

**2021**  
**LEGISLATIVE BILL SUMMARIES**  
**NATURAL RESOURCES COMMITTEE**  
NEBRASKA LEGISLATURE  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**NATURAL RESOURCES COMMITTEE MEMBERS**

Senator Bruce Bostelman, Chairperson  
Senator Mike Moser, Vice-Chairperson  
Senator Raymond Aguilar  
Senator John Cavanaugh  
Senator Tim Gragert  
Senator Mike Groene  
Senator Dan Hughes  
Senator Justin Wayne

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**COMMITTEE STAFF**

Cyndi Lamm, Legal Counsel

Katie Bohlmeyer, Committee Clerk

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## Natural Resources Committee 2021

### 107<sup>th</sup> Legislature

#### BILL INDEX

#### BILLS INTRODUCED IN FIRST SESSION

- LB148 (Bostelman)* Transfer certain environmental safety programs to the Department of Environment and Energy. *Signed by Governor 3/31/21 (p.9)*
- LB190 (Hughes)* Change provisions relating to use of the Water Sustainability Fund. *Added to LB507 via Natural Resources AM256. Signed by Governor 5/5/21 (p.10).*
- LB191 (Hughes)* Redefine elector for the Irrigation District Act. *Added to LB507 via Natural Resources AM 256. Signed by Governor 5/5/21 (p. 10)*
- LB223 (Erdman)* Authorize carrying a firearm while archery hunting. (In Comm.)(p.13).
- LB266 (McCollister)* Adopt the Renewable Energy Standards Act. (In Comm.)(p.13).
- LB305 (Erdman)* Change appointment and removal provisions for the secretary of the Game and Parks Commission (In Comm) (p. 13).
- LB336 (Hughes)* Change fees for state park entry permits. *Signed by the Governor 5/25/21. (Spkr PB) (p.9).*
- LB395 (Gragert)* Change hunting provisions under the Game Law. *Added to LB507 via Natural Resources AM256. Signed by Governor 5/5/21. (p.10).*
- LB399 (Bostelman)* Change provisions relating to rural water districts. (In Comm) (p.12).
- LB406 (McDonnell)* Create the Lower Platte River Infrastructure Task Force. Amended to Create the Statewide Tourism And Recreational Water Access and Resource Sustainability Special Committee of the Legislature. *Signed by Governor 5/25/21. (Spkr PB) ) (p.9)*
- LB468 (Erdman)* Provide compensation by the Game and Parks Commission for property damage caused by wildlife. (In Comm) (p.13).
- LB483 (J. Cavanaugh)* Provide for a climate change study and action plan. (In Comm) (p. 13).
- LB506 (J. Cavanaugh)* Change provisions relating to net metering provided by local distribution utilities. (In Comm) (p.14).

- LB507 (Bostelman)* Prohibit the use of treated seed in the production of agricultural ethyl alcohol. Amended to: Change provisions relating to hunting permits, electors under the Irrigation District Act, and the Water Sustainability Fund and prohibit the use of treated seed in the production of agricultural ethyl alcohol. *Signed by the Governor 5/5/21* (p.10)
- LB513 (Brewer)* Change qualifications and terms of public power district board members. (In Comm.) (p. 14).
- LB562 (Erdman)*. Would relocate Game and Parks Commission Headquarters to Sidney, Nebraska. (In Comm.) (p.14).
- LB573 (Bostar)* Change the definition of qualified facility for purposes of net metering. (In Comm.) (p.14).
- LB589 (Groene)* Change requirements for integrated management plans by natural resources districts. (In Comm.) (p.14).
- LB591 (Groene)* Requires natural resources districts obtain permits for any water augmentation projects before creating the project. (In Comm.) (p.14).
- LB606 (Hilgers)* Clarify terms relating to power districts. (In Comm) (shell bill). (p.14)
- LB615 (Erdman)* Provide for the election of members of the Game and Parks. Instead of being appointed by the Governor with the approval of the Legislature. (In Comm.)(p.14).
- LB617 (Hughes)* Change a provision relating to the authority of the Game and Parks Commission. (Shell bill) (In Comm.) (p.14).
- LB618 (Hughes)* Change provisions relating to state park permits (shell bill) (In Comm.) (p.15).
- LB627 (Morfeld)* Change provisions relating to qualified voters for certain public power district elections. (In Comm.)(p.15).
- LB650 (Flood)* Adopt the Nebraska Geologic Storage of Carbon Dioxide Act. *Signed by Governor 5/24/21* (p.11).
- LB668 (Hughes)* Relocate the headquarters of the Game and Parks Commission. (In Comm.) (p.15).
- LB683 (Wayne)* Change provisions relating to net metering. (In Comm.)(p.15).

**2021 NATURAL RESOURCES COMMITTEE BILLS**  
**Bills by Hearing Date**

Hearing	Bill	Introducer	One-Liner	Status
<b>WED. 1.27.2021</b>				
9:30 a.m.	LB190	Hughes	Change provisions relating to use of the Water Sustainability Fund  <b>Nat Res Comm PB#1</b>	Amended into LB507 via AM256; <i>Signed by Governor 5/5/21</i>
	LB191	Hughes	Redefine elector for the irrigation District Act  <b>Nat Res Comm PB#1</b>	Amended into LB507 via AM256; <i>Signed by Governor 5/5/21</i>
1:30 pm	LB148	Bostelman	Transfer certain programs from NDDHS to Dept. of Environment & Energy	<i>Signed by Governor 3/31/21</i>
<b>THURS. 1.28.2021</b>				
9:30 a.m.	LB406	McDonnell	Create the Lower Platte River Infrastructure Task Force. AM1092 hearing held April 20, 2021 to replace original bill and create the Statewide Tourism And Recreational Water Access and Resource Sustainability (STAR WARS) Special Committee to conduct study and provide funding. <b>SPKR PB</b>	<i>Signed by Governor. 5/25/21</i>
	LB336	Hughes	Provide for resident and non-resident fees for annual and temporary state park entry; create limited permits. Amended to delete limited permits. <b>SPKR PB</b>	<i>Signed by Governor 5/25/21</i>

1:30 pm	LB223	Erdman	Authorize carrying a firearm while archery hunting	In Comm
	LB395	Gragert	Change hunting provisions under the Game Law  <b>Nat Res Comm PB#1</b>	Amended into LB507 via AM256; <i>Signed by Governor. 5/5/21</i>
	LB399	Bostelman	Shell Bill. Change provisions relating to rural water districts  <b>Nat Res. Comm PB#2</b>	In Comm.
FRI. 1.29.2021				
9:30 a.m.	LB606	Hilgers	Clarify terms relating to power district (Shell Bill)	In Comm.
	LB617	Hughes	Change a provision relating to the authority of the Game and Parks Commission (Shell Bill)	In Comm.
	LB618	Hughes	Change provisions relating to state park permits (Shell Bill)	In Comm.
WED. 2.3.2021				
9:30 a.m.	LB507	Bostelman	Prohibit treated seed from being used in production of ethyl alcohol if byproduct hazardous to land or animal life. Amended to include LB190, LB191, LB395 to: Change provisions relating to hunting permits, electors under the Irrigation District Act, and the Water Sustainability Fund and prohibit the use of treated seed in the production of agricultural ethyl alcohol.  <b>Nat Res Comm PB#1</b>	<i>Signed by Governor. 5/5/21</i>
	LB615	Erdman	Provide for the election of members of the Game & Parks Commission	In Comm
1:30 p.m.	LB627	Morfeld	Change provisions relating to qualified voters for certain public power district elections	In Comm

	LB513	Brewer	Change qualifications and terms of public power district board members	In Comm w/proposed AM
THURS 2.4.2021				
9:30 a.m.	LB562	Erdman	Relocate the Game & Parks Commission's HQ to Sidney, Nebraska	In Comm
	LB668	Hughes	Relocate the HQ of Game and Parks Commission	In Comm
1:30 p.m.	LB305	Erdman	Change appointment and removal procedures for the Secretary of the Game and Parks Commission	In Comm
1:30 p.m.	LB589	Groene	Change requirements for integrated management plans by natural resource districts	In Comm
FRI. 2.5.2021			<b>NO HEARINGS</b>	
WED. 2.10.2021				
9:30	LB591	Groene	Require permit for any natural resources district water augmentation projects	In Comm
	LB683	Wayne	Change provisions relating to net metering	In Comm
1:30 pm	LB506	J. Cavanaugh	Change provisions relating to net metering provided by local distribution utilities	In Comm
	LB573	Bostar	Change the definition of qualified facilities for purposes of net metering	In Comm
THURS. 2.11.2021				
9:30 a.m.	LB650	Flood	Adopt the Nebraska Geological Storage of Carbon Dioxide Act	AM548 Signed by <i>Governor</i> 5/24/21
	LB468	Erdman	Provide compensation by the Game and Parks Commission for property damage caused by wildlife	In Comm



1:30 p.m.	LB483	J. Cavanaugh	Provide for a climate change study and action plan	In Comm
	LB266	McCollister	Adopt the Renewable Energy Standards Act	In Comm
TUESDAY, 4.20.21				
12:00 p.m.	LB406 AM1001	McDonnell	Amendment to replace original bill and to create the Statewide Tourism And Recreational Water Access and Resource Sustainability (STAR WARS) Special Committee to conduct study and provide funding <b>Spkr. PB</b>	<i>Signed by Governor as amended 5/25/21</i>

**LEGEND:**

**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

## **SUMMARY OF ENACTED BILLS**

### **LB148 (Bostelman)**

Brought by Senator Bostelman on behalf of the Nebraska Department of Environment and Energy (NDEE), in coordination with the Department of Health and Human Services (NDHHS), transfers certain powers, duties, functions, and obligations for environmental safety and water programs in the areas of proper design, construction, and monitoring of water uses and sustainability of mobile home parks, swimming pools, and recreational camps from the Department of Health and Human Services (DHHS) to the Department of Environment and Energy (DEE).

The legislation amends current law to transfer agency responsibilities already being performed by the Department of Environment and Energy (DEE) under a Memorandum of Agreement (MOU) with the Department of Health and Human Services (DHHS). The Nebraska Safe Drinking Water Act is also moved to NDEE and the Water Well Standards and Contractors' Practice Board is placed under the Water Well Standards and Contractors Practice Act, with a new conflict of interest provision for board members. The Environmental Safety Cash Fund is created to fund related programs under LB148. Passed with an emergency clause.

### **LB336 (Hughes)**

LB336 amends Section 37-438 of Nebraska statute to provide that the park entry permit fee for an annual non-resident motor vehicle shall be two times the fee for a resident motor vehicle or sixty dollars (\$60), whichever is greater. The fee for a temporary park entry permit for a non-resident motor vehicle shall be two times the fee for a resident motor vehicle or twelve dollars (\$12), whichever is greater.

### **LB406 (McDonnell)**

LB406 was introduced by Senator McDonnell for the purpose of identifying projects to address mitigating flooding and associated economic development.

AM1092 replaced the original LB406 and creates the Statewide Tourism And Recreational Water Access and Resource Sustainability (STARWARS) Committee to study strategies to secure Nebraska's future water supply and strengthen Nebraska's flood control infrastructure, while considering economic and recreational opportunities and exploring innovative solutions for the state. Committee to complete study no later than December 31, 2022; special legislative committee to terminate on December 31, 2022. LB406A appropriated \$2 million to carry out purpose of LB406. Passed with an emergency clause.

## **LB507 (Bostelman)**

LB507 amends the Ethanol Development Act at Section 66-1330 to 66-1348 to prohibit the use of treated seed corn in the production of ethanol if use of the treated seed corn generates a byproduct that is deemed unsafe for livestock consumption or for land application. It was Amended to include LB190, LB191, and LB395, explained below.

It has been discovered that the residue of certain pesticides used to treat seed corn becomes part of the byproduct waste during ethanol production, making the byproduct unsafe and potentially harmful to livestock if consumed and unsafe for application to agricultural land under EPA standards. This Bill contains an emergency clause.

### **Explanation of Amendments:**

The committee vote to adopt Committee **Amendment 256**

AM256 to LB507 becomes the bill and includes the original bill and adds provisions of **LB190** as amended, **LB191**, and **LB395** as amended. Passed with emergency clause.

**Sections 1-4** contain an amended version of **LB395** (Hughes). This

Bill will authorize the designation of special depredation seasons and issuance of depredation permits for the taking of antelope and elk when there is evidence that damage crops or other property is being caused by antelope or elk. Currently special depredation seasons and permits are authorized for deer under the same guidelines. The bill would also allow non-residents to hunt during special depredation seasons for a higher permit fee than that charged to Nebraska residents and sets a ten dollar (\$10) fee for special depredation season permits to a landowner and his immediate family members providing the owner operates at least eighty acres of farm or ranch land within the area where hunting will be permitted. Revenue from permit fees would be used for abatement of damage caused by the wildlife.

Sec. 4 authorizes the commission to issue one free-earned landowner elk permit to a landowner or immediate family member and outlines the requirements and limitations relevant to issuance.

**Sections 5** contains the provisions of **LB191** (Hughes) as introduced. This bill would amend the Irrigation District Act at Section 46-102 to allow otherwise qualified non-resident landowners or leaseholders within an Irrigation district to be qualified as an elector, if (1) the geographical boundaries of the entire district consist of less than two thousand (2,000) total acres; (2) the irrigation district borders another state; and 3) more than one-half of the landowners or leaseholders of land within the district reside outside of Nebraska.

**Section 6** contains an amended version of **LB190** (Hughes). This bill would amend Section 61-222 to prohibit the Legislature from making any transfers/withdrawals from the Water Sustainability Fund beyond those transfers already authorized in prior legislation and scheduled to take place no later than June 30, 2021. The Water Sustainability Fund was created in the Department of Natural Resources in 2014 as a source of funding for equitable statewide assistance for local programs, projects, or activities that improve streamflow, protect water

sources and drinking water, and related goals set forth in Section 2-1506. Applications for funding from the Fund for programs, projects, or activities are accepted, scored, processed, and approved by the Natural Resources Commission.

**Sections 7-8** contains the provisions of LB507 (Bostelman) as introduced. Contains an emergency clause. Amended on Select to apply emergency clause to entire bill.

### **LB650 (Flood)**

LB650 creates the Nebraska Geologic Storage of Carbon Dioxide Act and establishes the legal and regulatory framework for potential carbon dioxide capture and sequestration projects in Nebraska. The bill authorizes fee structure and creates the Carbon Dioxide Storage Facility Administrative Fund for the Act, as well as the Carbon Dioxide Storage Facility Trust Fund for long-term maintenance and monitoring costs.

LB650 establishes legislative intent to capture carbon in Nebraska, designates property rights around storage sites in deep geologic formations, assigns state regulatory authority of collection sites to the Department of Environment and Energy (DEE), specifies that the regulatory and permitting process be within existing federal guidelines, and establishes fees to be paid by storage operators.

LB650 also creates criminal and financial liability for any person violating the rules or falsifying or destroying required records and outlines considerations the court must consider in determining penalties.

Nebraska Oil and Gas Conservation Commission shall make, adopt, and oversee rules and regulations for carbon capture storage facilities, including permitting and long-term monitoring and is required to do so within federal EPA guidelines.

#### **Section by section:**

**Sec. 1** Names the Act

**Sec. 2** Findings, recognitions, declarations that it is in the public interest to promote geologic storage of carbon dioxide.

**Sec. 3** Defines terms, describes process and equipment involved in capture and storage of carbon dioxide.

**Sec. 4** Establishes and designates surface and reservoir property rights and conveyance parameters. Differentiates notification requirements for owners of mineral rights and reservoir rights; describes content of conveyance instruments.

**Sec. 5** Designating authority to the commission over all persons and property needed to administer and enforce the Act and its objectives and identifying exceptions, for good cause, from requirements of any implementing rules and regulations.

- Sec. 6** When geologic storage is allowed; requiring a permit from both the commission and the Underground Injection Control program permitting authority and rules allowing transfer of permits.
- Sec. 7 -10 Requirements of applying for permits.** Public hearing and notice required prior to issuance of a storage permit; procedures outlined. Consultation with the Department of Environment and Energy (DEE) required prior to Injection Control program permitting authority, Includes findings required prior to permit issuance.
- Sec. 11-14 Authority and duties of the commission.** Neither the commission's authority nor anything else in the act limits jurisdiction held by DEE.
- Sec. 15** Issuance of a permit under the Act shall not be construed to prejudice the rights of a property owner within the facility to exercise rights not committed to the facility, prevent a mineral owner or mineral lessee from drilling through or near a storage reservoir to explore for and develop minerals if the drilling production complies with commission requirements to preserve the storage facility's integrity and protect objectives of the act.
- Sec. 16 Creates Carbon Dioxide Storage Facility Administration Fee.** Storage operators shall pay the commission a fee on each ton of carbon dioxide injected for storage.
- Sec. 17** Storage operators shall also pay the commission a fee on each ton of carbon dioxide injected for storage in an amount set by the commission, the amount to be based on the commission's anticipated expenses associated with the long-term monitoring and management of the storage facility.
- Sec. 18-19** After injections into a reservoir end and upon application by the storage operator, the commission shall consider issuing a certificate of project completion and may do so only after public notice and hearing, and consultation with DEE, and with showing of full compliance with laws governing the facility, showing that all pending claims have been addressed, and a showing of authorization of site closure from the underground injection control program.
- Sec. 20-21** Creates a Class II misdemeanor for each day of any violation of the provisions of the Act, or any rules or regulations adopted for purposes of the act. Creates a Class II misdemeanor or for false reporting, recordkeeping, removal or destruction of records, accounts, or memorandum related to the act or any person who knowingly aids or abets another in any described violation. Prosecution by the Attorney General and does not relieve liability for damages caused.
- Sec. 22** Cooperative operation of a facility under a permit issued by the commission does not violate Nebraska statutes relating to trust, monopolies, or restraint of trade.
- Sec. 23** Authorizes state agencies and political subdivisions to consent and participate in a geologic storage project
- Sec. 24** The commission determines the amount of injected carbon dioxide stored in a reservoir.

## **SUMMARIES OF CARRYOVER BILLS, BILLS HELD IN COMMITTEE, WITHDRAWN, OR INDEFINITELY POSTPONED AT END OF SESSION**

Currently there are 18 bills held in Committee. This includes 1 Committee Priority shell bill (**LB399**-Bostelman) and 3 other shell bills (**LB606**- Hilgers) and (**LB617** & **LB618**-Hughes)

**LB223** (Erdman) would amend Section 37-308.01 to allow a person hunting with a valid Nebraska archery hunting permit and stamp to carry a firearm for protection so long as the person is in compliance with all state and federal firearm laws. Hearing Jan. 28, 2021

**LB266** (McCollister) would create the Renewable Energy Standards Act, establish findings related to clean energy benefits, and set forth definitions for clean energy, public power supplier and renewable energy. LB266 sets a new goal for long-term de-carbonization of the power sector, requiring that public power suppliers achieve zero-carbon emissions by 2050. Hearing date January 12, 2021. Hearing Feb. 11, 2021.

**LB305** (Erdman) amends §37-106 to change the method of selecting or removing the secretary (director) of Game and Parks from being appointed or removed by the Game and Parks Commission to appointment or removal by the Governor, subject to confirmation by the Legislature. Hearing Feb. 4, 2021.

**LB399** (*Bostelman*) Change provisions relating to rural water districts. Introduced as a shell bill, this is meant to be a placeholder in case an issue arises later in session for which a vehicle will be needed to address something under the jurisdiction of the Natural Resources Committee jurisdiction. Hearing Jan. 29, 2021. (In Comm).

**LB468** (Erdman) amends Section 37-201 to 37-811 and 37-1501 to 37-151 of the state Game Law and provides that the Game and Parks Commission shall compensate landowners for damage to farm crops, livestock, structures, fencing, and other property caused by game animals and game birds on an ongoing basis. Hearing Feb. 11, 2021.

**LB483** (J. Cavanaugh) makes findings regarding the impacts of extreme weather on Nebraska and opportunities to respond through development of renewable energy, determines that the state must invest in research and action and directs the University of Nebraska to develop a strategic action plan containing specific metrics and impacts and submit the plan to the Governor and Executive Board of the Legislature by December 31, 2022. Intends \$250,000 in funding for development of the plan be transferred from the Petroleum Release Remedial Action Collection Fund to the University of Nebraska. Hearing Feb. 11, 2021

**LB506** (J. Cavanaugh) increases the threshold aggregate capacity percentage that must be reached before a utility can refuse to add new customer-generators as net metering customer from the current one percent (1%) to three percent (3%). Hearing Feb. 10, 2021.

**LB513** (Brewer) changes qualifications and terms for public power district board members. Changes terms of board members from six (6) years to four (4) years. AM113 is offered by Senator Brewer to delete requirement that board members be residential customers of the public power district. Hearing Feb. 3, 2021.

**LB562** (Erdman) would relocate Game and Parks Commission Headquarters to Sidney, Nebraska. Hearing Feb. 4, 2021.

**LB573** (Bostar) changes the definition of qualified self-generation facility for purposes of net metering to require capacity measurements be changed from Alternate Current (AC) to Direct Current (DC). Hearing Feb. 10, 2021

**LB589** (Groene) changes requirements for integrated management plans to reflect case law language that states that the movement of ground water from overlying land to a natural stream as part of a public augmentation project in order to offset depletion does not require that the action be taken with requiring beneficial use on the overlying land. Hearing Feb. 4, 2021.

**LB591** (Groene) Require permit for any natural resources district for a water augmentation project. Specifies application must include plans with specific details of times, amounts, and stream-reach locations, and other details required from others applying for similar projects; requires permit holders be liable for any damage resulting from overflow. Hearing Feb. 10, 2021.

**LB606** (Hilgers) Clarify terms relating to power districts. Clarifies language to definition of wattage. Introduced as a shell bill, meant to be a placeholder in case an issue arises later in session for which a vehicle will be needed to address something under the jurisdiction of the Natural Resources Committee jurisdiction. Hearing Jan. 29, 2021.

**LB615** (Erdman) Changes means of members serving on Game and Parks Commission from election of members to appointment of members by the Governor with approval by the Legislature. Hearing Feb. 3, 2021.

**LB617** (Hughes) Change a provision relating to the authority of the Game and Parks Commission. Makes technical changes to clarify a term relating to Game and Parks Commission authority. Introduced as a shell bill, meant to be a placeholder in case an issue arises later in

session for which a vehicle will be needed to address something under the jurisdiction of the Natural Resources Committee jurisdiction. Hearing January 29, 2021.

**LB618** (Hughes) Change provisions relating to state park permits; Makes technical changes relating to definition of resident and nonresident motor vehicles. Introduced as a shell bill, meant to be a placeholder in case an issue arises later in session for which a vehicle will be needed to address something under the jurisdiction of the Natural Resources Committee jurisdiction. Hearing Jan. 29, 2021

**LB627** (Morfeld) Changes provisions relating to qualified voters for certain public power district elections. Expands voter eligibility for elections to the Board of the Nebraska Public Power District (NPPD) to Lincoln and Lancaster County residents not currently served as retail or qualifying wholesale customers of NPPD. Hearing Feb. 3, 2021.

**LB668** (Hughes) Changes the headquarters of the Game and Parks Commission from Lincoln to a county with a population of ten thousand or fewer inhabitants and two hundred miles or more from any city of the metropolitan class or city of the primary class. Hearing Feb. 4, 2021.

**LB683** (Wayne) Change provisions relating to net metering. Creates a right of consumers of electricity to substantial use of net-metering; changes fee structure utilities can assess customer-generators, modifies definition of qualified facility and authorizes large scale customer-generators to participate in net metering. Hearing Feb. 10, 2021.



**BILLS INDEFINITELY POSTPONED**

NONE

**BILLS WITHDRAWN**

NONE

## INTERIM STUDY RESOLUTIONS

<u>Resolution No.</u>	<u>Subject</u>
LR23	Interim study to evaluate the progress of natural resources districts in fulfilling their originally intended purpose relating to flood control, soil erosion, irrigation run-off, and ground water quantity and quality. (Erdman)
LR34	Interim study to examine the structure and funding of the Nebraska Environmental Trust. (Slama)
LR117	Interim study is to examine the extent of surface water irrigation in the state, examine the condition of surface water irrigation projects and infrastructure, understand the status and projected costs of infrastructure rehabilitation projects, and evaluate the anticipated effects relating to completion or delay of those projects. The study may also examine the economic, social, recreational, environmental, and other benefits of water supply infrastructure rehabilitation. (Bostelman)
LR136	Interim study to examine, understand, and evaluate the causes, impacts, and costs of rolling electrical power outages during the extreme weather events of February 2021; identify and evaluate the differing effects of public power district membership in the SPP and costs and benefits of SPP membership. (Brewer)
LR152	Interim study to evaluate the need for laws that would allow the Department of Environment and Energy to expeditiously respond to emergency situations that threaten the health of agricultural land, water and air quality, livestock, and other plant and animal life from toxic or harmful products that are a part of or created by pesticide-treated seed or grain. (Bostelman)
LR188	Interim study to examine issues related to adopting reward-based conservation programs.(J. Cavanaugh)
LR192	Interim study to review methods of water augmentation and develop statutory definitions. (Groene)
LR223	Interim study to examine how to slow or stop the spread of the emerald ash borer. (Wishart)
LR246	Interim Study to examine the issues within the jurisdiction of the Natural Resources Committee

## **Text of Interim Study Legislative Resolutions**

### **LR 23**

Introduced by Erdman, 47; Briese, 41.

**PURPOSE:** The purpose of this resolution is to study the progress of natural resources districts in fulfilling their originally intended purpose relating to flood control, soil erosion, irrigation run-off, and ground water quantity and quality.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

### **LR34**

Introduced by Slama, 1.

**PURPOSE:** The purpose of this resolution is to examine the structure and funding of the Nebraska Environmental Trust.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

### **LR117**

Introduced by Bostelman, 23

**PURPOSE:** The purpose of this interim study is to examine the extent of surface water irrigation in the state, examine the condition of surface water irrigation projects and infrastructure, understand the status and projected costs of infrastructure rehabilitation projects, and evaluate the anticipated effects relating to completion or delay of those projects. The study may also examine the economic, social, recreational, environmental, and other benefits of water supply infrastructure rehabilitation.

The issues addressed by this interim study may include, but not be limited to:

- (1) Identifying the location of current projects in irrigation districts, reclamation districts, public power districts, canal companies, and other surface water projects and the effect of such projects on local and statewide water resources;
- (2) Identifying the intentional and incidental acres served by surface water projects and the number of surface water irrigators served by such projects;
- (3) Computing the number of miles of canals, laterals, pipelines, and drains operated and maintained by the districts for purposes of operating and maintaining surface water irrigation;

- (4) Identifying the number, location, size, and purpose of dams, reservoirs, lakes, and other impoundments owned or operated by the districts;
- (5) Evaluating information about the age, condition, operation, and maintenance of all surface water facilities owned or operated by the districts;
- (6) Ascertaining amounts paid by the State of Nebraska and the federal government as a result of an operating agreement between those entities relating to the operation and maintenance of surface water projects identified by this study;
- (7) Ascertaining the source of funds paid by the State of Nebraska to the federal government as a result of an operating agreement between those entities relating to the operation and maintenance of surface water projects identified by this study;
- (8) Determining the benefits to agriculture, recreation, fish and wildlife management, municipalities, industry, the public water supply, and ground water recharge;
- (9) Identifying the location of aging surface water infrastructure in Nebraska and compiling an estimate of future funding needed to address such infrastructure; and
- (10) Reviewing potential sources for securing such funding, including, but not limited to, project owner financial inputs, local funding options, state funding options, federal funding options from project facility owners, and federal funding options from past development organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee may upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

**LR136:**

Introduced by Brewer, 43; Clements, 2; Erdman, 47; Gragert, 40; Halloran, 33.

**PURPOSE:** The purpose of this interim study is to examine, understand, and evaluate the causes, impacts, and costs of rolling electrical power outages during the extreme weather events of February 2021.

The study shall also identify and evaluate the differing effects, if any, of public power district membership in the Southwest Power Pool (SPP) and the costs and benefits of SPP membership. The study shall include, but not be limited to, an examination of:

- (1) The February 2021 rolling power outages to clearly determine the cause, the impact on generation resources, and the necessity to curtail power usage in Nebraska as a result of the event;
- (2) The financial impact of rolling power outages on communities, businesses, and residents in Nebraska;
- (3) The governing structures, business models, revenue structures and generation diversity of power entities in Nebraska and regional transmission organizations that are available to Nebraska entities;
- (4) How transparency, visibility, and public input processes can be improved in SPP decision-making and what role Nebraska's rural electrical systems and public power districts play when emergency decisions to shut off electricity are made;

(5) To what degree each public power district and associated regional transmission organizations rely on accredited capacity in Nebraska and by out-of-state members, and to what degree, if any, those accredited capacity sources played a part in the rolling power outages of February 2021;

(6) The effect, if any, changes made by Laws 2016, LB824, had on power generation in the state;

(7) The costs, benefits, risks, and disadvantages of public power LR136 2021 LR136 2021 -1- participation in regional transmission organizations;

(8) The authority of public power districts within the state of Nebraska to join and enter into agreements with regional transmission organizations such as SPP;

(9) Any weather-induced generation reduction from the extreme cold of February 2021 and what impact it had on energy resources; and

(10) Any alternatives and mitigation measures to avoid rolling power outages in Nebraska in the future, including requirements to develop robust baseload capacity in the regional marketplace and the degree to which it may be helpful to develop micro-grids using advanced nuclear reactor technology in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

## **LR152**

Introduced by Bostelman, 23.

**PURPOSE:** The purpose of this interim study is to evaluate the need for laws that would allow the Department of Environment and Energy to expeditiously respond to emergency situations that threaten the health of agricultural land, water and air quality, livestock, and other plant and animal life from toxic or harmful products that are a part of or created by pesticide-treated seed or grain.

The study may include, but is not limited to, the:

(1) Gathering of information about various uses of pesticide-treated seed or grain throughout Nebraska;

(2) Identification of the current state of regulatory and statutory environmental emergency response and enforcement options available to the Department of Environment and Energy to protect against harmful materials or byproducts resulting from use of pesticide-treated seed or grain; and

(3) Acquisition and review of information about potential additional options that would enable the state to order, enforce, and facilitate expedited cleanup or removal of pesticide-treated seed or grain and material or byproducts resulting from the use of such seed or grain.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

### **LR188**

Introduced by Cavanaugh, J., 9.

**PURPOSE:** The purpose of this interim study is to examine issues related to adopting reward-based conservation programs that provide incentives to landowners and operators to adopt conservation practices. This study shall include, but not be limited to, an examination of the following:

(1) Mechanisms to provide property tax relief for those individuals who voluntarily implement conservation practices that provide soil, water, and habitat conservation benefits;

(2) The benefits provided by such mechanisms, including increased irrigation efficiency, reduced regulatory oversight, and improved groundwater and surface water quality; and

(3) How to best structure a reward-based conservation program that recognizes and builds on the important role played by counties and the natural resources districts in setting local priorities.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

### **LR192**

Introduced by Groene, 42.

**PURPOSE:** The purpose of this interim study is to review methods of water augmentation for preserving or enhancing stream flows, redirecting excess water, recharging ground water aquifers, or complying with compact and interstate agreements with an intent to develop statutory definitions and determine how water augmentation relates to section 46-252 of the Nebraska Revised Statutes and other permitting processes.

This interim study shall include, but not be limited to:

(1) Development of a method to integrate water augmentation projects into the existing permitting process;

(2) Determination of unique features of natural resources district water augmentation projects that need to be addressed in the permitting process;

(3) Determination of the best procedures to ensure that water augmentation projects are correctly planned to best fit into Nebraska's overall water management plan;

(4) Preparation of a cost-benefit analysis for implementation of a permitting system designed to integrate water augmentation projects into the existing process and the potential effect on taxpayers;

- (5) Evaluation of whether natural resources districts should be exempt from liability for damage resulting from stream overflow caused by a water augmentation project;
- (6) Identification of the number of current and potential water augmentation projects;
- (7) Analysis of the role played by the Department of Natural Resources in enforcement, reporting, and oversight of water augmentation projects; and
- (8) Development of statutory definitions applicable to water augmentation projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

**LR223**

Introduced by Wishart, 27.

PURPOSE: The purpose of this interim study is to examine how to slow or stop the spread of the emerald ash borer.

This study shall include, but not be limited to, an examination of the following:

- (1) The effect of the emerald ash borer on the ecological environment;
- (2) Economic costs associated with the spread of the emerald ash borer; and
- (3) Ways to reduce the spread of the emerald ash borer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

**LR246**

Introduced by Bostelman

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Natural Resources Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature

**OTHER LEGISLATIVE RESOLUTIONS:**

**LR48**

Introduced by Bostelman, 23

Recognize the need for the Legislature to understand the circumstances and practices surrounding the interruptions in electricity to residents in the state.

Hearing held and material gathered during session.

**LR102**

Introduced by Wishart

Provide the Legislature take steps to combat the climate and ecological crisis.

Deferred to hearing in 2022 Session per Senator Wishart's request.