieces of industrial, commercial, governmental or medical-use equipment; devices within certain home appliances; or most telephones;
- Require manufacturers to be in compliance with the act beginning July 1, 2012, in order sell new electronic devices;
- Require manufacturers who sold at least 500 devices in the state in a calendar year to register those sales with the Department of Environmental Quality;
- Starting January 31, 2013, require a manufacturer to certify to DEQ the weight (in pounds) of electronic devices recycled as a percentage of the weight of devices sold in the state in the previous calendar year. This must be done to get a reduced registration fee.
- Require manufacturers to remit a registration fee based on number of electronic devices sold:
 - \$1,250 for sales of 25-250 electronic devices;
 - \$5,000 for sales of 251-1000 electronic devices;
 - \$10,000 for sales of 1000+ electronic devices;
- If the percentage of electronic devices certified is at least 60%, the registration fee is reduced 50%;
- Require, starting July 1, 2012, recyclers to register annually with the DEQ and pay a fee of \$50, and to certify that it uses no correctional facility inmates to recycle electronic devices;

- Require DEQ to collect fees for credit to the Waste Reduction and Recycling Incentive Fund, review the fee structure to ensure at least \$1 million but not more than \$1.5 million is collected, and adopt rules and regulations consistent with the Responsible Recycling Practices for Use in Accredited Certification Programs for Electronics Recyclers issued by the E.P.A.
- Require manufacturers to provide a no-cost (for households and schools) device return system;
- Allow DEQ to refrain from collecting fees due to a similar federal program; and
- Require that fees, after costs, be used to award grants for recycling industry jobs, electronics recycling education, infrastructure development, and collection, transportation and recycling of electronic devices. Grants can be for public or private industries and are to be equally distributed between the congressional districts.

Section 13 amends 13-2039, relating to solid waste disposal under the Integrated Solid Waste Management Act, by prohibiting one from disposing electronic devices containing cathode-ray tubes in to a landfill starting July 1, 2016. Also requires DEQ to report to the Legislature on the electronics recycling industry by July 1, 2015.

Section 14 amends 81-1504.01, relating to Department of Environmental Quality reporting requirements under the Environmental Protection Act, by requiring a report to be issued to the Governor and Legislature regarding funds credited to the Waste Reduction and Recycling Incentive Fund.

Section 15 amends 81-15,160, which creates the Waste Reduction and Recycling Incentive Fund, by deleting obsolete language, and providing for grants from the Electronics Recycling and Job Creation Act fees, for purposes stated under that act. Also requires the DEQ to apply for an Environmental Trust Fund grant for \$500,000 for credit to the Waste Reduction and Recycling Incentive Fund.

Section 16 contains a severability clause.

Section 17 repeals the original sections.

Section 18 contains an emergency clause.

LB 645

LB 645 would require inclusion of established surface water and groundwater uses in certain agreements as prescribed.

Section-by-section description:

Section 1 creates new language requiring that an agreement between the Department of Natural Resources and a natural resources district concerning the creation of an equitable apportionment of virgin water supply which is part of an integrated management plan to comply with a compact, must include established surface and groundwater use when determining the baseline equitable apportionment of such virgin water supply among NRDs in the basin.

Such apportionment is to be developed from empirical data available at the time of the original agreement, from “accepted best-practice scientific methods and standards of measurement.”

LB 653

LB 653 would provide for interbasin transfers when there is a flood, and would ensure clear agreements relating to such transfers are in place.

Section-by-section description:

Section 1 amends 46-288, which provides definitions pursuant to interbasin transfers, by adding to the definition of interbasin transfer, diversions and transportation of water from one river basin to another for storage or beneficial use during times of flood.

Section 2 creates new language stating that the Legislature finds that interbasin transfers during times of flood should be allowed without a permit, pursuant to an agreement between “applicable districts.”

Also authorizes a natural resources or irrigation district to establish a written agreement with another district to allow interbasin transfers of surface water without a permit to mitigate public and private property damage when the river draining a river basin is at or above flood stage. The written agreement is to be in place prior to the transfer and is to specify that the destination river basin is second in time and second in right to all internal water resources projects in the basin and is to include a prearranged purchase price of water, where transfers can occur, conditions of the transfer, and notification requirements.

Section 3 repeals the original section.

LB 655

LB 655 would change provisions relating to an occupation tax imposed by natural resources districts.

Section-by-section description:

Section 1 amends 2-3226.05, which authorizes certain natural resources districts to levy an occupation tax on irrigated acres, not to exceed \$10 per acre, by authorizing a natural resources district to levy an occupation tax on irrigation using the following method of calculation:

- the district determines the revenue needed for a project, and the amount is not to be more than an average of \$10 per irrigated acre;
- the district then determines the total acre-feet of surface and groundwater irrigation use during the previous calendar year;
- the district determines the per acre-foot revenue needed by dividing the amount of revenue needed by the total irrigated acre-feet from the previous year;
- finally, the district calculates the tax based on a landowner’s acre-foot usage by multiplying use by the per acre-foot of revenue needed.

Section 2 repeals the original section.

LB 656

LB 656 would change provisions relating to flood protection and water quality enhancement.

Section-by-section description:

Section 1 amends 2-3226.11, relating to flood prevention and water quality enhancement bonds, by requiring that bond proceeds be used for flood protection (rather than flood control) and water quality projects, and adds that bond proceeds may not be used to fund recreational facilities.

Section 2 repeals the original section.

LB 683

LB 683 would create the Storm Water Management Commission.

Section-by-section description:

Section 1 creates the Storm Water Management Commission, to consist of the following members: one each from the Appropriations, Natural Resources, and Urban Affairs Committees, appointed by the Executive Board; the directors of the Departments of Environmental Quality and Economic Development; League of Nebraska Municipalities and Nebraska Chamber of Commerce representatives; the president of a metropolitan utilities district; and two governor-appointed members from the Nebraska Association of Commercial Property Owners and the Omaha Association for a More Competitive Business Environment. Meetings are to start within 45 days of the bill's effective date, and members are to serve without compensation or reimbursement.

The commission is to study federal, state, and local storm water management practices; storm sewer system financing mechanisms; residential, commercial, and industrial property owners' roles in storm water management; and user-charge revenue mechanisms for funding projects.

Also contains a reporting requirement and sunset date.

Section 2 amends 81-1178, relating to expense reimbursements for commission, committee, and board members in general, by exempting members of the Storm Water Management Commission.

Sections 3 and 4 repeal the original section and contain an emergency clause.

LR 51CA

LR 51CA is a constitutional amendment that would change the allocation of state lottery proceeds.

Section-by-section description:

Section 1 proposes to amend Article III, Section 24 of the Nebraska Constitution by changing the distribution of lottery proceeds. Currently, the Nebraska Environmental Trust receives 44 ½% of the funds remaining after prizes, operating costs, and a transfer to the Compulsive Gamblers Assistance Fund. New distribution would be 22 ¼% to the Water Resources Cash Fund, and 22 ¼% to the University of Nebraska Board of Regents for the Nebraska Innovation Campus through 2038. After 2038, the distribution would go to the General Fund.

Section 2 states how the question should be worded on the ballot.

SUMMARIES OF BILLS INDEFINITELY POSTPONED

LB 38

This bill would have changed membership provisions relating to public power district boards to prevent a potential conflict of interest an employee of a power district may have if elected to a board of directors of a public power district.

Section-by-section description:

Section 1 amends 70-619, which states the qualifications of directors on a public power district or irrigation district board, by eliminating the prohibition against being on more than one board, unless one is a director of a rural public power district. Then, such person may serve as a director of another public power district generating or transmitting energy exclusively for resale to another public power district, rural electric cooperative, membership association, or municipality.

Section 2 repeals the original section.

LB 369

LB 369 would have required state agencies to develop and implement energy conservation plans to encourage more energy efficient policies in state government buildings.

Section-by-section description:

Section 1 creates new language requiring state agencies to develop and implement an energy conservation plan and to set a percentage goal for reducing use of electricity. The plan is to include use of "switchable power strips." Plans are due to the Energy Office by December 1, 2011 and the agencies are to report their progress annually.

Section 2 amends 81-1603, relating to Energy Office powers, by authorizing the compilation of agencies' conservation plans for distribution to the Governor and Legislature.

Section 3 repeals the original section.

LB 442

LB 442 would have adopted the Outdoor Outfitters and Guides Licensure Act to regulate the outfitters industry.

Section-by-section description:

The bill contains 36 sections of new language that creates the Outdoor Outfitters and Guides Licensure Act.

Sections 1 through 3 contain findings/statements of purpose.

- Our natural resources are unique;
- The outfitters and guides industry is important to the economy;
- Intent of the Legislature is to promote travel and tourism enhanced by the outfitters and guides industry;
- Purpose of the act is to regulate and license compensated outfitters/guides;
- Purpose is not to interfere with private livestock operations, recreation activities without use of an outfitter, hunting or fishing seasons, state park administration, management of federal lands and waters.

Sections 4 through 18 contain definitions.

Sections 19 and 20 provide duties for licensed outfitters and guides. Both are to advise clients of applicable permit laws, and cooperate with landowners or public land management entities and respect their rights. Outfitters are also to provide services, facilities and equipment as advertised or contracted for with a client and ensure services, facilities and equipment conform to state safety codes. Guides are also to conform to the standard of care expected for the profession, and possess valid hunting or fishing permits or a valid open water rescue certification, if applicable.

Section 21 requires clients: to act as a reasonably prudent person when participating in recreational activity with an outfitter or guide, and not interfere with their activities, not engage in harmful conduct, and not initiate an activity that is not in the contract with the outfitter or guide.

Section 22 requires the Game and Parks Commission to administer the licensing provisions.

Sections 23 and 24 list the information required on both license applications. Includes basic information and description of the physical boundaries of the land or water where applicant will work; applicant's safety record and emergency management plan; proof of applicable permits and; proof of liability insurance. Also allows the commission to make additional inquiries.

Section 25 allows the commission to revoke a license for at least three years for a misrepresentation on the application.

Section 26 states that a license is valid for one year and may be renewed.

Section 27 requires the commission to notify the applicant via certified mail if the application has been denied. Allows applicant to request a review of the decision.

Section 28 lists the grounds for revocation, which include: selling or transferring a license, misleading the commission or clients, being convicted of a felony, false advertising, not having liability insurance, violating state or federal game laws, breach of contract with client, employing an unlicensed guide, acting outside of license scope, inhumane treatment of animals, unauthorized hunting, trapping or fishing of protected species. Allows licensee to request a review.

Sections 29 and 30 provide the fees to be charged for the licenses. Licenses are for one, two, three, or four or more years, and the fee varies depending on whether a license is for an outfitter or guide, and whether big game are taken.

Section 31 creates the Outdoor Outfitters and Guides Cash Fund.

Section 32 requires incorporated, Nebraska-based outfitters and guides doing business outside of the state to be licensed under the act. Requires nonresident outfitters or guides doing business in Nebraska to be licensed under the act or to show proof of licensure in their own home state.

Section 33 allows a licensed outfitter or his or her clients to use a booking agent for travel arrangements or third-party accommodations. Absolves outfitter of liability for breaches of contract between such an entity and a client.

Section 34 requires a licensed outfitter or guide to provide a waiver form to each client so that the client assumes all reasonable risks and dangers of using the licensee's services.

Section 35 states that violation of the act is a Class IV misdemeanor and grounds for license revocation.

Section 36 authorizes the commission to adopt rules and regulations.

LB 580

LB 580 would have created the Energy Auditor Advisory Board.

Section-by-section description:

Section 1 creates the Energy Auditor Advisory Board whose members shall include the director of the State Energy Office and four members appointed by the Governor. The four appointees are to represent public power, organized labor, be an energy auditor, and be a contractor or industry representative. They would serve three year terms, reappointed no more than three terms, and would be reimbursed for expenses.

Section 2 requires the board to meet within 30 days of appointment and elect a chairperson, vice-chairperson, secretary, and treasurer for two-year terms. Requires meetings at least once every six months or as called by the chairperson or majority of the board. Requires the State Energy Office to provide administrative support.

Section 3 creates duties for the board, which include: discussing policy and procedures through a public forum at least once annually; keeping minutes and records; serving as an advisory panel to the State Energy Office; developing a website listing energy auditors; applying for and accepting grants; and adopting rules and regulations.

Section 4 creates the Energy Auditor Advisory Board Fund, for amounts collected in the administration of this bill.

INTERIM STUDY RESOLUTIONS

REPORT ON THE PRIORTIZING OF INTERIM STUDY RESOLUTIONS

Pursuant to Rule 4, Section 3(c)

The following resolutions were referred to the Committee on Natural Resources. The committee has prioritized the resolutions in the following order:

<u>Resolution No.</u>	<u>Subject</u>
314	Examine all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska
332	Determine the fairness of permanent wildlife conservation easements in today's economic and agricultural climates
273	Examine the criteria for developing integrated management plans required under the Nebraska Ground Water Management and Protection Act
309	Examine ways to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas
304	Examine legislative intent under the Nebraska Ground Water Management and Protection Act regarding water use on "commingled acres"
260	Examine statutes and regulations on in situ mining and hydraulic fracturing, also known as fracking
312	Examine intent of LB 392, 2011, including duties provided to the Game and Parks Commission for inspection, impoundment, and decontamination relating to aquatic invasive species
205	Examine the potential establishment of a statewide electronics recycling program
261	Examine how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay"
294	Examine the formation and mission of outdoor outfitters and guides in the state of Nebraska
257	Examine the flood control needs of Omaha and the greater Omaha metropolitan area
247	Examine development of a comprehensive approach to reducing the environmental and health risks posed by the use or disposal of selected consumer projects