

2015

LEGISLATIVE BILL SUMMARIES

# **NATURAL RESOURCES COMMITTEE**

NEBRASKA LEGISLATURE

ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

## ***NATURAL RESOURCES COMMITTEE MEMBERS***

Senator Ken Schilz, Chairperson  
Senator Curt Friesen, Vice-Chairperson  
Senator Dan Hughes  
Senator Jerry Johnson  
Senator Rick Kolowski  
Senator Brett Lindstrom  
Senator John McCollister  
Senator David Schnoor

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**COMMITTEE STAFF**

Laurie Lage, Legal Counsel  
Barb Koehlmoos, Committee Clerk

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**Natural Resources Committee 2015  
104th Legislature, First Session**

**BILL INDEX**

- LB 86 (Davis) Change number of districts and members of Game and Parks Commission. *Held in Committee* (p. 26)
- LB 104 (Krist) Change provisions relating to notice of discontinuance of utility service. *Signed by Governor 5-26-15* (p. 12)
- LB 117 (Haar) Change provisions relating to energy financing contracts. *Held in Committee* (p. 26)
- LB 127 (Chambers) Eliminate provisions relating to hunting mountain lions. *Held in Committee* (p. 27)
- LB 130 (Watermeier) Change provisions relating to the Water Sustainability Fund. *Held in Committee* (p. 27)
- LB 141 (Schilz) Change provisions relating to the Public Entities Mandated Project Charges Act. *Signed by Governor 5-13-15* (p. 12)
- LB 142 (Schilz) Create the Aquatic Invasive Species program and provide funding. *Signed by Governor 3-5-15* (p. 13)
- LB 143 (Schilz) Provide training cost reimbursement relating to underground storage tanks. *Held in Committee* (p. 28)
- LB 164 (Friesen) Provide a biennial budgeting option for natural resources districts. *Signed by Governor 3-18-15* (p. 14)
- LB 174 (Schilz) Redefine nonpoint source control systems under the Wastewater Treatment Facilities Construction Assistance Act. *Held in Committee* (p. 28)
- LB 203 (Schilz) Change provisions relating to a game refuge. *Indefinitely postponed* (p. 37)
- LB 206 (Schilz) Change the Erosion and Sediment Control Act. *Signed by Governor 5-26-15* (p. 15)
- LB 207 (Schilz) Change provisions relating to civil penalties under the Nebraska Chemigation Act. *Signed by Governor 3-18-15* (p. 16)
- LB 208 (Schilz) Provide an exemption to water storage reservoir permit requirements as prescribed. *Held in Committee* (p. 29)

- LB 310 (Davis) Change provisions of the Niobrara Scenic River Act. *Signed by Governor 5-26-15* (p. 17)
- LB 328 (Schilz) Change provisions of the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act. *General File* (p. 24)
- LB 329 (Schilz) Nebraska Agritourism Promotion Act. *Signed by Governor 5-27-15* (p. 17)
- LB 337 (Harr) Rename and change the Low-Income Home Energy Conservation Act. *Held in Committee* (p. 29)
- LB 344 (Kolowski) Provide natural resources districts with the power to issue general obligation bonds. *Held in Committee* (p. 30)
- LB 394 (Schilz) Prohibit interference with hunting, trapping, or fishing by intimidation using a telephone or other communication device. *Held in Committee* (p. 30)
- LB 404 (Davis) Provide for evidentiary hearings relating to certain water-use applications. *Held in Committee* (p. 31)
- LB 407 (Haar) Change and eliminate provisions relating to certified renewable export facilities as prescribed. *Held in Committee* (p. 31)
- LB 412 (Mello) Change provisions relating to the Rural Community-Based Energy Development Act. *Signed by Governor 5-26-15* (p. 18)
- LB 413 (Mello) Provide for the evaluation of permits issued to political subdivisions by the Department of Environmental Quality regarding water quality. *Signed by Governor 4-29-15* (p. 19)
- LB 469 (Smith) Provide powers and duties to the Department of Environmental Quality relating to the development of a state plan for regulating carbon dioxide emissions. *Signed by Governor 5-27-15* (p. 20)
- LB 475 (Davis) Change a provision relating to the construction or acquisition of certain electric generation facilities. *Held in Committee* (p. 32)
- LB 512 (Stinner) Provide powers and duties to the Nebraska Oil and Gas Conservation Commission regarding certain wastewater and charge an assessment of certain costs. *Held in Committee* (p. 32)
- LB 536 (Haar) Provide for the filing of an annual report by public power suppliers with the Nebraska Power Review Board. *Held in Committee* (p. 33)
- LB 581 (Nordquist) Adopt the Nebraska Clean-burning Motor Fuel Development Act. *Signed by Governor 5-29-15* (p. 22)

- LB 583 (Schilz) Require a state energy plan. *Amended into LB 469* (p. 33)
- LB 585 (Schilz) Change provisions relating to director qualifications and employment of personnel at the Department of Natural Resources. *Held in Committee* (p. 34)
- LB 622 (Larson) Change provisions relating to the Niobrara Scenic River Act. *Held in Committee* (p. 34)
- LB 634 (Garrett) Provide for issuance of permits under the Game Law to prisoners of war. *General File* (p. 24)
- LB 636 (Garrett) Provide for a discounted permit under the Game Law for deployed military members and spouses on leave. *Held in Committee* (p. 35)
- LB 637 (Garrett) Provide for resident permits under the Game Law for spouses of military personnel as prescribed. *Held in Committee* (p. 35)
- LB 664 (Chambers) Provide duties for the Nebraska Oil and Gas Conservation Commission relating to disposal of wastewater. *Held in Committee* (p. 36)

**2015 NATURAL RESOURCES COMMITTEE BILLS**  
**Bills by Hearing Date**  
Updated 6-5-15

Hearing	Bill	Introducer	One-Liner	Status
<b>BILLS BY HEARING DATE</b>				
<b>WED.</b> 1-21-15				
	142	Schilz	Create the Aquatic Invasive Species program and provide funding	Signed by Gov. 3-5-15
<b>THURS.</b> 1-22-15				
	174	Schilz	Redefine nonpoint source control systems under the Wastewater Treatment Facilities Construction Assistance Act	In Comm
<b>FRI.</b> 1-23-15				
	86	Davis	Change number of districts and members of Game and Parks Commission	In Comm
<b>WED.</b> 1-28-15				
	141	Schilz	Change provisions relating to the Public Entities Mandated Project Charges Act	Signed by Gov. 5-13-15 <b>PB</b> <b>Nat. Res. Comm.</b>
	143	Schilz	Provide training cost reimbursement relating to underground storage tanks	In Comm
<b>THURS.</b> 1-29-15				
	LB 206	Schilz	Change the Erosion and Sediment Control Act	Signed by Gov. 5-26-15
	LB 207	Schilz	Change provisions relating to civil penalties under the Nebraska Chemigation Act	Signed by Gov 3-18-15
<b>FRI.</b> 1-30-15				
	LB 164	Friesen	Provide a biennial budgeting option for natural	Signed by Gov

			resources districts	3-18-15
<b>WED.</b> <b>2-4-15</b>				
	LB 328	Schilz	Change provisions of the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act	GF
	LB 585	Schilz	Change provisions relating to director qualifications and employment of personnel at the Department of Natural Resources	In Comm
<b>THURS.</b> <b>2-5-15</b>				
	LB 104	Krist	Change provisions relating to notice of discontinuance of utility service	Signed by Gov. 5-26-15
	LB 337	Harr	Rename and change the Low-Income Home Energy Conservation Act	In Comm
	LB 469	Smith	Provide powers and duties to the Department of Environmental Quality relating to the development of a state plan for regulating carbon dioxide emissions – <b>LB 583 has been amended into LB 469</b>	Signed by Gov. 5-27-15 <b>PB Lindstrom</b>
<b>FRI.</b> <b>2-6-15</b>				
	LB 203	Schilz	Change provisions relating to a game refuge	IPP
<b>WED.</b> <b>2-11-15</b>				
	LB 536	Haar	Provide for the filing of an annual report by public power suppliers with the Nebraska Power Review Board	In Comm
	LB 583	Schilz	Require a state energy plan – <b>amended into LB 469</b>	In Comm
<b>THURS.</b> <b>2-12-15</b>				
	LB 310	Davis	Change provisions of the Niobrara Scenic River Act	Signed by Gov. 5-26-15



	LB 622	Larson	Change provisions relating to the Niobrara Scenic River Act	IPP – reconsidered
<b>WED.</b> 2-18-15				
	LB 208	Schilz	Provide an exemption to water storage reservoir permit requirements as prescribed	In Comm
	LB 394	Schilz	Prohibit interference with hunting, trapping, or fishing by intimidation using a telephone or other communication device	In Comm
<b>THURS.</b> 2-19-15				
			<b>Executive Session: LB 1115 Study Briefing, The Brattle Group and the Nebraska Power Review Board</b>	
			<b>NPA Southwest Power Pool presentation</b>	
<b>FRI.</b> 2-20-15				
	LB 412	Mello	Change provisions relating to the Rural Community-Based Energy Development Act	Signed by Gov. 5-26-15
	LB 413	Mello	Provide for the evaluation of permits issued to political subdivisions by the Department of Environmental Quality regarding water quality	Signed by Gov. 4-29-15  <b>PB Nat. Res. Comm.</b>
<b>WED.</b> 2-25-15				
	LB 475	Davis	Change a provision relating to the construction or acquisition of certain electric generation facilities	In Comm
	LB 130	Watermeier	Change provisions relating to the Water Sustainability Fund	In Comm
<b>THURS.</b> 2-26-15				
	LB 127	Chambers	Eliminate provisions relating to hunting mountain lions	In Comm

FRI. 2-27-15				
	LB 404	Davis	Provide for evidentiary hearings relating to certain water-use applications	In Comm
WED. 3-4-15				
	LB 117	Haar	Change provisions relating to energy financing contracts	In Comm
	LB 407	Haar	Change and eliminate provisions relating to certified renewable export facilities as prescribed	In Comm  <b>PB Haar</b>
THURS. 3-5-15				
	LB 329	Schilz	Nebraska Agritourism Promotion Act	Signed by Gov.  5-27-15  <b>PB Schnoor</b>
FRI. 3-6-15				
	LB 344	Kolowski	Provide natural resources districts with the power to issue general obligation bonds	In Comm
WED. 3-11-15				
	LB 512	Stinner	Provide powers and duties to the Nebraska Oil and Gas Conservation Commission regarding certain wastewater and charge an assessment of certain costs	In Comm
	LB 581	Nordquist	Adopt the Nebraska Clean-burning Motor Fuel Development Act	Signed by Gov.  5-29-15  <b>PB Speaker</b>
THURS. 3-12-15				
	LB 634	Garrett	Provide for issuance of permits under the Game Law to prisoners of war – <i>combined LB 634, 636 and 637 into one bill for the committee AM 932</i>	GF w/AM

	LB 636	Garrett	Provide for a discounted permit under the Game Law for deployed military members and spouses on leave	In Comm
	LB 637	Garrett	Provide for resident permits under the Game Law for spouses of military personnel as prescribed	In Comm
<b>WED. 5-27-15</b>				
	LB 664	Chambers	Provide duties for the Nebraska Oil and Gas Conservation Commission relating to disposal of wastewater	In Comm

**In Comm:** Bill is held in committee

**GF:** The committee has advanced the bill to General File

**GF w/AM:** The committee has advanced the bill to General File with a committee amendment

**SF:** The Legislature has voted to advance the bill from the first stage of debate (GF) to Select File

**FR:** The Legislature has voted to advance the bill from the second stage of debate (SF) to Final Reading. If the bill advances from Final Reading it will be sent to the Governor for his signature or veto.

**IPP:** A bill that the committee has killed – indefinitely postponed

**CC:** Consent Calendar

**PB:** Priority bills

## SUMMARIES OF ENACTED BILLS

### **LB 104**

LB 104 authorizes a public or private utility company to provide notifications of discontinuance of service for non-payment by electronic delivery if the customer has elected to receive billings or notifications electronically.

#### **Details of Final Bill**

**Section 1** amends 70-1605, which provides the notice and procedure requirements a utility must follow before discontinuing service, by allowing a utility to provide notice in-person, first class mail, or to provide notifications and billings by electronic delivery if the customer has elected to receive such information electronically. A utility may still opt to provide this information by first-class mail.

**Section 2** repeals the original section.

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### **LB 141**

LB 141 amends the Public Entities Mandated Project Charges Act that passed in 2006. That law authorized the issuance of bonds by public entities to finance capital projects mandated by federal or state law or by a regulatory agency. Public entities were authorized to place a charge on customers' bills to pay bond holders.

This bill would allow public utilities to secure bonds with higher ratings by recognizing that rating considerations have changed since the original act became law. The law, as it exists, does not have all of the elements rating agencies require to achieve AAA ratings for this type of bond. Such elements include having a separate entity that stands between the public entity granted the right to impose the charge from the entity that collects the general system revenues; providing for a third party or successor services if the public entity is gone or goes bankrupt; and declaring that the mandated project charges are a vested property right for securitization purposes.

#### **Details of Final Bill**

**Sections 1 and 2** add reference to the new provisions of this bill.

**Sections 3, 4 and 5** add reference to the definition "mandated project bond issuer" by amending 70-1803, which lists the definitions under the Public Entities Mandated Project Charges Act, by adding that financing costs may include costs related to issuing and servicing mandated project bonds, *whether issued by a public entity or a mandated project bond issuer*, and adding a definition and reference to mandated project bond issuers.

**Section 6** amends 70-1812, which requires a public entity to issue an authorizing resolution to use mandated project charges, by requiring mandated project bond issuers to enter into a servicing agreement for the bonds; requiring a statement from a public entity that it has elected to have bonds issued by a mandated project bond issuer and that the public entity pledges the proceeds of the charge for securing the bonds; and adding that mandated project charges are a vested, presently existing property right.

**Section 7** amends 70-1813, which authorizes public entities to issue mandated project bonds, by also authorizing the creation of a mandated project bond issuer.

**Section 8** creates new language authorizing a public entity to create a mandated project bond issuer, described as an "independent instrumentality exercising essential public functions." Authorizes a governing body, chairperson, and a three-person board of directors to govern the mandated project bond issuer.

**Section 9** creates new language authorizing the issuance of bonds, provides terms and allows a mandated project bond issuer to contract for services and accept and pledge charges to secure the bonds and payment of financing cost. If there are outstanding bonds, a mandated project bond issuer may not merge or consolidate with any entity or become obligated to another debt except as permitted by a public entity resolution. Prohibits a mandated project bond issuer from becoming a debtor under federal code until all costs are paid.

Further prohibits engagement in other business activities, but allows the mandated project bond issuer to exercise certain business activities as a financing entity.

**Section 10** repeals the original sections.

**Section 11** adds an emergency clause.

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### **LB 142**

LB 142 creates the Aquatic Invasive Species Program and places a fee on motorboat registrations and renewals in Nebraska to fund the program, which will be administered by the Game and Parks Commission.

### **Details of Final Bill**

**Section 1** amends the Game Law by adding reference to the provisions of this bill.

**Section 2** contains new language creating the Aquatic Invasive Species Program and lists the activities for which funding is to be used.

**Section 3** amends 37-1214, which requires a fee for motorboat registration under the State Boat Act, by requiring a motorboat owner to pay a fee of at least five but not more than 10 dollars for the Aquatic Invasive Species Program. The fee is to be paid at the time of registration and renewal. Also requires out of state motorboat owners to purchase an aquatic invasive species stamp that would be valid for one year before boating in Nebraska waters. Such fee is to be set at 10 to 15 dollars, not including an issuance fee (\$2). Proceeds from stamp sales are to be put into the State Game Fund.

**Section 4** amends 37-1215, which allows a reduction in registration fees for applications received after a registration period begins, by stating that the Aquatic Invasive Species Program fee shall not be reduced.

**Sections 5 and 6** amend 37-1219 and 37-1220 respectively, which provide fee remittance directions, by clarifying language and adding reference to fees for the Aquatic Invasive Species Program.

**Section 7** amends 37-1273, which lists the uses for which fees collected under the State Boat Act may be utilized, by adding reference to the Aquatic Invasive Species Program.

**Section 8** repeals the original sections.

**Section 9** contains an emergency clause.

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### **LB 164**

LB 164 authorizes a natural resources district to adopt either an annual or biennial budget pursuant to the Nebraska Budget Act.

### **Details of Final Bill**

**Section 1** adds new language authorizing a natural resources district to adopt either an annual or biennial budget pursuant to the Nebraska Budget Act.

**Section 2** amends 13-503, which provides the definitions under the Nebraska Budget Act, by adding natural resources districts to the list of entities that use a biennial budget for a biennial period (which is two fiscal years comprising a biennium.)

**Section 3** amends 13-504, which lists the information that must be put into a proposed budget statement, by adding the phrase "as the case may be" when referring to a governing body preparing an annual or biennial budget statement.

**Section 4** requires that the new language be placed in a specific statute.

**Section 5** repeals the original sections.

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### **LB 206**

LB 206 updates the Erosion and Sediment Control Act, which addresses erosion in excess of the applicable soil-loss tolerance level which causes or contributes to an accumulation of sediment on and damage to the land of another.

### **Details of Final Bill**

**Section 1** amends 2-4603, which provides definitions for the Erosion and Sediment Control Act, by adding a definition of “excess erosion” and replacing the words “soil-loss limit” to “soil-loss tolerance level.” To have excess erosion, it must cause or contribute to an accumulation of sediment on another person's land and it must be to the detriment or damage of that person. In the definition of “soil-loss tolerance level” language is added that would broaden the scope of what conditions impact “soil loss.” New language also exempts activities related to the operation, construction, or maintenance of industrial or commercial public power facilities if it is doing activities required by law.

**Section 2** amends 2-4604, which provides for the standards that an erosion and sediment control program must meet, by adding that the director of DNR must work with the Natural Resources Conservation Service when developing the program, and by removing obsolete language that is no longer applicable and rewording the requirements for revising the program.

**Section 3** amends 2-4605, which requires each natural resources district to implement the state's erosion and sediment control program, by removing obsolete language and changing references from “soil-loss limits” to “soil-loss tolerance levels.”

**Section 4** amends 2-4608, which authorizes natural resources districts to deal with complaints of excess erosion, by updating references to terms changed by this bill, and by authorizing an NRD to petition the district court for a cease and desist order when a landowner refuses to discontinue erosion-causing activity and fails to make a plan for eliminating excess erosion.

**Section 5** amends 2-4610, which lists the conditions of the “farm unit conservation plan” exception to the Erosion and Sediment Control Act, by eliminating language that excuses an owner or operator from having to install permanent soil and water conservation practices unless cost sharing assistance is available, and instead stating that lack of cost-sharing assistance does not relieve the owner or operator from compliance with the terms of the farm unit conservation plan.

**Section 6** amends 2-4612, which allows an NRD to petition the district court to order compliance with an administrative order, by updating references to terms changed by this bill.

**Section 7** amends 2-4613, which provides for the district court process under this act, by updating a reference to a term changed by this bill.

**Section 8** repeals the original sections.

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## **LB 207**

LB 207 raises the civil penalties for violations of the Nebraska Chemigation Act.

### **Details of Final Bill**

**Section 1** amends 46-1139, which provides the penalties for failing to obtain a chemigation permit, by setting the base civil penalty for a first violation at \$1000 a day for each site where a violation occurs. For subsequent violations, the base is \$1000 up to \$5000 for each day at each site where a violation occurs. Also allows a natural resources district to recover the action costs if a civil penalty is imposed.

**Section 2** amends 46-1140, which provides the penalties for engaging in chemigation on a suspended or revoked permit, by setting the base civil penalty at \$1000 per day per site for the first violation, and \$1000 to \$5000 at each site for each day there is a violation for each subsequent violation. Also allows a natural resources district to recover the action costs if a civil penalty is imposed.

**Section 3** amends 46-1141, which provides the penalties for willfully tampering or damaging equipment used for chemigation, by setting the base civil penalty at \$1000 per day per site for the first violation, and \$1000 to \$5000 for each day at each site where there is a subsequent violation. Also allows a natural resources district to recover the action costs if a civil penalty is imposed.

**Section 4** amends 46-1142, which provides the penalties for failing to notify a natural resources district and the Department of Natural Resources of chemigation accidents, by setting the base civil penalty at \$1000 per day per site for the first violation, and \$1000 to \$5000 for each day at each site there is a consequent violation. Also allows a natural resources district to recover the action costs if a civil penalty is imposed.

**Section 5** amends 46-1143, which provides the penalties for any other violations of the Nebraska Chemigation Act, setting the base civil penalty at \$1000 per day per site where a violation occurs for the first violation, and \$1000 to \$5000 for each day at each site where there is a subsequent violation. Also allows a natural resources district to recover the action costs if a



civil penalty is imposed.

**Section 6** repeals the original sections.

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### **LB 310**

LB 310 removes the prohibition on Niobrara Council members participating or voting on matters before the council if they voted on the same matter as a member of a county board, county planning commission, or natural resources district board, and removes the provision that prohibits such member from being counted for purposes of a quorum.

#### **Details of Final Bill**

**Section 1** amends 72-2007, which creates the Niobrara Council, by requiring that regional directors or their designees from the National Park Service and the U.S. Fish and Wildlife Service be members of the council. Language is stricken that allows the Governor to choose a member from lists of at least three individuals from each of these two federal entities.

Language is also stricken that prohibits a council member from participating or voting on any matter that he or she participated or voted on as a member of a county board, county planning commission, or NRD board, and prohibits such person from being counted for a quorum.

**Section 2** repeals the original section.

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### **LB 329**

LB 329 creates the Nebraska Agritourism Promotion Act to promote tourism and rural economic development by limiting a landowner's civil liability to encourage them to allow public access to their property for agricultural, historical, ecological, cultural, and other agritourism activities for a fee. Liability would be limited only for injuries occurring as a result of conditions or hazards that are an integral part of the land or waters used for agritourism activities on the landowner's property. The landowner still has an obligation to exercise reasonable care and to warn participants of dangers on the land.

#### **Details of Final Bill**

**Sections 1 through 7 contain new language that does the following:**

- Creates the Nebraska Agritourism Promotion Act;
- States the purpose of the bill is to promote tourism and rural economic development by limiting civil liability to encourage landowners with agricultural, historical, ecological, cultural, or natural attractions to allow public access to their property;

- Defines agritourism as including a wide spectrum of agricultural, historical, ecological, cultural, and natural attraction activities;
  - Defines inherent risks, for which a landowner would not incur liability, as those conditions, dangers or hazards that are an integral part of the land or waters used for agritourism activities. These include natural conditions of the land, vegetation and waters, behavior of wild or domestic animals, ordinary dangers of structures or equipment ordinarily used in farming or ranching operations, and the potential negligent behavior of a participant;
  - Defines owner as one in control of the premises but does not include owners whose gross annual income from agritourism is more than \$500,000;
  - Defines premises as land and attached buildings or structures, but only that land that is outside of cities and villages and is not zoned commercial, industrial or residential;
  - Exempts a landowner from liability for injury or death of an agritourism participant resulting from an inherent risk;
  - Prohibits an agritourism participant from maintaining an action for damages against a landowner resulting from an inherent risk on the landowner's property;
  - Provides the circumstances under which a landowner would not be protected from liability, including failing to exercise reasonable care to protect against particular dangers of structures or equipment on the premises; knowledge of dangerous conditions, or if a landowner reasonably should have known about a dangerous condition and doesn't warn the agritourism participant; failure to properly train and supervise employees; or if a landowner willfully or wantonly commits an act or omission that disregards the safety of a participant, is grossly negligent, or is intentional or otherwise illegal;
  - States that landowners who receive a fee for agritourism activities on his or her property are not shielded from liability if the landowner fails to post proper warnings and notices that the landowner is not liable for injury, damage to property or death of agritourism participants; and
  - Clarifies that the act does not limit an agritourism participant's obligation to exercise due care.
- 

### **LB412**

The Community-Based Energy Development Act (C-BED) was created in 2007. It created the program to promote community-based renewable energy projects that were to provide local and regional economic development benefits while ensuring that local citizens could jointly invest in a project as developers and keep the financial benefits of ownership in the local community. LB 412 makes changes to the C-BED law so that it may be more easily used.

### **Details of Final Bill**

**Section 1** amends 70-1903, which provides the definitions under the Rural Community-Based Energy Development Act, by requiring a resolution of support to be adopted for a project from the local county board only if such board has adopted zoning regulations that require planning commission, county board, or county commission approval for the project.

**Section 2** amends 70-1907, which requires a C-BED project developer to offer an ownership opportunity to property owners, by removing that requirement and adding instead that notice of incentives under the program are to be provided to each property owner on whose property a turbine would be placed and to the elected governing body of the same location.

**Section 3** repeals the original sections.

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### **LB 413**

Anyone discharging or proposing to discharge pollutants from a point source into any waters of the state are required to obtain a permit under the National Pollutant Discharge Elimination System. The Department of Environmental Quality is responsible for developing and issuing the NPDES permits, and for insuring that permitted facilities comply with permit requirements.

LB 413 authorizes the department to exercise all possible discretion allowed by the U.S. E.P.A. to enable political subdivisions requesting a permit to comply with the standards of the federal law, while remaining sustainable according to the political subdivision's needs and recognizing its financial capabilities. The department, at the request of a political subdivision, is to conduct an evaluation to determine the extent to which a political subdivision must comply with the permit. The bill also adds the power under the Wastewater Treatment Facilities Construction Assistance Act to provide grants or interest subsidy on loans for municipalities if there is a sustainable community feature, measurable energy use reduction, low impact development, or special assistance needs.

### **Details of Final Bill**

**Section 1** amends 81-1504, which lists the powers and duties of the Department of Environmental Quality under the Environmental Protection Act, by adding the duty to evaluate permits as provided in this bill to political subdivisions under the National Pollutant Discharge Elimination System created by the federal Clean Water Act.

**Section 2** amends 81-1505, which lists the subjects on which the Environmental Quality Council is to create rules and regulations, by adding that rules and regulations are to be created on the new content of this bill.

**Section 3** creates new language that authorizes the DEQ to exercise all possible discretion allowed by the U.S. E.P.A. to enable political subdivisions requesting a permit to comply with the standards of the federal law, while remaining sustainable according to the political subdivision's needs and recognizing its financial capabilities. The DEQ is to, at the request of a political subdivision, conduct an evaluation to determine the extent to which a political subdivision must comply with the permit, while taking into consideration financial capability, ratepayer affordability, infrastructure growth projections, overall costs and benefits, improvements already made, and other relevant economic and social concerns or environmental conditions, as appropriate.

**Section 4** creates new language creating the Environmental Infrastructure Sustainability Fund, which will hold and use application fees collected under this act for purposes of carrying out the act.

**Section 5** creates new language requiring a political subdivision requesting an evaluation under the act to submit an application and fee of not more than \$5000. Costs may exceed the application amount, which the applicant would have to make arrangements to pay, but if the costs are less than the application amount, the balance will be reimbursed to the political subdivision.

**Section 6** creates new language requiring the council to establish a tiered application fee schedule for cases of financial hardship.

**Section 7** amends 81-1532, which lists the statutes that comprise the Environmental Protection Act, by adding reference to the new language in this bill.

**Section 8** amends 81-15,153, which lists the power and duties of the DEQ under the Wastewater Treatment Facilities Construction Assistance Act, by adding the power to provide grants or interest subsidy on loans for municipalities if there is a sustainable community feature, measurable energy use reduction, low impact development, or special assistance needs.

**Section 9** repeals the original sections.

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### **LB 469**

LB 469 requires the Department of Environmental Quality, before developing a state plan that may be required under federal EPA carbon dioxide emissions regulations, to prepare an assessment of the effects and conduct a public hearing. The department would be required to submit a copy of the state plan and assessment to the Legislature. The bill also requires the Nebraska Energy Office to develop a state energy plan, and contains provisions relating to meteorological evaluation towers.

## Details of Final Bill

**Sections 1 through 4** create new language that provides:

- Definitions for covered electric generating unit, federal emission guidelines and state plan;
- A requirement that the Department of Environmental Quality (DEQ) provide a copy of a state plan for regulating carbon dioxide emissions to the State Energy Office (SEO) prior to submitting such plan to the U.S. Environmental Protection Agency (EPA) and prior to the deadline;
- If the deadline is extended, the DEQ is to provide the SEO with a copy of the plan prior to the extended deadline;
- The SEO is to prepare an assessment of the plan's effect on:
  - Electric generating capacity that could retire or change fuel;
  - Stranded investments;
  - Investments needed to offset electric generating capacity changes;
  - Risks to electric reliability;
  - Electricity prices;
  - Employment;
- The SEO is to finish the report within 30 days after receipt and submit it to the Legislature;
- The Legislature may vote on a nonbinding legislative resolution on the report's findings;
- The DEQ is to submit the final state plan to the Legislature;
- Clarify that nothing in this act is to prevent DEQ from complying with federal deadlines.

**Sections 5, 6 and 7** amend 3-402, which contains requirements for maintenance of structures that obstruct air navigation, by defining "meteorological evaluation tower as an anchored structure, including all accessories, on which one or more meteorological instruments are mounted for data collection. Also creates new language providing that such towers are to be marked as described, and that tower owners are to register with the Department of Aeronautics. Failure to register can be used as evidence of negligence in a tort action.

**Sections 8, 9 and 10** amend 81-1601, 81-1602, and 81-1603, which create the State Energy Office and list the State Energy Office's duties and powers, by adding the duties of developing a strategic state energy plan; developing and disseminating transparent and objective energy information and analysis, while using existing resources; maximizing funding to the state for energy planning; monitoring energy transmission planning and energy infrastructure and making policy recommendations to the Governor and Legislature.

**Section 11** creates new language that provides:

- Legislative findings on energy planning;
- The requirement that the SEO develop an integrated and comprehensive strategic state energy plan;
- Authority for the SEO to create and use committees for development of the state energy plan;
- Requirements on the content of the state energy plan;
- The requirement that the state energy plan identify goals and recommendations on a number of energy topics.

**Sections 12, 13 and 14** amend 81-1605, 81-1606, and 81-1607.01, which list additional duties of the State Energy Office and create the State Energy Office Cash Fund, by adding reference to the new language.

**Sections 15 through 20** provide statutory placement direction, provide operative dates, repeal original sections and outright repeal a statute.

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### **LB 581**

LB 581 creates the Nebraska Clean-burning Motor Fuel Development Act and provides for rebates and incentives for qualified clean alternative fuel vehicles and the conversion of vehicles to a clean alternative fuel using certified or approved conversion systems.

### **Details of Final Bill**

**Sections 1 through 4 does the following:**

- Creates the Nebraska Clean-burning Motor Fuel Development Act and makes provisions applicable to gasoline containing at least 15% by volume ethanol;
- Provide definitions for motor vehicle, flex fuel dispenser, and qualified clean-burning motor vehicle fuel;
- Require the State Energy Office to offer a rebate for qualified clean-burning motor vehicle fuel property;
- State that the rebate either 50 percent of the cost of the property or \$4000 or \$2500 (depending on the type of property) whichever is less;

- Provide that a rebate is not available if the applicant has claimed another rebate or incentive for the same vehicle;
- Create the Clean-burning Motor Fuel Development Fund, to be used for rebates and incentives under the act;
- Require that no more than 35% of the fund annually is to be used for rebate for flex-fuel dispensers and conversions to allow the use of gasoline with at least 15% by volume ethanol;
- Require the transfer of \$500,000 for FY2015-16 from the General Fund to the Clean-burning Motor Fuel Development Fund.

## SUMMARIES OF BILLS ADVANCED

### **LB 328**

The Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act requires that anyone doing work associated with onsite wastewater systems be certified by the state. The law also provides for the registration of all onsite wastewater systems constructed, reconstructed, altered or modified, and provides for certification and system registration fees, application fees for permits and subdivision approvals and establishes a fee waiver provision for government inspectors.

The bill, with the committee amendment, would do the following:

**Section 1** amends 81-15,237, which lists the purpose of the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act, by adding that Nebraska licensed professional engineers and licensed environmental health specialists are allowed to work on private onsite wastewater treatment systems, in addition to certified professionals.

**Section 2** amends 81-15,247, which requires the Environmental Quality Council to create rules and regulations for the act, by requiring that they provide for a fee schedule for the costs of continuing education, and investigation, inspection and enforcement related to any private onsite wastewater treatment system.

**Section 3** amends 81-15,248.01, which requires the Environmental Quality Council to create a fee schedule of direct and indirect costs to administer the act, by adding that such costs may include investigation and inspection.

**Section 4** repeals the original sections.

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### **LB 634**

LB 634 represents the combined contents of LB 634, LB 636, and LB 637, all of which provide for discounted permits under the Game Law for military members, their spouses, and prisoners of war.

The bill, with the committee amendment, would do the following:

- amend the statute authorizing hunting, fishing or fur harvesting permits for non-resident active duty military members serving in Nebraska, by also allowing the active duty member's non-resident spouse to get the same permit;



- amend the statute authorizing free combination fishing and hunting permits, habitat stamps, aquatic habitat stamps and Nebraska migratory waterfowl stamps for resident veterans, by adding that prisoners of war are eligible for the same; and
- amend the statute that allows \$5 permits and other permit-related benefits for deployed military residents by allowing a deployed military resident, and such resident's spouse, who is on leave in Nebraska to receive an annual combination fishing and hunting permit. The resident on leave or the spouse must pay \$5 and provide evidence of the deployment.

## SUMMARIES OF BILLS HELD IN COMMITTEE

### **LB 86**

LB 86 would create a new Nebraska Game and Parks Commission district to provide additional representation for northwest Nebraska on the commission.

**Section 1** amends 37-101, which lists the membership requirements of the Game and Parks Commission, by changing the number of commissioners from nine to 10, changing the number of districts from eight to nine, and providing for a four-year term for the ninth commissioner.

**Section 2** amends 37-102, which describes the districts of the Game and Parks Commission, by adding a new District No. 9 consisting of Box Butte, Cherry, Dawes, Sheridan, and Sioux Counties, and removing those counties from their current district assignments.

**Section 3** amends 37-104, which states the requirements of Game and Parks Commission meetings, by changing the number of commissioners required for a quorum from four to six.

**Section 4** repeals the original sections.

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### **LB 117**

LB 117 would amend the energy financing contracts statute that provides a mechanism for a governmental entity to obtain financing for an energy efficiency project in an existing facility and then repay the amount financed over the contract term from the cost savings generated by the project. This bill would allow such financing to be used for energy efficiency measures built into new facilities.

**Section 1** amends 66-1062, which defines terms for the energy financing contracts statutes, by adding that newly constructed facilities that install energy conservation measures are eligible for use of energy financing contracts between an energy service company and governmental units. Currently this law only applies to improvements to existing facilities. The various types of contracts are meant to lead to energy cost savings. Also adds renovations using geothermal as eligible energy conservation measures.

**Section 2** amends 66-1064, which provides the process a governmental unit has to follow for participation in an energy financing contract, by requiring that the written opinion from a professional engineer that reviews recommendations for energy conservation measures be from a source independent of the proposing energy service company and independent of the financial or energy savings outcome of the contract.

**Section 3** amends 66-1065, which describes the energy savings contracts, by adding that the design and construction responsibilities of the energy service company engineer must be

detailed; allowing operational savings to be included in the calculated or guaranteed total savings that are to be reviewed and approved by the independent engineer; allowing either the calculated or guaranteed energy savings to be provided and removing the requirement that the savings are to exceed yearly contract payments; and allowing the use of a calculated or guaranteed energy financing contract but clarifying that a guarantee bond is not required for a calculated energy contract.

**Section 4** amends 66-1066, which lists the terms of an energy financing contract, by clarifying that an obligation or indebtedness created by participation in an energy financing contract is not to constitute an expenditure within the meaning of any constitutional, statutory, board debt, or levy or spending limitation.

**Section 5** repeals the original sections.

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### **LB 127**

LB 127 would eliminate the Game and Parks Commission's authority to establish a hunting season for mountain lions.

**Section 1** amends 37-452, which list the age limits for hunting permits, by removing reference to mountain lions.

**Section 2** repeals the original section.

**Section 3** repeals outright 37-472, which lists the requirements for farmers and ranchers to obtain a permit to kill a mountain lion, and 37-473, which lists the mountain lion permit fees, including the provision allowing for a permit auction.

**Section 4** contains an emergency clause.

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### **LB 130**

LB 130 would provide for funding from the Water Sustainability Fund of projects approved and allocated under the Resources Development Fund.

**Section 1** amends 2-1507, which describes how the Water Sustainability Fund is to be distributed, by authorizing a natural resources district to receive funding for projects that were allocated under the Resources Development Fund when the new funding bills were passed last year. The language allows such project sponsors to bypass the normal application and ranking process and instead submit statements of need directly to the Department of Natural Resources.

**Section 2** amends 2-1508, which provides the criteria and process the commission is to use to rank and score projects, by adding a requirement that the commission prioritize projects allocated under the Resources Development Fund that are still waiting on state funding. The commission is to do so by revising the ranking system.

**Section 3** amends 2-1509, which describes the content of the application and how it will be processed, by adding reference to the statement of need created in this bill.

**Section 4** repeals the original sections.

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#### **LB 143**

LB 143 would authorize the use of the Petroleum Release Remedial Action Cash Fund to be used to reimburse of the cost of federally required underground storage tank operator training.

**Section 1** amends 66-1519, which creates the Petroleum Release Remedial Action Cash Fund, by adding that money in the fund may be used to reimburse training costs.

**Section 2** amends 81-15,123, which requires the State Fire Marshal to adopt and promulgate rules and regulations for the Petroleum Products and Hazardous Substances Storage and Handling Act, by adding that the Fire Marshal is to establish training and experience requirements for qualified trainers to insure operators get appropriate training necessary to comply with the federal Energy Policy Act of 2005. Further requires the State Fire Marshal to consult with the Department of Environmental Quality to select up to three training entities to provide training. The DEQ would pay an approved entity the cost of training.

**Section 3** repeals the original sections.

**Section 4** contains an emergency clause.

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#### **LB 174**

LB 174 would amend the Wastewater Treatment Facilities Construction Assistance Act to include previously un-included nonpoint control systems. Under the bill, the new nonpoint control system definition would include protection measures to protect or enhance any waters or aquatic habitats impacted by natural or anthropogenic sources.

**Section 1** amends 81-15,149, which provides the definitions for the Wastewater Treatment Facilities Construction Assistance Act, by adding that a nonpoint source control system includes projects that protect, remediate or enhance waters impacted by natural or anthropogenic nonpoint sources of pollution. Such projects may include controlling runoff or leaching, erosion of sediment, atmospheric deposition, or hydromodification projects.

**Section 2** repeals the original section.

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**LB 208**

LB 208 would exempt from Department of Natural Resources application requirements water storage reservoirs with a maximum capacity of fifty acre-feet and constructed prior to 1973.

**Section 1** amends 46-241, which provides the regulatory requirements for constructing a storage reservoir, by adding language exempting any reservoir with a maximum storage capacity of 50 acre-feet and constructed prior to 1973, as long as the reservoir is maintained for safety, not altered to increase capacity and not utilized for irrigation.

**Sections 2 and 3** amend 46-242, relating to stored water permit applications, and 46-2,119, which provides for instream appropriations, by making a reference change.

**Section 4** repeals the original sections.

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**LB 337**

LB 337 would rename and change the Low-Income Home Energy Conservation Act and change the use of the act to include energy demand reduction projects.

**Section 1** amends 66-1012, which cites the name of the act, by changing the name to the Energy Conservation and Demand Reduction Act.

**Section 2** amends 66-1013, which lists legislative findings, by changing the language to emphasize that the act is geared towards reducing energy demand and use, and will be used by customers for energy conservation projects, rather than being limited to residents having difficulties paying for utilities.

**Section 3** amends 66-1014, which provides definitions under the act, by expanding the definition of eligible customer to include any natural person, political subdivision, corporation, or other business entity receiving energy service from a public power, nonprofit, or municipality at a building that receives no more than a 1,000 kilowatt demand. Also adds to the list of eligible energy conservation projects to include projects that reduce demand for energy in residences or buildings occupied by an eligible customer, including space heating and cooling equipment efficiency modifications, and in-person or online education programs on energy conservation or demand reduction efforts.

**Section 4** amends 66-1015, which creates the Energy Conservation Improvement Fund, by clarifying that the fund is for projects, not just improvements, and increasing the amount an eligible entity may remit for match from the state per fiscal year from \$50,000 to \$300,000.

Total deposit amounts are capped at \$500,000, rather than \$250,000, that will be matched from state General Funds to the Energy Conservation Improvement Fund in fiscal years 2015-16 and 2016-17.

**Section 5** amends 66-1016, which authorizes and provides terms for programs of eligible energy conservation grants, by updating terms relating to the new provisions of the bill, such as “person” to “customer” and “improvement” to “project”.

**Sections 6, 7, 8, and 9** amend four sections of the Low-Income Home Energy Conservation Act containing contracting, reporting, rulemaking and termination date provisions, by changing the name of the act to the Energy Conservation and Demand Reduction Act.

**Section 10** repeals the original sections.

**Section 11** contains an emergency clause.

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#### **LB 344**

LB 344 would give natural resources districts the power and authority to issue general obligation bonds for the purpose of financing all or part of the cost of non-revenue-producing water projects authorized by law.

**Section 1** amends 2-3226, which authorizes NRDs to issue revenue bonds for financing construction of facilities, by adding a new section authorizing NRDs to issue general obligation bonds for non-revenue-producing projects authorized by law. Requires 2/3 approval by the relevant NRD board of directors. Requires that bonds be retired using the ad valorem tax revenue and other funds available that is not otherwise obligated.

**Section 2** repeals the original section.

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#### **LB 394**

LB 394 would prohibit one from interfering or attempting to interfere through intimidation, with one who is lawfully engaged in activity associated with hunting, trapping or fishing by using a telephone or other electronic method of communication.

**Section 1** amends 37-564, which prohibits interference with hunting, trapping or fishing, by prohibiting knowingly and intentionally interfering or attempting to interfere by intimidation via telephone or electronic communication with one who is lawfully hunting, trapping or fishing or engaged in activity associated with hunting, trapping or fishing.

**Section 2** amends 37-568, which lists the methods used to harass hunters that are specifically

prohibited, by adding use of a telephone to the list.

**Section 3** repeals the original section.

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**LB 404**

LB404 would require the Department of Natural Resources to post notice on its website before approving any application for appropriation of public waters in Nebraska. The bill allows certain public water providers or managers to submit a written, expert analysis explaining specifically why granting the application would diminish the amount of water available to them and would be contrary to the public interest.

**Section 1** amends 46-233, which provides the procedures for obtaining a permit to appropriate water from the Department of Natural Resources, by allowing a public water manager or user to file a written analysis with the department that explains why approval of the application would lead to diminished water availability for the manager or user and be contrary to the public interest. Further requires the department to hold an evidentiary hearing on the matter. Defines public water manager or user as a natural resources district, municipality, irrigation district, public power and irrigation district, public power district, reclamation district, mutual irrigation company, or a public water supplier.

**Section 2** repeals the original section.

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**LB 407**

LB 407 would repeal several requirements for approving a certified renewable export facility (CREF) by the Nebraska Power Review Board.

**Section 1** amends 70-1001.01, the definitions section of the renewable energy facilities for export law, by removing the requirement that a certified renewable export facility have a power purchase agreement of at least 10 years for the sale of at least 90% of the facility's output (and maintains such an agreement for the life of the facility) with a customer outside of Nebraska.

Removes the definition of "stranded asset" which is an approved public power facility that cannot be profitable due to regulatory or legislative action or market changes.

**Section 2** amends 70-1014.02, which describes the approval procedure for certified renewable export facilities, by removing the following requirements for conditional approval of a facility application:

- A memorandum of understanding showing evidence of mutual intent to negotiate a power purchase agreement;
- Providing 50 MW and higher load public power suppliers with the option to purchase up to 10 percent of the facility's output if such output is at least 80 MW of nameplate capacity;
- Public power electric suppliers being entitled to a minimum of their pro rata share based on the load ratio share of Nebraska's electric load, and the requirement that a refused pro rata share may be shared among remaining public power electric suppliers;
- Other conditions a facility must meet relating to Nebraska public power electric suppliers.

Also changes the types of transmission projects that could cause a "materially detrimental effect on retail electric rates," and thus lead to denial of an application, and removes the requirement that there must be no demonstration that the proposed facility would result in a substantial risk of creating stranded assets.

**Section 3** repeals the original sections.

**Section 4** repeals outright 70-1028, the statute that gives the state's current transmission line owners (public power) the first right to build and own new transmission facilities that have been approved by a regional transmission organization.

### **LB 475**

LB475 would expand the jurisdiction of the Power Review Board by requiring board approval for construction or acquisition of an electric generating facility that results in an increase in generating capacity or has a total cost of \$150 million or more.

**Section 1** amends 70-1012, which provides the Power Review Board procedures for general facility or transmission line approval, by adding that the statute only applies to projects that result in increased generating capacity or has a total cost of \$150 million or more.

**Section 2** repeals the original section.

### **LB 512**

LB 512 would clarify the Nebraska Oil and Gas Conservation Commission's authority to regulate the disposal of water produced from oil and gas production into underground injection wells in Nebraska. The bill also proposes an assessment on the amount of wastewater to be injected.

**Sections 1, and 6 through 18** amend the various statutes related to the Oil and Gas



Conservation Commission by adding references to the new provisions of this bill.

**Section 2** amends 57-903, which is the definitions section of the Oil and Gas Conservation Commission statutes, by adding that “barrel” means 42 gallons, and “wastewater” means the salt water substance generated as waste from oil and gas wells.

**Section 3** amends 57-905, which provides the powers and duties of the Oil and Gas Conservation Commission, by adding that the commission is authorized to monitor and regulate the disposal of wastewater from oil and gas well production and injected into wells in Nebraska, including wastewater from other states.

**Section 4** creates new language that assesses a fee on commercial wells used for wastewater disposal from out of state oil and gas production, to be used for monitoring and regulating, damage to roads, and other necessary infrastructure. The fee is 20 cents per barrel of wastewater disposed in Nebraska, but does not include Nebraska wastewater. The injection well owner is to collect the assessment and remit annually to the State Treasurer, minus three percent that the owner keeps. Fifty percent of the balance is to be put in the cash fund, and fifty percent is to go to the Highway Trust Fund.

**Section 5** creates new language creating the Oil and Gas Regulatory Cost Recovery Cash Fund, which is to be used for monitoring and regulating oil and gas wastewater disposal in Nebraska.

**Section 19** repeals the original sections.

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### **LB 536**

LB 536 would create a database of all of Nebraska's public power utilities and be available to the public and allow comparisons between the public power utilities.

**Section 1** creates new language requiring every public power supplier in the state to file an annual report with the Nebraska Power Review Board that includes information on rates and charges, sources of electricity generated, total costs of generation or power purchases, wholesale customers, environmental impacts of generation, staff, net metering policy, facilities, customer programs, advertising, membership in organizations, service areas, financials, and taxes paid. The Power Review Board would be required to post the reports on its website and create an electronic database for use by the public.

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### **LB 583**

LB 583 would require the Nebraska State Energy Office to develop and adopt an integrated state energy plan that includes short-term and long-term objectives.

**Sections 1, 2 and 3** create new language that:

- Provides legislative findings relating to comprehensive energy planning;
  - Requires the Energy Office to develop and adopt an integrated state energy plan;
  - Authorizes the Energy Office to use committees to create the plan;
  - Requires the plan to include short-term and long-term objectives to ensure a secure, reliable, and stable energy system for the state’s residents and businesses, maintain and improve the state’s cost-competitive energy supply and ensure access to affordable energy, promote sustainable economic growth, job creation and economic development;
  - Requires the plan to provide recommendations to policymakers;
  - Lists a variety of topics for which the plan is to provide goals and recommendations;
  - Requires that the plan address the state’s response to federal regulations to reduce carbon dioxide emissions; and
  - Requires the Energy Office to conduct its work on the plan utilizing a variety of resources.
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### **LB 585**

LB585 would adjust the qualification requirements for the Director of the Dept. Natural Resources.

**Section 1** amends 61-201, which lists the requirements for director of the Department of Natural Resources, by requiring experience in water resources management, in addition to irrigation work, and adding that the director be a professional engineer or have a doctorate degree in civil or hydraulic engineering, hydrology, or geology.

**Section 2** amends 61-202, which authorizes the director of DNR to hire the necessary personnel, by adding that such personnel must include a professional engineer under the Engineers and Architects Regulation Act.

**Section 3** repeals the original sections.

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### **LB 622**

LB 622 would change the Niobrara National Scenic River General Management Plan/Environmental Impact Statement for helping to identify the river corridor from the 1996

to the 2007 version. Additionally it would require the seven members of the Niobrara Council chosen by the Governor to be approved by the Legislature.

**Section 1** amends 72-2006, which provides the federal reference used to describe the area designated as the Niobrara scenic river corridor, by changing the document that contains the description of the corridor from the 1996 to the 2007 Niobrara National Scenic River General Management Plan/Environmental Impact Statement.

**Section 2** amends 72-2007, which creates the Niobrara Council, by requiring that council members selected by the Governor are to be approved by the Legislature.

**Section 3** repeals the original section.

**Section 4** contains an emergency clause.

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### **LB 636**

LB 636 would amend the statute that allows \$5 permits and other permit-related benefits for deployed military residents by allowing a deployed military resident, and such resident's spouse, who is on leave in Nebraska to receive a combination fishing and hunting permit valid until the final day of leave. The resident on leave or the spouse must pay \$5 and provide evidence of the deployment and period of leave.

**Section 1** amends 37-421.01, which lists the hunting permit requirements for deployed military residents, by allowing the deployed resident and his or her spouse to pay a reduced fee for a combination permit valid during the leave period.

**Section 2** repeals the original section.

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### **LB 637**

LB 637 would amend the statute authorizing hunting, fishing or fur harvesting permits for non-resident active duty military members serving in Nebraska, by also allowing the active duty member's non-resident spouse to get the same permit.

**Section 1** amends 37-419, which authorizes resident permits for non-resident active duty military members, by adding that the spouse of such person on active duty in Nebraska is eligible for the same permit.

**Section 2** repeals the original section.

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**LB 664**

LB 664 would provide duties for the Nebraska Oil and Gas Conservation Commission regarding disposal of wastewater generated in other states from oil and gas production.

**Section 1** amends 57-903, which defines terms under the Oil and Gas Conservation Commission sections, by adding a definition of “wastewater” as the liquid substance generated as waste from oil and gas wells.

**Section 2** amends 57-905, which lists the powers and duties of the Commission, by requiring the Commission to require an applicant for use of a commercial salt water injection well to provide a listing of all chemicals in the wastewater. Also requires semiannual updates to the listing of chemicals, which will be public records.

**Section 3** repeals the original sections.

**Section 4** contains an emergency clause.

## SUMMARIES OF BILLS INDEFINITELY POSTPONED

### LB 203

LB 203 would have altered the boundaries of the Garden County game refuge in relation to the main channel of the river.

#### **Section-by-section description:**

**Section 1** amends 37-706, which establishes and describes game refuges under the recreational lands chapter of the Game & Parks Commission statutes, by adding that the Garden County Refuge is that area of the North Platte River and 110 yards back of the banks of *the main channel* on the land side of the river.

**Section 2** repeals the original section.

## INTERIM STUDY RESOLUTIONS

<u>Resolution No.</u>	<u>Subject</u>
LR 154	Interim study regarding the authority of the Nebraska Oil and Gas Conservation Commission and its role in decisions regarding the disposal of salt wastewater into dry wells
LR 247	Interim study to examine the process of eliminating the Nebraska Oil and Gas Conservation Commission
LR 272	Interim study to examine the Niobrara Council and its current statutory authority outlined in the Niobrara Scenic River Act
LR 323	Interim study to examine issues surrounding the N-CORPE augmentation project