

AMENDMENTS TO LB565

(Amendments to Standing Committee amendments, AM827)

Introduced by Bostelman, 23.

1 1. Strike sections 33 and 34 and insert the following new sections:

2 Sec. 21. Section 18-2441, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 18-2441 The powers of an agency shall include the power:

5 (1) To plan, develop, construct, reconstruct, operate, manage,
6 dispose of, participate in, maintain, repair, extend, improve, or acquire
7 by purchase, gift, lease, or otherwise, one or more projects within or
8 outside this state and act as agent, or designate one or more other
9 persons to act as its agent, in connection with the planning,
10 acquisition, construction, operation, maintenance, repair, extension, or
11 improvement of such project, except that before any power project is
12 constructed by an agency, approval of the power project shall have been
13 obtained from the Nebraska Power Review Board under sections 70-1012 to
14 70-1016;

15 (2) To produce, acquire, sell, and distribute commodities,
16 including, without limitation, fuels necessary to the ownership, use,
17 operation, or maintenance of one or more projects;

18 (3) To enter into franchises, exchange, interchange, pooling,
19 wheeling, transmission, and other similar agreements;

20 (4) To make and execute contracts and other instruments necessary or
21 convenient to the exercise of the powers of the agency;

22 (5) To employ agents and employees;

23 (6) To contract with any person within or outside this state for the
24 sale or transmission of any service, product, or commodity supplied,
25 transmitted, conveyed, transformed, produced, or generated by any
26 project, or for any interest therein or any right to capacity thereof, on

1 such terms and for such period of time as the agency's board shall
2 determine;

3 (7) To purchase, sell, exchange, produce, generate, transmit, or
4 distribute any service, product, or commodity within and outside the
5 state in such amounts as it shall determine to be necessary and
6 appropriate to make the most effective use of its powers and to meet its
7 responsibilities, and to enter into agreements with any person with
8 respect to such purchase, sale, exchange, production, generation,
9 transmission, or distribution on such terms and for such period of time
10 as the agency's board shall determine;

11 (8) To acquire, own, hold, use, lease, as lessor or lessee, sell, or
12 otherwise dispose of, mortgage, pledge, or grant a security interest in
13 any real or personal property, commodity, product, or service or any
14 interest therein or right thereto;

15 (9) To exercise the power of eminent domain in the manner set forth
16 in Chapter 76, article 7. No real property of the state, any
17 municipality, or any political subdivision of the state, may be so
18 acquired without the consent of the state, such municipality, or such
19 subdivision;

20 (10) To incur debts, liabilities, or obligations including the
21 borrowing of money and the issuance of bonds, secured or unsecured,
22 pursuant to the Municipal Cooperative Financing Act sections 18-2401 to
23 ~~18-2485~~;

24 (11) To borrow money or accept contributions, grants, or other
25 financial assistance from a public authority and to comply with such
26 conditions and enter into such contracts, covenants, mortgages, trust
27 indentures, leases, or agreements as may be necessary, convenient, or
28 desirable;

29 (12) To fix, maintain, revise, and collect fees, rates, rents, and
30 charges for functions, services, facilities, or commodities provided by
31 the agency, and it shall be the mandatory duty of each agency to fix,

1 maintain, revise, and collect such fees, rates, rents, and charges as
2 will always be sufficient to pay all operating and maintenance expenses
3 of the agency, to pay for costs of renewals and replacements to a
4 project, to pay interest on and principal of, whether at maturity or upon
5 sinking-fund redemption, any outstanding bonds or other indebtedness of
6 the agency, and to provide, as may be required by a resolution, trust
7 indenture, security instrument, or other agreement of the agency, for any
8 reasonable reserves for any such expenses, costs, or debt service or for
9 any margins or coverages over and above debt service;

10 (13) Subject to any agreements with holders of outstanding bonds, to
11 invest any funds held in reserve or sinking funds, or any funds not
12 required for immediate disbursement, including the proceeds from the sale
13 of any bonds, in such obligations, securities, and other investments as
14 the board shall deem proper;

15 (14) To join and pay dues to organizations, membership in which is
16 deemed by the board to be beneficial to the accomplishment of the
17 agency's purposes; ~~and~~

18 (15) To own and operate, contract to operate, or lease advanced
19 metering infrastructure technology and provide advanced metering
20 infrastructure services regarding publicly owned utility systems,
21 including, without limitation, electric, water, and natural gas systems.
22 The agency shall not engage in the sale of the natural gas commodity;

23 (16) To provide services related to information technology, physical
24 security, physical infrastructure management, regulatory reporting, and
25 administration regarding publicly owned utility and municipal
26 infrastructure systems; and

27 (17) ~~(15)~~ To exercise any other powers which are deemed necessary
28 and convenient to carry out the Municipal Cooperative Financing Act
29 sections ~~18-2401 to 18-2485.~~

30 Sec. 22. Section 37-104, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 37-104 Regular meetings of the Game and Parks Commission shall be
2 held quarterly. Special meetings may be held upon call of the chairperson
3 or pursuant to a call signed by three other members, of which the
4 chairperson shall have three days' written notice. No official action
5 shall be taken except at a public meeting at the headquarters of the
6 commission or at a public meeting at a location within the state as
7 determined by a majority of members of the commission. Five ~~Four~~ members
8 of the commission shall constitute a quorum for the transaction of
9 business.

10 All regular meetings held in Lincoln, Nebraska, shall be held in
11 suitable offices to be provided under the authority of Chapter 72,
12 article 14. The Game and Parks Commission is authorized to enter into an
13 agreement with the city of Lincoln providing for the supplying by the
14 city of Lincoln to the State of Nebraska for the commission of a
15 headquarters office building and related buildings and facilities
16 therefor, including the parking of motor vehicles, to be located on real
17 estate which is north of Holdrege Street and east of 33rd Street.

18 Sec. 23. Section 37-407, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 37-407 (1) The commission may offer multiple-year permits or
21 combinations of permits at reduced rates and may establish fees pursuant
22 to section 37-327 to be paid to the state for resident and nonresident
23 annual hunting permits, annual fishing permits, three-day fishing
24 permits, one-day fishing permits, combination hunting and fishing
25 permits, fur-harvesting permits, and nonresident two-day hunting permits
26 issued for periods of two consecutive days, as provided in this section.

27 (2) The fee for a multiple-year permit shall be established by the
28 commission pursuant to section 37-327 and shall not be more than the
29 number of years the permit will be valid times the fee required for an
30 annual permit as provided in subsection (3) or (4) of this section.
31 Payment for a multiple-year permit shall be made in a lump sum at the

1 time of application. A replacement multiple-year permit may be issued
2 under section 37-409 if the original is lost or destroyed.

3 (3) Resident fees shall be (a) not more than eighteen dollars for an
4 annual hunting permit, (b) not more than twenty-four dollars for an
5 annual fishing permit, (c) not more than fifteen dollars for a three-day
6 fishing permit, (d) not more than nine dollars for a one-day fishing
7 permit, (e) not more than thirty-nine dollars for an annual fishing and
8 hunting permit, and (f) not more than twenty dollars for an annual fur-
9 harvesting permit.

10 (4) Nonresident fees shall be (a) not more than two hundred sixty
11 dollars for a period of time specified by the commission for fur
12 harvesting one thousand or less fur-bearing animals and not more than
13 seventeen dollars and fifty cents additional for each one hundred or part
14 of one hundred fur-bearing animals harvested, (b)(i) for persons sixteen
15 years of age and older, not more than one hundred ~~thirty-eight~~ six
16 dollars for an annual hunting permit and (ii) for persons under sixteen
17 years of age, not less than the fee required pursuant to subdivision (3)
18 (a) of this section for an annual hunting permit, (c) not more than
19 ~~ninety-five~~ seventy-three dollars for a two-day hunting permit plus the
20 cost of a habitat stamp, (d) not more than ~~fifteen~~ twelve dollars for a
21 one-day fishing permit, (e) not more than ~~twenty-nine~~ twenty-two dollars
22 for a three-day fishing permit, (f) not more than ~~eighty-six~~ sixty-six
23 dollars for an annual fishing permit, and (g)(i) for persons sixteen
24 years of age and older, not more than ~~two hundred seven~~ one hundred
25 ~~fifty-nine~~ dollars for an annual fishing and hunting permit and (ii) for
26 persons under sixteen years of age, not less than the fee required
27 pursuant to subdivision (3)(e) of this section for an annual fishing and
28 hunting permit.

29 (5) The commission may offer permits or combinations of permits at
30 temporarily reduced rates for specific events or during specified
31 timeframes.

1 Sec. 24. Section 37-447, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 37-447 (1) The commission may issue permits for the hunting of deer
4 and adopt and promulgate rules and regulations and pass commission orders
5 pursuant to section 37-314 to prescribe limitations for the hunting,
6 transportation, and possession of deer. The commission may offer permits
7 or combinations of permits at temporarily reduced rates for specific
8 events or during specified timeframes. The commission may specify by rule
9 and regulation the information to be required on applications for such
10 permits. Rules and regulations for the hunting, transportation, and
11 possession of deer may include, but not be limited to, rules and
12 regulations as to the type, caliber, and other specifications of firearms
13 and ammunition used and specifications for bows and arrows used. Such
14 rules and regulations may further specify and limit the method of hunting
15 deer and may provide for dividing the state into management units or
16 areas, and the commission may enact different deer hunting regulations
17 for the different management units pertaining to sex, species, and age of
18 the deer hunted.

19 (2) The number of such permits may be limited as provided by the
20 rules and regulations of the commission, and except as provided in
21 section 37-454, the permits shall be allocated in an impartial manner.
22 Whenever the commission deems it advisable to limit the number of permits
23 issued for any or all management units, the commission shall, by rules
24 and regulations, determine eligibility to obtain such permits. In
25 establishing eligibility, the commission may give preference to persons
26 who did not receive a permit or a specified type of permit during the
27 previous year or years.

28 (3) Such permits may be issued to allow deer hunting in the Nebraska
29 National Forest and other game reserves and such other areas as the
30 commission may designate whenever the commission deems that permitting
31 such hunting will not be detrimental to the proper preservation of

1 wildlife in Nebraska in such forest, reserves, or areas.

2 (4)(a) The commission may, pursuant to section 37-327, establish and
3 charge a nonrefundable application fee of not more than seven dollars for
4 deer permits in those management units awarded on the basis of a random
5 drawing. The commission shall, pursuant to section 37-327, establish and
6 charge a fee of not more than thirty-nine dollars for residents and not
7 more than three ~~two~~ hundred sixty-nine ~~eighty-four~~ dollars for
8 nonresidents for each permit issued under this section except as
9 otherwise provided in subdivision (b) of this subsection and subsection
10 (6) of this section. The commission may, pursuant to section 37-327,
11 establish and charge a fee of not more than twenty-four dollars for
12 residents and not more than seventy-two dollars for nonresidents for the
13 issuance of a preference point, in addition to any application fee, in
14 lieu of entering the draw for a deer permit during the application period
15 for the random drawing.

16 (b) The fee for a statewide buck-only permit limited to white-tailed
17 deer shall be no more than two and one-half times the amount of a regular
18 deer permit. The fee for a statewide buck-only deer permit that allows
19 harvest of mule deer shall be no more than five times the amount of a
20 regular deer permit.

21 (5)(a) The commission may issue nonresident permits after preference
22 has been given for the issuance of resident permits as provided in rules
23 and regulations adopted and promulgated by the commission.

24 (b) In management units specified by the commission, the commission
25 may issue nonresident permits after resident preference has been provided
26 by allocating at least eighty-five percent of the available permits to
27 residents. The commission may require a predetermined application period
28 for permit applications in specified management units. Such permits shall
29 be issued after a reasonable period for making application, as
30 established by the commission, has expired. When more valid applications
31 are received for a designated management unit than there are permits

1 available, such permits shall be allocated on the basis of a random
2 drawing. All valid applications received during the predetermined
3 application period shall be considered equally in any such random drawing
4 without regard to time of receipt of such applications by the commission.

5 (6) The commission shall, pursuant to section 37-327, establish and
6 charge a fee of not more than twenty-five dollars for residents and not
7 more than forty-five dollars for nonresidents for a youth deer permit.

8 (7) Any person violating the rules and regulations adopted and
9 promulgated or commission orders passed pursuant to this section shall be
10 guilty of a Class II misdemeanor and shall be fined at least one hundred
11 dollars upon conviction.

12 Sec. 25. Section 37-448, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 37-448 (1) Subject to rules and regulations adopted and promulgated
15 by the commission, the secretary of the commission may designate, by
16 order, special deer, antelope, and elk depredation seasons or extensions
17 of existing hunting seasons. The secretary may designate a depredation
18 season or an extension of an existing hunting season whenever he or she
19 determines that deer, antelope, or elk are causing excessive property
20 damage. The secretary shall specify the number of permits to be issued,
21 the species, sex, and number or quota of animals allowed to be taken, the
22 bag limit for such species, the beginning and ending dates for the
23 depredation season or hunting season extension, any limitations on
24 nonresident permits, shooting hours, the length of the depredation season
25 or hunting season extension, and the geographic area in which hunting
26 will be permitted. The rules and regulations shall allow use of any
27 weapon permissible for use during the regular deer, antelope, or elk
28 season.

29 (2) The depredation season may commence not less than five days
30 after the first public announcement that the depredation season has been
31 established. Permits shall be issued in an impartial manner at a location

1 determined by the secretary. The commission shall, pursuant to section
2 37-327, establish and charge a fee of not more than twenty-five dollars
3 for a resident special depredation season permit and a fee of not more
4 than seventy-five dollars for a nonresident special depredation season
5 permit. The commission shall, pursuant to section 37-327, establish and
6 charge a fee of not more than ten dollars for a landowner special
7 depredation season permit for the taking of deer and antelope for any
8 person owning or operating at least twenty acres of farm or ranch land
9 within the geographic area in which hunting will be permitted and to any
10 member of the immediate family of any such person as defined in
11 subdivision (2)(a) of section 37-455, and for the taking of elk for any
12 person owning or operating at least eighty acres of farm or ranch land
13 within the geographic area in which hunting will be permitted and to any
14 member of the immediate family of such person as defined in subdivision
15 (2)(a) of section 37-455. A special depredation season permit shall be
16 valid only within such area and only during the designated depredation
17 season. The commission shall use the income from the sale of special
18 depredation season permits for abatement of damage caused by deer,
19 antelope, and elk. Receipt of a depredation season permit shall not in
20 any way affect a person's eligibility for a permit issued under section
21 37-447, 37-449, 37-450, or 37-455.

22 Sec. 26. Section 37-449, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 37-449 (1) The commission may issue permits for hunting antelope and
25 may adopt and promulgate separate and, when necessary, different rules
26 and regulations therefor within the limitations prescribed in sections
27 37-447 and 37-452 for hunting deer. The commission may offer permits or
28 combinations of permits at reduced rates for specific events or during
29 specified timeframes.

30 (2) The commission may, pursuant to section 37-327, establish and
31 charge a nonrefundable application fee of not more than seven dollars for

1 antelope permits in those management units awarded on the basis of a
2 random drawing. The commission shall, pursuant to section 37-327,
3 establish and charge a fee of not more than thirty-nine dollars for
4 residents and not more than two ~~one~~ hundred fifty-seven ~~ninety-eight~~
5 dollars for nonresidents for each permit issued under this section except
6 as provided in subsection (4) of this section. The commission may,
7 pursuant to section 37-327, establish and charge a fee of not more than
8 twenty-four dollars for residents and not more than seventy-two dollars
9 for nonresidents for the issuance of a preference point, in addition to
10 any application fee, in lieu of entering the draw for an antelope permit
11 during the application period for the random drawing.

12 (3) The provisions for the distribution of deer permits and the
13 authority of the commission to determine eligibility of applicants for
14 permits as described in sections 37-447 and 37-452 shall also apply to
15 the distribution of antelope permits.

16 (4) The commission shall, pursuant to section 37-327, establish and
17 charge a fee of not more than twenty-five dollars for residents and not
18 more than forty-five dollars for nonresidents for a youth antelope
19 permit.

20 (5) Any person violating the rules and regulations adopted and
21 promulgated pursuant to this section shall be guilty of a Class II
22 misdemeanor and shall be fined at least one hundred dollars upon
23 conviction.

24 Sec. 27. Section 37-451, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 37-451 (1) The commission may issue permits for hunting mountain
27 sheep and may adopt and promulgate separate and, when necessary,
28 different rules and regulations therefor within the limitations
29 prescribed in subsection (1) of section 37-447 and section 37-452 for
30 hunting deer. Such rules and regulations shall include provisions
31 allowing persons who find dead mountain sheep, or any part of a mountain

1 sheep, to turn over to the commission such mountain sheep or part of a
2 mountain sheep. The commission may dispose of such mountain sheep or part
3 of a mountain sheep as it deems reasonable and prudent. Except as
4 otherwise provided in this section, the permits shall be issued to
5 residents of Nebraska.

6 (2) The commission shall, pursuant to section 37-327, establish and
7 charge a nonrefundable application fee of not more than thirty-four
8 dollars for permits issued only to residents. Any number of resident-only
9 permits, as authorized by the commission, shall be awarded by random
10 drawing to eligible applicants. No permit fee shall be charged in
11 addition to the nonrefundable application fee.

12 (3) No more than one additional permit may be authorized and issued
13 pursuant to an auction open to residents and nonresidents. The auction
14 shall be conducted according to rules and regulations prescribed by the
15 commission. Any money derived from the sale of permits by auction shall
16 be used only for perpetuation and management of mountain sheep, elk, and
17 deer.

18 (4) If the commission determines to limit the number of permits
19 issued for any or all management units, the commission shall by rule and
20 regulation determine eligibility requirements for the permits.

21 (5) A person may obtain only one mountain sheep permit in his or her
22 lifetime, except that an auction permit issued in accordance with
23 subsection (3) of this section to harvest a mountain sheep shall not
24 count against such total.

25 (6) Any person violating the rules and regulations adopted and
26 promulgated pursuant to this section shall be guilty of a Class III
27 misdemeanor and shall be fined at least five hundred dollars upon
28 conviction.

29 Sec. 28. Section 37-453, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 37-453 Applications for the special permits provided for in section

1 37-447 or 37-449 shall be made individually or on a unit basis. If such
2 application is made on a unit basis, not more than six ~~two~~ applicants may
3 apply for such permit in one application. If such application is granted,
4 such special permits shall be issued to the persons so applying. If any
5 one of the persons so applying shall be ineligible to receive such
6 special permit, the entire group so applying shall be disqualified. No
7 person applying for such special permit on a unit basis shall also apply
8 individually.

9 Sec. 29. Section 37-457, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 37-457 (1) The commission may issue permits for hunting wild turkey
12 and prescribe and establish regulations and limitations for the hunting,
13 transportation, and possession of wild turkey. The commission may offer
14 multiple-year permits or combinations of permits at reduced rates. The
15 number of such permits may be limited as provided by the regulations of
16 the commission, but the permits shall be disposed of in an impartial
17 manner. Such permits may be issued to allow wild turkey hunting in the
18 Nebraska National Forest and other game reserves and such other areas as
19 the commission may designate whenever the commission deems that
20 permitting such hunting would not be detrimental to the proper
21 preservation of wildlife in such forest, reserves, or areas.

22 (2) The commission shall, pursuant to section 37-327, establish and
23 charge a fee of not more than thirty-one dollars for residents and not
24 more than one hundred sixty-four ~~twenty-six~~ dollars for nonresidents for
25 each permit issued under this section except as provided in subsection
26 (5) of this section.

27 (3) The commission may issue nonresident permits after preference
28 has been given for the issuance of resident permits as provided in rules
29 and regulations adopted and promulgated by the commission. The commission
30 may require a predetermined application period for permit applications in
31 specified management units.

1 (4) The provisions of section 37-447 for the distribution of deer
2 permits also may apply to the distribution of wild turkey permits. No
3 permit to hunt wild turkey shall be issued without payment of the fee
4 required by this section.

5 (5) The commission shall, pursuant to section 37-327, establish and
6 charge a fee of not more than twenty-five dollars for residents and not
7 more than forty-five dollars for nonresidents for a youth wild turkey
8 permit.

9 Sec. 30. Section 37-492, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 37-492 The commission may adopt and promulgate rules and regulations
12 and pass commission orders for carrying out, administering, and enforcing
13 the provisions of sections 37-484 to 37-496. The commission shall limit
14 the number of areas proposed for licensing so that the total acreage
15 licensed for game breeding and controlled shooting areas in any one
16 county does not exceed five ~~two~~ percent of the total acreage of the
17 county in which the areas are sought to be licensed. The commission shall
18 not require distances between boundaries of game breeding and controlled
19 shooting areas to be greater than two miles. No license shall be issued
20 for any area whereon mallard ducks are shot or to be shot if the area
21 lies within three miles of any river or within three miles of any lake
22 with an area exceeding three acres, except that a license may be issued
23 for such area for the shooting of upland game birds only, and the rearing
24 or shooting of mallard ducks thereon is prohibited.

25 Sec. 31. Section 37-559, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 37-559 (1) Any private landowner or tenant farmer or rancher ~~owning~~
28 ~~or operating a farm or ranch~~ may destroy or have destroyed any predator
29 preying on livestock or poultry or suspected of causing other damage
30 ~~agricultural depredation~~ on land owned or controlled by such person ~~him~~
31 ~~or her~~ without a permit issued by the commission. For purposes of this

1 subsection, predator means a badger, bobcat, coyote, gray fox, long-
2 tailed weasel, mink, opossum, raccoon, red fox, or skunk.

3 (2) Any private landowner or tenant or farmer or rancher owning or
4 operating a farm or ranch, or his or her agent of such person , may kill
5 a mountain lion immediately without prior notice to or permission from
6 the commission if such person or agent ~~he or she~~ encounters a mountain
7 lion and the mountain lion is in the process of stalking, killing, or
8 consuming livestock on such person's ~~the farmer's or rancher's~~ property.
9 Such private landowner or tenant or ~~The farmer or rancher or his or her~~
10 agent shall be responsible for immediately notifying the commission and
11 arranging with the commission to transfer the mountain lion to the
12 commission.

13 (3) Any person shall be entitled to defend himself or herself or
14 another person without penalty if, in the presence of such person, a
15 mountain lion stalks, attacks, or shows unprovoked aggression toward such
16 person or another person.

17 (4) This section shall not be construed to allow any private
18 landowner or tenant or a farmer or rancher or his or her agent of such
19 person to destroy or have destroyed species which are protected by the
20 Nongame and Endangered Species Conservation Act or rules and regulations
21 adopted and promulgated under the act, the federal Endangered Species Act
22 of 1973, as amended, 16 U.S.C. 1531 et seq., the federal Fish and
23 Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq., the federal
24 Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et seq.,
25 the federal Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 et seq.,
26 or federal regulations under such federal acts.

27 Sec. 32. Section 37-708, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 37-708 (1) It shall be unlawful within the boundaries of the state
30 game refuges designated in section 37-706 for any person (a) to hunt or
31 chase with dogs any game birds, game animals, or other birds or animals

1 of any kind or description whatever, (b) to carry firearms of any kind,
2 or (c) from October 15 through January 15 each year to operate a
3 motorboat as defined in section 37-1204.

4 (2) This section shall not prevent highway or railroad transport of
5 firearms or dogs across the refuge, retrieval of game birds lawfully
6 killed from such refuge, or the taking of fur-bearing animals by the use
7 of traps during lawful open seasons on the refuge.

8 (3) This section shall not prevent the commission from issuing such
9 permits as may be necessary for the killing of animal or bird predators
10 that may endanger game birds or game animals or the domestic property of
11 adjacent landowners or from issuing permits as provided in sections
12 37-447 to 37-452 for the taking of deer or elk from such refuges whenever
13 the number of deer or elk on such refuges is deemed detrimental to
14 habitat conditions on the refuges or to adjacent privately owned real or
15 personal property.

16 (4) This section shall not prevent the owners of land or dwellings
17 or their relatives or invitees from operating any motorboat within the
18 boundaries of the refuge for purposes of access by the most direct route
19 to and from such land or dwellings.

20 Sec. 33. Section 57-904, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 57-904 There is hereby established the Nebraska Oil and Gas
23 Conservation Commission. The commission shall consist of three members to
24 be appointed by the Governor. The director of the state geological survey
25 shall serve the commission in the capacity as its technical advisor, but
26 with no power to vote. Any two commissioners shall constitute a quorum
27 for all purposes. At least one member of the commission shall have had
28 experience in the production of oil or gas and shall have resided in the
29 State of Nebraska for at least one year. Each of the other members of the
30 commission shall have resided in the State of Nebraska for at least three
31 years. Initially, two of said members shall be appointed for a term of

1 two years each; and one shall be appointed for a term of four years. At
2 the expiration of the initial terms all members thereafter appointed
3 shall serve for a term of four years. The Governor may at any time remove
4 any appointed member of the commission for cause, and by appointment,
5 with the approval of the Legislature, shall fill any vacancy on the
6 commission.

7 The members of the commission shall receive as compensation for
8 their services the sum of five not more than four hundred dollars per day
9 for each day actually devoted to the business of the commission, ~~except~~
10 ~~that they shall not receive a sum in any one year in excess of four~~
11 ~~thousand dollars each.~~ Such amount shall be adjusted on July 1, 2025, and
12 on July 1 of each odd-numbered year thereafter by the percentage change
13 in the Consumer Price Index for Urban Wage Earners and Clerical Workers
14 for the two-year period preceding the date of adjustment. In addition,
15 each member of the commission shall be reimbursed for expenses incurred
16 in connection with the carrying out of his or her duties as provided in
17 sections 81-1174 to 81-1177.

18 Sec. 46. Section 81-15,160, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is
21 created. The department shall deduct from the fund amounts sufficient to
22 reimburse itself for its costs of administration of the fund. The fund
23 shall be administered by the department. The fund shall consist of
24 proceeds from the fees imposed pursuant to the Waste Reduction and
25 Recycling Incentive Act.

26 (2) The fund may be used for purposes which include, but are not
27 limited to:

28 (a) Technical and financial assistance to political subdivisions for
29 creation of recycling systems and for modification of present recycling
30 systems;

31 (b) Recycling and waste reduction projects, including public

1 education, planning, and technical assistance;

2 (c) Market development for recyclable materials separated by
3 generators, including public education, planning, and technical
4 assistance;

5 (d) Capital assistance for establishing private and public
6 intermediate processing facilities for recyclable materials and
7 facilities using recyclable materials in new products;

8 (e) Programs which develop and implement composting of yard waste
9 and composting with sewage sludge;

10 (f) Technical assistance for waste reduction and waste exchange for
11 waste generators;

12 (g) Programs to assist communities and counties to develop and
13 implement household hazardous waste management programs;

14 (h) Capital assistance for establishing private and public
15 facilities to manufacture combustible waste products and to incinerate
16 combustible waste to generate and recover energy resources, except that
17 no disbursements shall be made under this section for scrap tire
18 processing related to tire-derived fuel; and

19 (i) Grants for reimbursement of costs to cities of the first class,
20 cities of the second class, villages, and counties of five thousand or
21 fewer population for the deconstruction of abandoned buildings. Eligible
22 deconstruction costs will be related to the recovery and processing of
23 recyclable or reusable material from the abandoned buildings.

24 (3) Grants up to one million five hundred thousand dollars annually
25 shall be available until June 30, ~~2029~~ 2024, for new scrap tire projects
26 only, if acceptable scrap tire project applications are received.
27 Eligible categories of disbursement under section 81-15,161 may include,
28 but are not limited to:

29 (a) Reimbursement for the purchase of crumb rubber generated and
30 used in Nebraska, with disbursements not to exceed fifty percent of the
31 cost of the crumb rubber;

1 (b) Reimbursement for the purchase of tire-derived product which
2 utilizes a minimum of twenty-five percent recycled tire content, with
3 disbursements not to exceed twenty-five percent of the product's retail
4 cost;

5 (c) Participation in the capital costs of building, equipment, and
6 other capital improvement needs or startup costs for scrap tire
7 processing or manufacturing of tire-derived product, with disbursements
8 not to exceed fifty percent of such costs or five hundred thousand
9 dollars, whichever is less;

10 (d) Participation in the capital costs of building, equipment, or
11 other startup costs needed to establish collection sites or to collect
12 and transport scrap tires, with disbursements not to exceed fifty percent
13 of such costs;

14 (e) Cost-sharing for the manufacturing of tire-derived product, with
15 disbursements not to exceed twenty dollars per ton or two hundred fifty
16 thousand dollars, whichever is less, to any person annually;

17 (f) Cost-sharing for the processing of scrap tires, with
18 disbursements not to exceed twenty dollars per ton or two hundred fifty
19 thousand dollars, whichever is less, to any person annually;

20 (g) Cost-sharing for the use of scrap tires for civil engineering
21 applications for specified projects, with disbursements not to exceed
22 twenty dollars per ton or two hundred fifty thousand dollars, whichever
23 is less, to any person annually;

24 (h) Disbursement to a political subdivision up to one hundred
25 percent of costs incurred in cleaning up scrap tire collection and
26 disposal sites; and

27 (i) Costs related to the study provided in section 81-15,159.01.

28 The director shall give preference to projects which utilize scrap
29 tires generated and used in Nebraska.

30 (4) Priority for grants made under section 81-15,161 shall be given
31 to grant proposals demonstrating a formal public/private partnership

1 except for grants awarded from fees collected under subsection (6) of
2 section 13-2042.

3 (5) Grants awarded from fees collected under subsection (6) of
4 section 13-2042 may be renewed for up to a five-year grant period. Such
5 applications shall include an updated integrated solid waste management
6 plan pursuant to section 13-2032. Annual disbursements are subject to
7 available funds and the grantee meeting established grant conditions.
8 Priority for such grants shall be given to grant proposals showing
9 regional participation and programs which address the first integrated
10 solid waste management hierarchy as stated in section 13-2018 which shall
11 include toxicity reduction. Disbursements for any one year shall not
12 exceed fifty percent of the total fees collected after rebates under
13 subsection (6) of section 13-2042 during that year.

14 (6) Any person who stores waste tires in violation of section
15 13-2033, which storage is the subject of abatement or cleanup, shall be
16 liable to the State of Nebraska for the reimbursement of expenses of such
17 abatement or cleanup paid by the department.

18 (7) The department may receive gifts, bequests, and any other
19 contributions for deposit in the Waste Reduction and Recycling Incentive
20 Fund. Transfers may be made from the fund to the General Fund at the
21 direction of the Legislature. Any money in the Waste Reduction and
22 Recycling Incentive Fund available for investment shall be invested by
23 the state investment officer pursuant to the Nebraska Capital Expansion
24 Act and the Nebraska State Funds Investment Act.

25 Sec. 47. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
26 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
27 42, 43, 44, 45, 46, and 48 of this act become operative three calendar
28 months after the adjournment of this legislative session. The other
29 sections of this act become operative on their effective date.

30 Sec. 48. Original sections 18-2441, 37-104, 37-451, 37-453, 37-457,
31 37-492, 37-559, 37-708, 57-904, 70-619, 70-1001, 70-1001.01, and 70-1025,

1 Reissue Revised Statutes of Nebraska, and sections 37-407, 37-447,
2 37-448, 37-449, and 81-15,160, Revised Statutes Cumulative Supplement,
3 2022, are repealed.

4 2. Renumber the remaining sections and correct internal references
5 accordingly.