2024

LEGISLATIVE BILL SUMMARIES NATURAL RESOURCES COMMITTEE NEBRASKA LEGISLATURE ONE HUNDRED EIGHTH LEGISLATURE SECOND SESSION

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COMMITTEE STAFF

Cyndi Lamm, Legal Counsel Laurie Vollertsen, Committee Clerk

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BILLS INTRODUCED IN SECOND SESSION, 108TH LEGISLATURE 2024

LB120	(Bostelman) Introduced in 2023 Session and as amended in 2024 Session. Requires Power Review Board notification and review Eliminate obsolete provisions relating to a Nebraska Power Review Board Study/
LB399	(Brewer) Introduced in 2023 Session and as amended in 2024 Session. Change provisions; require public meeting/hearing for both public and privately developed renewable energy generation facilities.
LB636	(Albrecht) Introduced in 2023. Prohibit political subdivisions from restricting certain energy services.
LB826	(Blood) Amend Game Law sections 37-411 and 421 and sections 37-438 to authorize reduced rates for residential and non-residential veterans and active duty military personnel to acquire certain permits.
LB837	(Lowe) Amend to add process for dividing voting precincts for purposes of establishing boundary lines for district elections.
LB866	(Bostelman) Amend to add process for dividing voting precincts for purposes of establishing boundary lines for district elections.
LB867	(Bostelman) Create voluntary outfitters and guide database; carried Committee priority bill.
LB868	(Bostelman) Extend sunset date for reimbursement for remedial action under the Petroleum Release Remedial Action Cash Fund.
LB880	(Hughes) Clean up language in section 71-5318 to harmonize oversight responsibility with NDEE as is current practice
LB956	(Bostar) Require light mitigation technology on new wind turbines beginning July 1, 2025; and triggering application to FAA for approval on existing turbines as provided.
LB969	(DeKay) Increase trigger amounts for requiring sealed bid process for contracts involving public utilities.
LB971	(Lippincott) Provide for a free hunting permit for veterans to hunt on Veterans Day.

LB973	(Brewer) Provide for free issuance of combination permit to certain veterans.
LB1001	(Conrad) Provide for a migration waterfowl hunting season for veterans.
LB1036	(Vargas) Provide for issuance of free annual combined fishing, fur-harvesting, and hunting permits and stamps to certain veterans and members of the armed forces.
LB1140	(Erdman) Prohibit geologic transport of storage of carbon dioxide and eliminate Nebraska Geologic Storage of Carbon Dioxide Act.
LB1199	(Moser) Repeal provisions relating to certain admin fees by Dept. of Natural Resources.
LB1247	(Hansen) Require access for hunting on property owned by School Land Fund.
LB1258	(M. Cavanaugh) Prohibit permits for certain livestock waste control and feedlot waste control systems.
LB1260	(Jacobson) Amend conflict laws concerning Public Power & Irrigation Districts.
LB1304	(Raybould) Direct NDEE to coordinate w/ tribal communities to obtain federal grants.
LB1335	(Moser) Change provisions of and provide duties and exemptions under the Nongame and Endangered Species Conservation Act.
LB1369	(J. Cavanaugh) Require interconnection for electricity distribution between local distributing system and agricultural self- generation facilities.
LB1370	(Bostelman) Create a guide and outfitter voluntary database; Carried Committee Priority Bill #2.
LB1383	(Raybould) Create Nebraska Tribal Community Assistance Fund; appropriate \$2M to eligible tribes; \$10M from Intern Nebraska Cash Fund.

Natural Resources Committee 2024 108th Legislature, Second Session 2023 NATURAL RESOURCES COMMITTEE BILLS

Bills by Number: Hearing Date and Status April 19, 2024

LB	INTRODUCER	ONELINER	HRG DATE	AMENDMENTS	STATUS
120	Bostelman	Requires Power Review Board notification and review Eliminate obsolete provisions relating to a Nebraska Power Review Board Study. Amended to require Notice and certification that project has no components from foreign adversaries to develop within 10 miles of a military facility or NERC compliance.	2/16/2023 2 nd hearing: AM2733 2/22/2024	AM2733 New LB120 AM2863 into LB1370 AM3245 to AM2863	Passed as part of LB1370 with E-Clause 47-0-2 SIGNED BY GOV. 4.18.24
399	Brewer	Change provisions; require public meeting/hearing for both public and privately developed renewable energy generation facilities	2/22/23	AM3336 amended on the floor to modify hearing requirements	Passed 46-0-2 SIGNED BY GOV. 4.18.24
636	Albrecht	Prohibit political subdivisions from restricting certain energy services	2/8/2023	AM3054 Amended bill into LB867 without changes.	Passed as part of LB867 47-0-2 SIGNED BY GOV 4.15.24 IPP Original

826	Blood	Amend Game Law sections 37-411 and 421 and sections 37-438 to authorize reduced rates for residential and non-residential veterans and active duty military personnel to acquire certain permits	1/25/2024		IPP- No Committee Action
837	Lowe	Amend to add process for dividing voting precincts for purposes of establishing boundary lines for district elections.	2/8/2024		IPP No committee action
866	Bostelman	Amend 70-1003 relating to the composition and compensation of the Nebraska Power Review Board; Delete need for accountant; increase number of terms a member may serve from 2 to 3, allow up to 1 member to be a former director, officer or employee of an electric utility.	1/24/2024	AM2122 Clarify board composition language 2767 Amend LB866 into LB867 by	Passed as part of LB867 47-0-2 Signed by Gov 4.18.24 IPP Original
867	Bostelman	Create voluntary outfitters and guide database; carried Committee priority bill #1. Make provisions for various Game Law benefits for honorably discharged veterans and/or active military.	1/30/2024	AM2767 with LB866, LB868, LB971, LB1001, LB1406 On floor; AM3054 amend in LB636	Passed 47-0-2 Signed by Gov 4.18.24
868	Bostelman	Extend sunset date for reimbursement for remedial action under the Petroleum Release Remedial	1/24/2024	AM2602 direct earnings back to fund	Passed as part of LB867

		Action Cash Fund; direct earnings revert back to the Fund.		AM2767 amended into LB867	47-0-2
		revert back to the Pulid.		LD607	Signed by Gov 4.15.24 IPP Original
880	Hughes	Clean up language in section 71-5318 to harmonize oversight responsibility with NDEE as is current practice	1/24/2024	No amendments	Passed 47-0-2 Signed by Gov 4.15.24
956	Bostar	Require light mitigation technology on new wind turbines beginning July 1, 2025; and triggering application to FAA for approval on existing turbines as provided	2/7/2024	AM2613 delay requirement for units with contracts with <5 years left; AM2863 amended into LB1370	Passed as part of LB1370 40-0-9 Signed by Gov 4.15.24 IPP Original
969	DeKay	Increase trigger amounts for requiring sealed bid process for contracts involving public utilities.	2/4/2024	AM2521 adjust increase to lower trigger amount. AM 2863 Amended into LB1370	Passed as part of LB1370 40-0-9 Signed by Gov 4.15.24 IPP Original
971	Lippincott	Provide for a free hunting permit for veterans to hunt on Veterans Day.	1/31/2024	AM2282 clarify single permit issue. AM2767 amend into LB867	Passed as part of LB867 47-0-2 Signed by Gov 4.11.24 IPP Original
973	Brewer	Provide for free issuance of combination permit to certain veterans	No hearing		With-drawn before hearing

1001	Conrad	Provide for a migration waterfowl hunting season for veterans	2/14/2024	AM2374 amend to harmonize with federal rules. AM2767 amended into LB867	Passed as part of LB867 47-0-0 Signed by Gov. 4.11.24 IPP Original
1036	Vargas	Provide for issuance of free annual combined fishing, fur-harvesting, and hunting permits and stamps to certain veterans and members of the armed forces.	1/25/2024		IC-No action
1140	Erdman	Prohibit geologic transport of storage of carbon dioxide and eliminate Nebraska Geologic Storage of Carbon Dioxide Act.	No hearing		With-drawn b/f hearing
1199	Moser	Repeal provisions relating to certain admin fees by Dept. of Natural Resources	2/1/2024	AM3357 amended on floor into AM3281 into LB1368	Passed 42-0-7 Signed by Gov. 4.11.24 IPP Original
1247	Hansen	Require access for hunting on property owned by School Land Fund	2/21/2024		IPP – No Action
1258	M. Cavanaugh	Prohibit permits for certain livestock waste control and feedlot waste control systems.	2/15/2024		IPP – No Action
1260	Jacobson	Amend conflict laws concerning Public Power & Irrigation Districts	2/7/2024	AM 2863 amended into LB1370	Passed as part of LB1370 40-0-9 Signed by Gov. 4.15.24 IPP Original

1304	Raybould	Direct NDEE to coordinate w/ tribal communities to obtain federal grants	2/15/2024		IC – No action
1335	Moser	Change provisions of and provide duties and exemptions under the Nongame and Endangered Species Conservation Act	2/21/2024	AM2947 Committee Amendment	Passed 36-3-10 Signed by Gov. 4.16.24
1369	J. Cavanaugh	Require interconnection for electricity distribution between local distributing system and agricultural selfgeneration facilities	2/8/2024	AM2707	General file
1370	Bostelman	Notice to PRB and confidential hearing prior to decision to decommission or retire baseload generation facility; Carried Committee Priority Bill #2	2/1/2024	AM2863 to LB1370 LB1370, LB120, LB969 LB 1260, LB956 On floor to AM2863:: AM3245 (J.Cav) AM3426 (J.Cav) AM3245 (Bostelman)	Passed 40-0-9 Signed by Gov. 4.15.24
1383	Raybould	Create Nebraska Tribal Community Assistance Fund; appropriate \$2M to eligible tribes; \$10M from Intern Nebraska Cash Fund	2/15/2024		IC- No action

IC In Committee = no committee action

SUMMARY OF ENACTED BILLS

COMMITTEE PRIORITY BILLS ENACTED:

<u>#1</u>. LB867. The following bills were part of LB867 in committee with AM2767, with LB636 amended into the Committee Priority bill on select file.

LB867 in its original form was, introduced by Senator Bostelman. LB867 amends and inserts a new subsection into section 37-201 of the Nebraska Game Law that provides authority for the Game and Parks Commission to establish and maintain a voluntary hunting and fishing guide and outfitter database on its website and to authorize a registration fee for applicants who wish to be included in the database. LB867 provides that applicant guides or outfitters who meet certain criteria may be placed on the database for 3-years. For inclusion in the database under LB867 an applicant is required to have completed a commission-sponsored hunter education program or a similar program, must be a licensed business in Nebraska, possess adequate liability insurance, and comply with any relevant state or federal laws. In addition, the hunter or outfitter must not 1) have ever been convicted of any felony; 2) have ever been cited for trespassing; and 3) may not have his or her privileges or right to hunt or fish suspended in Nebraska, another state, or a participating state in the Interstate Wildlife Compact. These criteria are not applicable to fishing guides or fishing outfitters.

LB867 carries the following as part of the Committee Priority Bill:

LB868, introduced by Senator Bostelman, as amended, inserts a new subsection into section 37-201 of the Nebraska Game Law that provides authority for the Game and Parks Commission to establish and maintain a voluntary hunting and fishing guide and outfitter database on its website and to authorize a registration fee for applicants who wish to be included in the database. LB867 provides that applicant guides or outfitters who meet certain criteria may be placed on the database for 3-years. For inclusion in the database under LB867 an applicant is required to have completed a commission-sponsored hunter education program or a similar program, must be licensed business in Nebraska, possess adequate liability insurance, and comply with any relevant state or federal laws. In addition, the hunter or outfitter must not 1) have ever been convicted of any felony; 2) have ever been cited for trespassing; 3) have not violated a state or federal game law within the previous three years, and 4) may not have his or her privileges or right to hunt or fish suspended in Nebraska, another state, or a participating state in the Interstate Wildlife Compact. These criteria are not applicable to fishing guides or fishing outfitters.

LB866, introduced by Senator Bostelman, as amended, amends Section 70-1003 which outlines the composition, duties, and compensation of the Power Review Board (PRB), increases the number of terms a member of the PRB may serve from two terms to three terms, and updates composition of the board, and increases per diem compensation. The Power Review Board functions as an independent board to oversee electric utilities in Nebraska. The Board has indicated a need to have expertise in certain fields on the board and has identified certain fields from which recruiting members is extremely difficult. Currently, the five member board is composed of one engineer, one attorney, one accountant, and two additional persons. LB866 eliminates requirements that at least one member be an accountant and allows for three additional persons, of which, only one at a time can be a former director, officer, or an employee of an electric utility in the four years preceding the appointment. Such a person must refrain from voting on matters impacting their former employer for a period of four years after the board member ended service as a director, officer, or employee of the utility. The governor appoints five board members subject to the approval of the Legislature. LB866 also increases the per diem compensation for board members from \$6,000 to \$7,000.

LB868, as amended, was introduced by Senator Bostelman to amend Sections 66-1519-1529.02 to extend the sunset date of the Petroleum Release Remedial Action Fund (Fund) under section 66-1519 from June 30, 2024 to June 30, 2028, and to direct investment interest be credited to the Fund. The Fund may receive gifts, fines, stipulated settlement proceeds, and federal grants. The Fund helps pay for investigation and cleanup costs for owners/operators of facilities which have leaking petroleum tanks or other contamination by petroleum products. Costs for cleanup of both underground and above ground tank releases are eligible for reimbursement. The Nebraska Department of Environment and Energy (NDEE) provides oversight of the program. Currently, money in the Fund may be spent for its intended purposes until June 30, 2024. LB 868 extends the sunset date and other related dates from 2024 to 2028 for consistency; and directs that related investment earnings on and after the effective date of the bill to be credited to the Fund.

LB971 was introduced by Senator Lippincott, and joined by 19 other senators as co-sponsors. The bill, as amended, amends sections 37-420 and 37-421 of the Nebraska Game Law to create an opportunity for permits to be issued to Nebraska veterans for no fee to hunt on Veterans Day in the year it is obtained. The bill directs the commission to issue a one-day hunting permit, habitat stamp and Nebraska migratory waterfowl stamp at no fee to an applicant who is an honorably discharged veteran who is a resident of Nebraska. The single-day permit is for use only on November 11 in the year it is applied for.

LB1001, as amended, was introduced by Senator Conrad and amends section 37-201 of the Nebraska Game Law to direct the commission to prescribe a migratory waterfowl hunting season for members of the armed forces, as defined in U.S.C. 101, as the section existed on January 1, 2024. LB1001 provides that any veteran or member of the armed forces may hunt during such season as long as the veteran or member of the armed forces has a valid hunting permit under the Game Law and all required

stamps. LB1001 further amends section 37-438 to provide that no veteran or member of the armed forces is required to purchase a vehicle park entry for entry into a permit area during this special season.

LB1406, as amended, was introduced by Senator Sanders and amends section 37-438 to provide for creation of an annual motor vehicle park entry permit that can be purchased by any active-duty military member who is stationed in Nebraska for five dollars, with proper documents of service and proof that such the individual is stationed at a military base located in Nebraska for active-duty military service.

LB636, was introduced by Senator Albrecht) in the 2023 Session and amended into LB867 on Select File reading. The bill prohibits political subdivisions from restricting natural gas and other products from use as a fuel source.

#2 LB1370. LB1370 was introduced by Senator Bostelman to amend chapter 70 to protect the energy capacity of on-demand generation facilities. As amended, LB1370 re-defines the term dispatchable, requires that any Nebraska electric supplier planning to close or decommission a dispatchable energy generation source must provide written notice to the Power Review Board prior to a final decision being made to close or decommission such a facility. The Board may set the matter for hearing, with notice of the time and place within 60 days of receiving the notice. After considering the factors surrounding the proposed closure, including consideration of the economic impact on the community and labor force, within 60 days of the hearing, the PRB must make its determination and recommendation about whether or not closing or decommissioning the facility is in the best interest of the entity and its customers, The recommendations are advisory only, and the act will not apply to any previously announced closure of a dispatchable electric generation facility.

LB1370 carried the following bills as part of AM2863:

LB120 was introduced by Senator Bostelman in 2023, and AM2733, which replaces LB120, was filed on February 15, 2024. A hearing was held on the amendment this session. As amended, LB120 requires that, before any electric supplier begins construction or acquires an electric facility, transmission lines or related facilities that carry 700 volts or greater, within a tenmile radius of a military installation in Nebraska, the owner of the proposed facility must provide written certification to the Power Review Board (PRB) that the facility or facilities contain no materials, electronics, or other components manufactured by any foreign adversary (to the U.S.) as identified under federal 15 C.F.R. 7.4, which defines a foreign adversary as a foreign government or foreign non-government person "determined to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States persons." The bill exempts any entity that is a retail electric supplier, or private supplier that certifies in writing that it is in compliance

with current or future Critical Infrastructure Protection requirements issued by the North American Electric Reliability Corporation (NERC).

LB956 was introduced by Senator Bostar and, as amended by AM2613 and on the floor, will require that FAA approved light mitigation technology be installed on all new wind turbines beginning July 1, 2025, and directs that application for FAA approval of the technology be made for installation on certain wind turbines in systems in Nebraska within 30 days. LB956 provides that owners and operators of wind energy conversion systems must apply to the FAA for approval to install light mitigation technology, sometimes referred to as Light Detection Systems on all new wind turbines constructed in Nebraska beginning July 1, 2025. The bill also requires that a certain percentage of existing turbines that are part of a commercial wind operation must make an application for FAA approval to install the technology on those turbines. Light mitigating technology is aircraft detection lighting that detects approaching aircraft and activates and maintains sufficient conspicuity to help aircraft identify and avoid a collision with a wind turbine. Light mitigation technology is used to reduce the continuous light currently emitted from wind turbines that display red lights to alert approaching planes that wind turbines are in a flight path. As amended by AM2613, a developer, owner, or operator of any wind energy conversion system that has five years or fewer remaining on its power purchase agreement is exempt from having to apply to the FAA for light mitigation technology installation until a power purchase agreement is extended, renewed, or newly executed.

LB969 brought by Senator DeKay, as amended, amends section 70-637(2) to increase the minimum dollar thresholds that triggers the requirement for advertising for sealed bids prior to contracting for project development by a public power district, or a public power and irrigation district. Depending upon the gross revenue of the district, if a district project involves construction, remodeling, building, alterations, maintenance, repair, extension, or improvements of certain facilities or programs and reach a specified threshold, the district is required to advertise for sealed bids before contracting for the project. LB969 amends the current threshold amount that triggers the sealed bid requirement 1) by a District with gross revenue of less than five hundred million dollars the threshold is changed from two hundred and fifty thousand dollars (\$250,000) to costs exceeding seven hundred fifty thousand dollars (\$750,000). LB969 also amends the current threshold trigger for a district with earnings of five hundred million or more from the current five hundred thousand dollar (\$500,000) trigger, to one-million five hundred thousand dollars (\$1,500,000).

<u>LB1260</u> was introduced by Senator Jacobson. LB1260 adds subsection (2) to section 70-624.04, to allow Board members of public power and irrigation districts, who are irrigators or leaseholders and also represent irrigators or leaseholders, to discuss and vote on a limited basis, contracts in which the directors may have a financial interest.. No agreement of such public power and irrigation district shall be void or voidable by reason of such interest by a director. LB1260 does not remove the notice requirement of section 49-1943.

SENATOR BILLS ENACTED

LB880 is a cleanup bill introduced by Senator Hughes. The bill amends sections 70-5318 and 71-5322 concerning the process of loaning and granting funds, and other activities under the Land Acquisition and Source Water Loan Fund. The program used to be operated by the Nebraska Dept. of Health and Human Services (DHHS) but is now administered by the Nebraska Department of Environment and Energy (NDEE). LB880 strikes two references to the Nebraska Department of Health and Human Services (DHHS) in the Drinking Water State Revolving Fund Act. With the passage of LB 148 in 2021, the administration of environmental safety programs such as the public water system supervision program previously delegated to the State of Nebraska by the U.S. Environmental Protection Agency, switched from administration oversight by DHHS to oversight by NDEE. As administration of the program is now assigned to NDEE, the references to DHHS are removed by LB880.

LB1199, is a clean-up bill introduced by Senator Moser. The bill was amended into LB1363 (Ibach) and removes reference to section 33-105, which directs that fees be paid and collected on certain filings. LB1199, then outright repeals section 33-105 in its entirety. Section 33-105, is entitled: "Department of Natural Resource Fees." The fees are for filing and having reviewed various small fees which are minimal compared to the cost of collection, LB1199 removes them. Chapter 46 of Nebraska statute concerns "Irrigation and Regulation of water in Nebraska". LB1199 eliminates the applicability of definitions found in chapter 46 to Natural Resource fees by deleting section 33-105.

<u>LB1335</u> introduced by Senator Moser, amends sections 37-801 and 37-802 to exempt transportation infrastructure projects from application of the Nongame and Endangered Species Act (the Act) by amendments to sections 37-801 and 37-802. LB1335 provides an exemption from the Act's provisions for certain transportation infrastructure including highway right-of-way, which are the narrow strips of publicly owned land alongside the road, which are not considered critical habitat for affected species. LB1335 adds and clarifies procedures, requirements, terms and definitions to the Act, including definitions for transportation infrastructure and exempt agency and political subdivision that are exempt from application of the Act on certain existing infrastructure related projects, with proper notice and procedures. As amended, the bill adds structural context and includes the tool of incidental take similar to federal regulations that allow it. It narrows the exempted party definitions to define that they only apply if an entity is directly connected with a Department of Transportation project.

SUMMARIES OF BILLS ON SELECT FILE

NONE

SUMMARY OF BILLS ON GENERAL FILE

<u>LB1369</u> introduced by Senator J. Cavanaugh would have required interconnection for electric distribution between local distribution systems and self-generation facilities generating for agricultural or horticultural use and located on the same land of an owner-generator and connection with the supplier with which the owner-generator's electric local distribution utility account.

BILLS HELD IN COMMITTEE/INDEFINITELY POSTPONED*

* Bills indefinitely postponed: None by Committee. On last day of session, bills that had been voted out of Committee but were later passed as part of other bills were Indefinitely Postponed by the Legislature.

<u>LB826</u> introduced by Senator Blood, would amend Game Law sections 37-411 and 421 and sections 37-438 to authorize reduced rates for residential and non-residential veterans and active duty military personnel to acquire certain permits

<u>LB837</u> introduced by Senator Lowe would amend public power boundary setting to add a process for dividing voting precincts for purposes of establishing boundary lines for district elections with either whole or divided precincts without requiring equalization of populations.

<u>LB1036</u> introduced by Senator Vargas would provide for issuance of free annual combination fishing, fur-harvesting, and hunting permits, habitat stamps, aquatic habitat stamps, and migratory waterfowl stamps to Nebraska honorably discharged veterans of any age, and active duty or reserve duty member of the Armed Forces.

<u>LB1247</u> introduced by Senator Hansen would require that certain school lands be open to the public for hunting and provide powers and duties relating to the use of such school lands for hunting.

<u>LB1258</u> introduced by Senator M. Cavanaugh, would change requirements relating to certain permits and requirements related to livestock waste control facilities and animal feeding operations.

<u>LB130</u>4 introduced by Senator Raybould would require that the Department of Environment and Energy to coordinate and cooperate with Nebraska tribal communities on obtaining federal grants.

<u>LB1383</u> introduced by Senator Raybould would require the Department of Environment and Energy to award a minimum of one grant for up to two million dollars to a state recognized Indian tribe to improve drinking water systems or sanitary sewer systems.

BILLS WITHDRAWN

<u>LB973</u>, introduced by Senator Brewer was withdrawn before hearing. LB973 would provide free issuance of annual combination fishing, fur-harvesting, and hunting permits, habitat stamps, aquatic habitat stamps, and Nebraska migratory waterfowl stamps to Nebraska residents who are honorably discharged veterans.

<u>LB1140</u> introduced by Senator Erdman was withdrawn before hearing. LB1140 would repeal and prohibit geologic transport of storage of carbon dioxide and eliminate Nebraska Geologic Storage of Carbon Dioxide Act.

INTERIM STUDY RESOLUTIONS REFERRED

LR	INTRODUCER	SUBJECT of STUDY
469	NAT RES. CMTE	Interim study to examine existing, new, and emerging technologies
		in the nuclear energy industry
352	RAYBOULD	Interim study to assess identified improvement projects for clean
		water and drinking water systems in Nebraska