

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 36

FINAL READING

Introduced by Brandt, 32.

Read first time January 09, 2025

Committee: Natural Resources

1 A BILL FOR AN ACT relating to natural resources; to amend sections
2 37-440, 46-740, and 81-15,160, Reissue Revised Statutes of Nebraska,
3 and sections 37-438, 37-451, 37-455, 37-1214, 37-1802, 37-1803,
4 39-891, 39-893, 39-1301, 39-1302, 39-1309, and 39-1320, Revised
5 Statutes Cumulative Supplement, 2024; to adopt the Safe Battery
6 Collection and Recycling Act; to provide penalties; to create and
7 change the use of funds; to state and change provisions relating to
8 legislative intent, findings, declarations, and purposes; to
9 establish the Home Weatherization Clearinghouse; to provide duties;
10 to change fees; to change provisions relating to the issuance of
11 certain permits under the Game Law; to provide for a mitigation bank
12 or an in-lieu fee program relating to the incidental taking of
13 threatened or endangered species; to provide for payment of a sum in
14 lieu of ad valorem taxes lost by the county as prescribed; to change
15 provisions relating to ground water allocation and the use of
16 integrated management plans, rules, or orders; to harmonize
17 provisions; and to repeal the original sections.
18 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 17 of this act shall be known and may be
2 cited as the Safe Battery Collection and Recycling Act.

3 **Sec. 2.** For purposes of the Safe Battery Collection and Recycling
4 Act:

5 (1)(a) Battery containing product means a product that contains or
6 is packaged with a covered battery.

7 (b) Battery containing product does not include computers, small-
8 scale servers, computer monitors, electronic keyboards and mice,
9 printers, fax machines, scanners, televisions, digital video disc players
10 and recorders, video cassette recorders, digital converter boxes, cable
11 receivers, satellite receivers, portable digital music players, and video
12 game consoles;

13 (2) Battery stewardship organization means an organization
14 designated by a producer or a group of five or more producers that
15 directly implements a battery stewardship plan approved by the department
16 under section 4 of this act;

17 (3)(a) Covered battery means a portable battery or a medium format
18 battery.

19 (b) Covered battery does not include:

20 (i) A battery that is contained in a medical device regulated under
21 the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., and that
22 is not designed or marketed for sale or resale at retail locations for
23 personal use;

24 (ii) A battery that contains an electrolyte as a free liquid or a
25 product that contains such a battery;

26 (iii) A battery designed to power a motor vehicle, part of a motor
27 vehicle, or a component part of a motor vehicle assembled by, or for, a
28 vehicle manufacturer or franchised dealer, including replacement parts
29 for use in a motor vehicle;

30 (iv) A battery in a product that is not intended or designed to be
31 easily removable from the product;

1 (v) A battery or battery containing product that is being recalled
2 for safety reasons; or

3 (vi) A battery or battery containing product offered for resale by a
4 business that, as part of its operations, offers products for resale to
5 other businesses or to consumers;

6 (4) Department means the Department of Environment and Energy;

7 (5) Medium format battery means any of the following:

8 (a) For batteries that are not capable of being recharged, a battery
9 that weighs more than four and four-tenths pounds but not more than
10 twenty-five pounds; or

11 (b) For rechargeable batteries, a battery that weighs more than
12 eleven pounds or that has a rating of more than three hundred watt-hours,
13 or both, but that does not weigh more than twenty-five pounds or have a
14 rating of more than two thousand watt-hours;

15 (6) Portable battery means any of the following:

16 (a) For batteries that are not capable of being recharged, a battery
17 that weighs no more than four and four-tenths pounds; or

18 (b) For rechargeable batteries, a battery that weighs no more than
19 eleven pounds and that has a rating of no more than three hundred watt-
20 hours;

21 (7)(a) Producer means a person that sells, offers for sale, or
22 distributes for sale a covered battery or battery containing product in
23 or into this state and that is any of the following:

24 (i) If the covered battery or battery containing product is sold
25 under a brand of the battery's or product's manufacturer, the person that
26 manufactures the battery or product;

27 (ii) If the covered battery or battery containing product is sold
28 under a retail brand or under a brand owned by a person other than the
29 battery's or product's manufacturer, the person that owns the brand;

30 (iii) If subdivisions (7)(a)(i) and (ii) of this section do not
31 apply, the person that is the licensee of a brand or trademark under

1 which the covered battery or battery containing product is sold, offered
2 for sale, or distributed for sale in or into this state, regardless of
3 whether the trademark is registered in this state;

4 (iv) If subdivisions (7)(a)(i) through (iii) of this section do not
5 apply to any person within the United States, the person that is the
6 importer of record for the covered battery or battery containing product
7 into the United States for the purpose of selling, offering for sale, or
8 distributing for sale the battery or product in or into this state; or

9 (v) If subdivisions (7)(a)(i) through (iv) of this section do not
10 apply to any person with a commercial presence in this state, the person
11 who first sells, offers for sale, or distributes for sale the covered
12 battery or battery containing product in or into this state.

13 (b) Producer does not include a person that only sells, offers for
14 sale, or distributes for sale a battery containing product if the battery
15 is supplied by another producer that has designated a battery stewardship
16 organization to implement a battery stewardship plan and if the producer
17 certifies this fact in writing to the person that only sells, offers for
18 sale, or distributes for sale the battery containing product;

19 (8) Rechargeable battery means a battery that contains one or more
20 voltaic or galvanic cells electrically connected to produce electric
21 energy and that is designed to be recharged;

22 (9)(a) Recycling means preparing batteries for use in manufacturing
23 processes or for recovery of usable materials and delivering the
24 materials for use.

25 (b) Recycling does not include:

26 (i) Destruction by incineration or other processes;

27 (ii) Land disposal of recyclable materials; and

28 (iii) Reuse, repair, or any other process through which batteries
29 are returned in their original form;

30 (10) Recycling efficiency rate means the percentage calculated by
31 dividing the weight of components and materials recycled by a battery

1 stewardship organization by the weight of covered batteries collected by
2 the battery stewardship organization; and

3 (11) Retailer means a person that sells or offers for sale a covered
4 battery in or into this state.

5 **Sec. 3.** (1) Beginning January 1, 2028, no producer or retailer may
6 sell, offer for sale, or distribute for sale in or into this state any
7 covered battery or battery containing product unless the producer of the
8 covered battery or battery containing product is a member of a battery
9 stewardship organization operating under a battery stewardship plan
10 approved by the department under section 4 of this act. This subsection
11 does not apply to a retailer if the website maintained by the department
12 under section 9 of this act lists, as of the date a battery or product is
13 made available for retail sale, the producer or brand of the battery or
14 product as being covered by a battery stewardship plan approved by the
15 department under section 4 of this act.

16 (2) Beginning January 1, 2028, no producer or retailer may sell,
17 offer for sale, or distribute for sale in or into this state any covered
18 battery or battery containing product unless the covered battery or
19 battery in the battery containing product is marked with an
20 identification of the producer of the battery. This subsection does not
21 apply if the battery is less than one-half inch in diameter or does not
22 contain a surface with a length that exceeds one-half inch.

23 (3) Beginning January 1, 2029, no producer or retailer may sell,
24 offer for sale, or distribute for sale in or into this state any covered
25 battery or battery containing product unless the covered battery or
26 battery in the battery containing product is marked to ensure proper
27 collection and recycling by:

28 (a) Identifying the chemistry of the battery; and

29 (b) Including an indication that the battery should not be disposed
30 of as household waste. This subdivision does not apply if the battery is
31 less than one-half inch in diameter or does not contain a surface with a

1 length that exceeds one-half inch.

2 (4) A producer, retailer, or battery stewardship organization may
3 not charge a point-of-sale fee to consumers to cover the costs of
4 implementing a battery stewardship plan approved by the department under
5 section 4 of this act.

6 **Sec. 4.** (1) Each battery stewardship organization shall submit a
7 battery stewardship plan to the department for review and approval by
8 January 1, 2027.

9 (2) A battery stewardship plan shall have a term of no more than
10 five years and shall include all of the following:

11 (a) The names and contact information for each producer member
12 covered under a battery stewardship organization's plan;

13 (b) The brands of all of the covered batteries that the battery
14 stewardship organization's producer members sell, offer for sale, or
15 distribute for sale in or into this state. All such brands shall be
16 covered by the battery stewardship plan;

17 (c) Performance goals under the plan and a process for achieving
18 these goals. Performance goals shall include target recycling efficiency
19 rates of at least sixty percent for rechargeable batteries and seventy
20 percent for batteries that are not capable of being recharged and goals
21 for public awareness, convenience, and accessibility;

22 (d) A process for making retailers aware of the prohibitions
23 contained in section 3 of this act;

24 (e) Consumer awareness goals and a description of the education and
25 outreach strategy that the battery stewardship organization will
26 implement pursuant to section 7 of this act;

27 (f) A process for making available to collection sites, for
28 voluntary use, signage, written materials, and other promotional
29 materials to inform consumers of the available end-of-life management
30 options for covered batteries collected under the battery stewardship
31 plan;

1 (g) Collection site safety training procedures related to covered
2 battery collection activities at collection sites, including a
3 description of operating protocols to reduce risks of spills or fires,
4 response protocols in the event of a spill or fire, and protocols for
5 safe management of damaged batteries that are returned to collection
6 sites;

7 (h) A method for fully funding the battery stewardship
8 organization's plan in a manner that equitably distributes the plan's
9 costs among the members of the battery stewardship organization;

10 (i) Provisions for collecting covered batteries at no cost,
11 regardless of the brand or producer of the covered battery, on a
12 continuous, convenient, visible, and accessible basis and a description
13 of how the battery stewardship organization will comply with section 6 of
14 this act;

15 (j) The addresses of collection sites that will accept covered
16 batteries under the plan and the criteria used to determine whether an
17 entity may serve as a collection site;

18 (k) The names of proposed service providers, including sorters,
19 transporters, and processors, to be used for the final disposition of
20 batteries;

21 (l) Provisions for recordkeeping, tracking, and documenting the
22 management and disposition of collected covered batteries; and

23 (m) An explanation for any delay anticipated by the battery
24 stewardship organization in managing medium format batteries.

25 (3) A battery stewardship organization whose battery stewardship
26 plan is approved under this section shall submit a new plan to the
27 department for approval no less than once every five years. If the
28 performance goals under the previously approved plan have not been met,
29 the new plan shall include corrective measures to be implemented by the
30 battery stewardship organization to meet those performance goals, which
31 may include improvements to the collection site network or increased

1 expenditures dedicated to education and outreach.

2 (4) A battery stewardship organization whose battery stewardship
3 plan is approved under this section shall provide plan amendments to the
4 department for approval when proposing any material changes to an
5 approved plan.

6 (5)(a) Within one hundred twenty days after receiving a proposed
7 battery stewardship plan or a proposed amendment described in subsection
8 (4) of this section, the department shall approve, conditionally approve,
9 or deny the plan or amendment.

10 (b) If the department denies the plan or amendment:

11 (i) The department shall notify the battery stewardship organization
12 of the denial in writing and explain how the proposed plan or amendment
13 does not comply with the Safe Battery Collection and Recycling Act;

14 (ii) The battery stewardship organization shall submit a revised
15 plan or amendment or notice of plan or amendment withdrawal within sixty
16 days after the denial; and

17 (iii) The department shall approve or deny the revised plan or
18 amendment within ninety days after resubmittal. The denial of a revised
19 plan or amendment may be appealed, and the appeal shall be in accordance
20 with the Administrative Procedure Act.

21 (6) A battery stewardship organization operating under a plan
22 approved by the department under this section shall notify the department
23 within ninety days of a producer beginning or ceasing participation in
24 the battery stewardship organization, or within ninety days of adding or
25 removing a processor or transporter under the approved plan.

26 (7) A battery stewardship organization shall pay a fee to the
27 department upon approval of a plan under this section or on January 1,
28 2027, whichever is later, and on an annual basis thereafter. The amount
29 of the fee shall be set by the department and shall be sufficient to
30 cover all costs incurred by the department to administer and enforce the
31 Safe Battery Collection and Recycling Act for fiscal year 2027-28 and

1 each fiscal year thereafter. Through June 30, 2027, the department shall
2 use the Waste Reduction and Recycling Incentive Fund to pay all costs
3 incurred by the department to implement, administer, and enforce the act.
4 Fees paid under this subsection shall be remitted to the State Treasurer
5 for credit to the Battery Stewardship Cash Fund.

6 **Sec. 5.** A battery stewardship organization implementing a battery
7 stewardship plan approved under section 4 of this act shall:

8 (1) Be responsible for all costs associated with implementing the
9 plan;

10 (2) Reimburse local governmental units for demonstrable costs
11 incurred as a result of a local government facility or solid waste
12 facility serving as a collection site under the plan; and

13 (3) Collect charges from participating producers sufficient to cover
14 the costs of implementation, including battery collection,
15 transportation, and processing, education and outreach, program
16 evaluation, and payment of the annual fee to the department under section
17 4 of this act.

18 **Sec. 6.** (1) A battery stewardship organization implementing a
19 battery stewardship plan approved under section 4 of this act shall do
20 all of the following:

21 (a) Provide for the collection of all covered batteries from any
22 person, regardless of the chemistry or brand of the battery, on a free,
23 continuous, convenient, visible, and accessible basis;

24 (b) Provide to collection sites under the plan, at no cost to the
25 sites, suitable collection containers for covered batteries that are
26 segregated from other solid waste, or make alternative arrangements for
27 the collection of such batteries at the site, with the agreement of the
28 collection site;

29 (c) Ensure that medium format batteries are collected only at
30 household hazardous waste collection sites or other staffed collection
31 sites that meet applicable federal, state, and local requirements for

1 managing medium format batteries;

2 (d) Provide for the collection of damaged and defective batteries,
3 by persons trained to handle and ship such batteries, at collection sites
4 and at each permanent household hazardous waste facility and each
5 household hazardous waste collection event provided by the department. As
6 used in this subdivision, damaged and defective batteries means batteries
7 that have been damaged or that have been identified by the manufacturer
8 as being defective for safety reasons and that have the potential to
9 produce a dangerous evolution of heat or fire or short circuit;

10 (e) Ensure statewide collection opportunities for all covered
11 batteries;

12 (f) Coordinate activities with others, such as electronic waste
13 recyclers and other battery stewardship organizations, to provide
14 efficient delivery of services and avoid unnecessary duplication of
15 effort and expense. A battery stewardship organization shall use existing
16 public and private waste collection services and facilities,
17 transporters, consolidators, processors, and retailers if cost effective,
18 mutually agreeable, and otherwise practical;

19 (g) For portable batteries, provide all of the following within
20 three years after approval of the battery stewardship plan:

21 (i) At least one permanent collection site within a fifteen-mile
22 radius for at least ninety-five percent of state residents; and

23 (ii) At least one permanent collection site, collection service, or
24 collection event for every thirty thousand residents of a county;

25 (h) For medium format batteries, provide all of the following within
26 three years after approval of the battery stewardship plan:

27 (i) At least ten permanent collection sites in this state. Such
28 sites shall be reasonably dispersed throughout the state; and

29 (ii) A collection event at least once every three years in each
30 county that does not have a permanent collection site, which shall
31 provide for the collection of all medium format batteries, including

1 damaged and defective medium format batteries; and

2 (i) Use as a collection site or the site of a collection event any
3 entity that meets the criteria for a collection site or collection event
4 under an approved battery stewardship plan and that requests to serve as
5 a collection site or collection event, up to the number of collection
6 sites required to comply with subdivisions (1)(g) and (h) of this
7 section.

8 (2) A battery stewardship organization implementing a battery
9 stewardship plan approved under section 4 of this act may issue a warning
10 to, suspend, or terminate a collection site or service that does not
11 comply with the criteria contained in the approved plan or that poses an
12 immediate concern to health and safety.

13 (3) A battery stewardship organization is not required to provide
14 for the collection of battery containing products, covered batteries that
15 remain contained in a battery containing product at the time of delivery
16 to a collection site or collection event, or batteries or battery
17 containing products being recalled for safety reasons. A battery
18 stewardship organization may seek reimbursement from the producer of a
19 battery or battery containing product being recalled for safety reasons
20 for the costs incurred in collecting, transporting, or processing such
21 batteries and products.

22 **Sec. 7.** A battery stewardship organization implementing a battery
23 stewardship plan approved under section 4 of this act shall do all of the
24 following to promote the implementation of the plan:

25 (1) Develop and maintain a website;

26 (2) Develop and place advertisements on social media or other
27 relevant media platforms;

28 (3) Develop promotional materials about the program and about the
29 restrictions on disposing of covered batteries under section 12 of this
30 act;

31 (4) Develop and distribute collection site safety training

1 procedures to collection sites to help ensure proper management of
2 covered batteries at collection sites;

3 (5) Provide consumer-focused educational materials, to each
4 collection site used under the plan, that are accessible by customers of
5 retailers that sell covered batteries or battery containing products;

6 (6) Provide safety information related to covered battery collection
7 activities to the operator of each collection site used under the plan,
8 including appropriate protocols to reduce risks of spills or fires, to
9 respond to a spill or fire, and to manage a collected damaged or
10 defective battery;

11 (7) Provide educational materials to the operator of each collection
12 site used under the plan for the management of recalled batteries;

13 (8) Upon request by a retailer or other potential collection site,
14 provide educational materials describing collection opportunities for
15 covered batteries;

16 (9) Coordinate with other battery stewardship organizations
17 implementing a battery stewardship plan in providing education and
18 outreach under this section; and

19 (10) Conduct a survey, during the first year of implementing a
20 battery stewardship plan and once every five years thereafter, of public
21 awareness of the outreach efforts undertaken pursuant to this section.
22 The battery stewardship organization shall share the results of the
23 surveys with the department.

24 **Sec. 8.** (1) No later than June 1, 2029, and no later than June 1 of
25 each year thereafter, a battery stewardship organization implementing a
26 battery stewardship plan approved under section 4 of this act shall
27 submit to the department a report that includes:

28 (a) A summary financial statement documenting the financing of the
29 plan and an analysis of plan costs and expenditures, including an
30 analysis of the plan's expenses, such as collection, transportation,
31 recycling, education, and administrative overhead. The summary financial

1 statement shall be sufficiently detailed to provide transparency that
2 funds collected from producers are spent on plan implementation in this
3 state;

4 (b) The weight, by chemistry, of covered batteries collected under
5 the plan;

6 (c) The weight of materials recycled from covered batteries
7 collected under the plan, in total, and by method of battery recycling;

8 (d) A calculation of the recycling efficiency rate under the plan;

9 (e) A list of all facilities used in the processing or disposition
10 of covered batteries under the plan and a summary of any violations of
11 environmental laws and regulations during the previous three years at
12 each facility;

13 (f) For each facility used for the final disposition of covered
14 batteries under the plan, a description of how the facility recycled or
15 otherwise managed batteries and battery components;

16 (g) The weight and chemistry of covered batteries sent to each
17 facility that is used for the final disposition of batteries. This
18 information may be approximated based on extrapolations of national or
19 regional data for programs in operation in multiple states;

20 (h) The estimated aggregate sales, by weight and chemistry, of
21 covered batteries, including covered batteries contained in or packaged
22 with battery containing products, sold in this state by the battery
23 stewardship organization's participating producers for each of the
24 previous three calendar years;

25 (i) A description of how collected batteries were managed and
26 recycled, including a discussion of best available technologies and the
27 recycling efficiency rate;

28 (j) A description of education and outreach efforts supporting plan
29 implementation, including:

30 (i) A summary of education and outreach provided to consumers,
31 collection sites, manufacturers, distributors, and retailers to promote

1 the collection and recycling of covered batteries;

2 (ii) A description of how that education and outreach met the
3 requirements of section 7 of this act;

4 (iii) Samples of education and outreach materials;

5 (iv) A summary of coordinated education and outreach efforts with
6 any other battery stewardship organizations implementing a battery
7 stewardship plan; and

8 (v) A summary of any changes made during the previous calendar year
9 to education and outreach activities;

10 (k) A list of all collection sites used to implement the plan, an
11 address for each listed site, a link to the website of each listed site,
12 if available, and an up-to-date map indicating the location of each site;

13 (l) A description of methods used to collect, transport, and recycle
14 covered batteries under the plan;

15 (m) A summary of progress made toward the performance goals under
16 the plan, and an explanation of why performance goals were not met, if
17 applicable;

18 (n) An evaluation of the effectiveness of education and outreach
19 activities; and

20 (o) If a battery stewardship organization has disposed of covered
21 batteries through energy recovery, incineration, or landfilling during
22 the preceding calendar year of plan implementation, the steps that the
23 battery stewardship organization will take to make the recycling of
24 covered batteries cost-effective, when possible, or to otherwise increase
25 battery recycling efficiency rates achieved by the battery stewardship
26 organization.

27 (2) After five years of implementation of an approved battery
28 stewardship plan, a battery stewardship organization or a producer member
29 of such organization shall hire an independent third party to conduct a
30 one-time audit of the battery stewardship plan and plan operation. The
31 auditor shall examine the effectiveness of the battery stewardship plan

1 in collecting and recycling covered batteries. The auditor shall also
2 examine the cost-effectiveness of the plan and compare it to the cost-
3 effectiveness of collections plans and programs for covered batteries in
4 other jurisdictions. A copy of such audit shall be submitted to the
5 department.

6 **Sec. 9.** (1) Subject to subsection (2) of this section, the
7 department shall include on its website:

8 (a) A copy of all battery stewardship plans approved under section 4
9 of this act and any amendments to such plans;

10 (b) The names of the producer members covered under an approved
11 battery stewardship plan;

12 (c) A list of brands of covered batteries covered under an approved
13 battery stewardship plan; and

14 (d) A copy of each annual report submitted to the department under
15 subsection (1) of section 8 of this act.

16 (2) Any proprietary information submitted to the department under
17 this section shall not be included on the department's website and shall
18 not be subject to public disclosure pursuant to sections 84-712 to
19 84-712.09.

20 **Sec. 10.** A producer, retailer, or battery stewardship organization
21 is not liable for any claim of a violation of antitrust laws or laws
22 relating to fraudulent, deceptive, or unfair methods of competition or
23 trade practices arising from conduct that complies with a battery
24 stewardship plan approved under section 4 of this act.

25 **Sec. 11.** (1) Nothing in the Safe Battery Collection and Recycling
26 Act prevents or prohibits a person from offering or performing a fee-
27 based household collection service or a mail-back service for covered
28 batteries or a recycler located in this state from offering a fee-based
29 battery collection service for covered batteries independently of a
30 battery stewardship organization if:

31 (a) The services are performed and facilities are operated in

1 compliance with all applicable federal, state, and local laws and
2 requirements; and

3 (b) Except as provided in subsection (2) of this section, all
4 batteries collected by the person or recycler from customers in this
5 state are provided to a battery stewardship organization implementing a
6 battery stewardship plan approved under section 4 of this act. After
7 providing collected batteries to a battery stewardship organization, any
8 transport and processing of such batteries by the battery stewardship
9 organization shall be done at the battery stewardship organization's
10 expense. A battery stewardship organization may refuse to accept
11 batteries from any such person or recycler if the department is notified
12 of the reason for such refusal.

13 (2) A person or recycler described in subsection (1) of this section
14 may keep the covered batteries collected from customers in this state for
15 purposes of recycling if such person or recycler provides collection data
16 and recycling data to the department. Such data shall include (a) the
17 weight, by chemistry, of covered batteries collected, (b) the weight of
18 materials recycled from covered batteries collected, in total and by
19 method of battery recycling, (c) a calculation of such person's or
20 recycler's recycling efficiency rate, (d) a list of all facilities used
21 in the processing or disposition of covered batteries and a summary of
22 any violations of environmental laws and regulations during the previous
23 three years at each facility, (e) a description of how each facility used
24 for the final disposition of covered batteries recycled or otherwise
25 managed batteries and battery components, and (f) the weight and
26 chemistry of covered batteries sent to each facility that is used for the
27 final disposition of batteries. Such person or recycler shall not receive
28 compensation from a battery stewardship organization for any batteries
29 collected, transported, or recycled under this subsection.

30 **Sec. 12.** (1) Beginning January 1, 2028, all of the following shall
31 apply:

1 (a) A person may dispose of a covered battery only by delivery to a
2 collection site or collection event operated under a battery stewardship
3 plan approved under section 4 of this act, unless the battery is
4 regulated as hazardous waste;

5 (b) No person may knowingly cause or allow the mixing of a covered
6 battery with recyclable materials that are intended for processing and
7 sorting at a material recovery facility;

8 (c) No person may knowingly cause or allow the mixing of a covered
9 battery with municipal waste that is intended for disposal at a landfill;

10 (d) No person may knowingly cause or allow the disposal of a covered
11 battery in a landfill;

12 (e) No person may knowingly cause or allow the mixing of a covered
13 battery with waste that is intended for burning or incineration; and

14 (f) No person may knowingly cause or allow the burning or
15 incineration of a covered battery.

16 (2) An owner or operator of a solid waste facility may not be found
17 in violation of this section if the facility has posted in a conspicuous
18 location a sign stating that covered batteries shall be managed through
19 collection sites established by a battery stewardship organization and
20 are not accepted for disposal.

21 (3) A solid waste collector may not be found in violation of this
22 section for a covered battery placed in a disposal container by a third
23 party.

24 (4) Unless the department is notified of the reason, a battery
25 stewardship organization shall not refuse to accept covered batteries
26 that are inadvertently received by a recycling or solid waste facility if
27 the batteries are properly packaged.

28 **Sec. 13.** (1) Any person who violates the Safe Battery Collection
29 and Recycling Act, other than a violation of section 12 of this act,
30 shall be subject to a civil penalty of ten thousand dollars for each
31 violation. Any person who fails to pay the fee required under subsection

1 (7) of section 4 of this act shall also be subject to a civil penalty of
2 ten thousand dollars.

3 (2) A person who knowingly makes a false material statement to the
4 department related to a battery stewardship plan submitted under section
5 4 of this act shall be guilty of a Class IV felony.

6 (3) The Attorney General or the county attorney of any county in
7 which a violation of the act occurs may, in addition to any other
8 penalty, bring an action to enjoin any person from violating the act,
9 other than a violation of section 12 of this act.

10 (4) All civil penalties collected pursuant to this section shall be
11 remitted to the State Treasurer for distribution in accordance with
12 Article VII, section 5, of the Constitution of Nebraska.

13 **Sec. 14.** (1) The department shall review and evaluate the studies
14 and assessments carried out by Illinois, Vermont, and Washington
15 regarding whether products or batteries that are not currently covered by
16 the Safe Battery Collection and Recycling Act should be covered at a
17 later date. The department may review similar studies or assessments
18 carried out by any other state or person.

19 (2) No later than May 30, 2028, the department shall electronically
20 submit a report to the Natural Resources Committee of the Legislature.
21 The report shall include the findings and recommendations of any study or
22 assessment reviewed by the department under this section. The report may
23 include recommendations for legislation based on the department's
24 evaluation of the studies and assessments reviewed by the department.

25 **Sec. 15.** (1) A battery stewardship organization implementing an
26 approved battery stewardship plan may bring a civil action or actions to
27 recover costs, damages, and fees, as specified in this subsection, from a
28 producer who sells or otherwise makes available in Nebraska covered
29 batteries or battery containing products not included under an approved
30 plan in violation of the requirements of the Safe Battery Collection and
31 Recycling Act. An action under this subsection may be brought against one

1 or more defendants. An action under this subsection shall only be brought
2 against a defendant producer if the battery stewardship organization
3 incurs costs in Nebraska, including legal fees and expenses and
4 reasonable incremental administrative and program promotional costs, in
5 excess of one thousand dollars to collect, transport, and recycle or
6 otherwise dispose of the covered batteries or battery containing products
7 of a nonparticipating producer.

8 (2) A battery stewardship organization implementing an approved
9 battery stewardship plan may bring a civil action against a producer of a
10 recalled battery to recover costs associated with handling the recalled
11 battery, including legal fees and expenses.

12 (3) A battery stewardship organization implementing an approved
13 battery stewardship plan may bring a civil action against another battery
14 stewardship organization that underperforms on its battery collection
15 obligations under the Safe Battery Collection and Recycling Act by
16 failing to collect and provide for the end-of-life management of
17 batteries in an amount roughly equivalent to costs imposed on the
18 plaintiff battery stewardship organization by virtue of the failures of
19 the defendant battery stewardship organization, plus legal fees and
20 expenses.

21 **Sec. 16.** The Battery Stewardship Cash Fund is created. The fund
22 shall consist of fees collected under section 4 of this act. The fund
23 shall be administered by the department and shall only be used for
24 purposes of carrying out the Safe Battery Collection and Recycling Act.
25 Any money in the fund available for investment shall be invested by the
26 state investment officer pursuant to the Nebraska Capital Expansion Act
27 and the Nebraska State Funds Investment Act.

28 **Sec. 17.** The department may adopt and promulgate rules and
29 regulations to carry out the Safe Battery Collection and Recycling Act.

30 **Sec. 18.** (1) The Legislature hereby finds and declares that
31 Nebraska is experiencing a persistent and present crisis in regards to

1 affordable quality housing, as evidenced by lower inventory than required
2 to support and sustain a healthy housing market. Housing inventory and
3 availability are critical elements in population attraction and
4 retention, workforce development, economic development, and individual
5 family health and economic self-sufficiency. In addition to housing
6 inventory and the availability of homes, another factor that may hinder
7 population attraction is the quality of homes. One measurement of housing
8 quality is age. As such, Nebraska must streamline and maximize all
9 existing housing, weatherization, and home improvement programs to expand
10 access to affordable quality homes and renovate and modernize existing
11 aging housing inventory to meet modern standards.

12 (2) The Home Weatherization Clearinghouse is established within the
13 Department of Environment and Energy.

14 (3) The clearinghouse shall:

15 (a) Establish a hub for information about the availability and
16 application processes of and eligibility for grants, loans, or other
17 programs that fund home weatherization projects, whether administered by
18 the department, other state or local agencies, nonprofit organizations,
19 or the federal government; and

20 (b) Assist in coordination efforts by state and local agencies to
21 optimize the execution of home weatherization projects.

22 (4) The Department of Environment and Energy shall utilize existing
23 staff to carry out this section.

24 **Sec. 19.** Section 37-438, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 37-438 (1) The commission shall devise annual, temporary, disabled
27 veteran, and active-duty military permits.

28 (2) The annual permit may be purchased by any person and shall be
29 valid through December 31 in the year for which the permit is issued. The
30 fee for the annual permit for a resident motor vehicle shall be not more
31 than fifty ~~thirty-five~~ dollars per permit. The fee for the annual permit

1 for a nonresident motor vehicle shall be two times the fee for a resident
2 motor vehicle ~~or sixty dollars, whichever is greater~~. The commission
3 shall establish such fees by the adoption and promulgation of rules and
4 regulations.

5 (3) A temporary permit may be purchased by any person and shall be
6 valid until noon of the day following the date of issue. The fee for the
7 temporary permit for a resident motor vehicle shall be not more than ten
8 ~~seven~~ dollars. The fee for the temporary permit for a nonresident motor
9 vehicle shall be two times the fee for a resident motor vehicle ~~or twelve~~
10 ~~dollars, whichever is greater~~. The commission shall establish such fees
11 by the adoption and promulgation of rules and regulations. The commission
12 may issue temporary permits which are either valid for any area or valid
13 for a single area.

14 (4)(a) A veteran who is a resident of Nebraska shall, upon
15 application and without payment of any fee, be issued one disabled
16 veteran permit for a resident motor vehicle if the veteran:

17 (i) Was discharged or separated with a characterization of honorable
18 or general (under honorable conditions); and

19 (ii)(A) Is rated by the United States Department of Veterans Affairs
20 as fifty percent or more disabled as a result of service in the armed
21 forces of the United States; or

22 (B) Is receiving a pension from the United States Department of
23 Veterans Affairs as a result of total and permanent disability, which
24 disability was not incurred in the line of duty in the military service.

25 (b) All disabled veteran permits issued pursuant to this subsection
26 shall be perpetual and shall become void only upon termination of
27 eligibility as provided in this subsection.

28 (5) An active-duty military permit may be purchased by any
29 individual who is active-duty military and shall be valid through
30 December 31 in the year for which the permit is issued. The fee for the
31 active-duty military permit is five dollars, regardless of residency. To

1 qualify for an active-duty military permit, the individual shall present:

2 (a) Such individual's military identification card; and

3 (b) Proof that such individual is stationed at a military base
4 located in Nebraska for active-duty military service.

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

8 (7) The commission may adopt and promulgate rules and regulations to
9 carry out this section.

10 **Sec. 20.** Section 37-440, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 37-440 (1) The commission shall prescribe the type and design of
13 permits and the method for displaying permits on the driver's side of the
14 windshield of motor vehicles. ~~The commission may provide for the~~
15 ~~electronic issuance of permits and may enter into contracts to procure~~
16 ~~necessary services and supplies for the electronic issuance of permits.~~

17 (2) The permits may be procured from the central and district
18 offices of the commission, at areas of the Nebraska state park system
19 where commission offices are maintained, from self-service vending
20 stations at designated park areas, from designated commission employees,
21 through Internet sales from the commission's website, from appropriate
22 offices of county government, and from various private persons, firms, or
23 corporations designated by the commission as permit agents. The
24 commission and county offices or private persons, firms, or corporations
25 designated by the commission as permit agents shall be entitled to
26 collect and retain an issuing fee pursuant to section 37-406 ~~a fee of not~~
27 ~~more than one dollar, as established by the commission pursuant to~~
28 ~~section 37-327, for each permit as reimbursement for the clerical work of~~
29 ~~issuing the permits and remitting therefor. The commission shall be~~
30 ~~entitled to collect and retain a fee of one dollar for each permit sold~~
31 ~~through its website as reimbursement for the clerical work and postage~~

1 ~~associated with issuing the permit.~~

2 **Sec. 21.** Section 37-451, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 37-451 (1) The commission may issue permits for hunting mountain
5 sheep and may adopt and promulgate separate and, when necessary,
6 different rules and regulations therefor within the limitations
7 prescribed in subsection (1) of section 37-447 and section 37-452 for
8 hunting deer. Such rules and regulations shall include provisions
9 allowing persons who find dead mountain sheep, or any part of a mountain
10 sheep, to turn over to the commission such mountain sheep or part of a
11 mountain sheep. The commission may dispose of such mountain sheep or part
12 of a mountain sheep as it deems reasonable and prudent. Except as
13 otherwise provided in this section, the permits shall be issued to
14 residents of Nebraska.

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

21 (3) No more than two ~~one~~ additional permits ~~permit~~ may be authorized
22 and issued pursuant to an auction open to residents and nonresidents. The
23 number of such permits shall not exceed the number of those awarded
24 pursuant to subsection (2) of this section. The auction shall be
25 conducted according to rules and regulations prescribed by the
26 commission. Any money derived from the sale of permits by auction shall
27 be used only for perpetuation and management of mountain sheep, elk, and
28 deer.

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

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

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

9 **Sec. 22.** Section 37-455, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 37-455 (1) The commission may issue a limited permit for deer,
12 antelope, wild turkey, or elk to a person who is a qualifying landowner
13 or leaseholder or a member of such person's immediate family as described
14 in this section. The commission may issue nonresident landowner limited
15 permits after preference has been given for the issuance of resident
16 permits as provided in rules and regulations adopted and promulgated by
17 the commission. Except as provided in subsection (4) of this section, a
18 permit shall be valid during the predetermined period established by the
19 commission pursuant to sections 37-447 to 37-450, 37-452, 37-456, or
20 37-457. Upon receipt of an application in proper form as prescribed by
21 the rules and regulations of the commission, the commission may issue (a)
22 a limited deer, antelope, or wild turkey permit valid for hunting on all
23 of the land which is owned or leased by the qualifying landowner or
24 leaseholder if such lands are identified in the application or (b) a
25 limited elk permit valid for hunting on the entire elk management unit of
26 which the land of the qualifying landowner or leaseholder included in the
27 application is a part.

28 (2)(a) The commission shall adopt and promulgate rules and
29 regulations prescribing procedures and forms and create requirements for
30 documentation by an applicant or permittee to determine whether the
31 applicant or permittee is a Nebraska resident and is a qualifying

1 landowner or leaseholder of the described property or is a member of the
2 immediate family of such qualifying landowner or leaseholder. The
3 commission may adopt and promulgate rules and regulations that create
4 requirements for documentation to designate one qualifying landowner
5 among partners of a partnership or officers or shareholders of a
6 corporation that owns or leases eighty acres or more of farm or ranch
7 land for agricultural purposes and among beneficiaries of a trust that
8 owns or leases eighty acres or more of farm or ranch land for
9 agricultural purposes. Only a person who is a qualifying landowner or
10 leaseholder or a member of such person's immediate family may apply for a
11 limited permit. An applicant may apply for no more than one permit per
12 species per year except as otherwise provided in subsection (4) of this
13 section and the rules and regulations of the commission. For purposes of
14 this section, member of a person's immediate family means and is limited
15 to the spouse of such person, any child or stepchild of such person or of
16 the spouse of such person, any spouse of any such child or stepchild, any
17 grandchild or stepgrandchild of such person or of the spouse of such
18 person, any spouse of such grandchild or stepgrandchild, any sibling of
19 such person sharing ownership in the property, and any spouse of any such
20 sibling.

21 (b) The conditions applicable to permits issued pursuant to sections
22 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate,
23 shall apply to limited permits issued pursuant to this section, except
24 that the commission may pass commission orders for species harvest
25 allocation pertaining to the sex and age of the species harvested which
26 are different for a limited permit than for other hunting permits. For
27 purposes of this section, white-tailed deer and mule deer shall be
28 treated as one species.

29 (3)(a) To qualify for a limited permit to hunt deer or antelope, the
30 applicant shall be a Nebraska resident who (i) owns or leases eighty
31 acres or more of farm or ranch land for agricultural purposes or a member

1 of such person's immediate family or (ii) is the partner, officer,
2 shareholder, or beneficiary designated as the qualifying landowner by a
3 partnership, corporation, or trust as provided in the rules and
4 regulations under subdivision (2)(a) of this section or a member of the
5 immediate family of the partner, officer, shareholder, or beneficiary.
6 The number of limited permits issued annually per species for each farm
7 or ranch shall not exceed the total acreage of the farm or ranch divided
8 by eighty. The fee for a limited permit to hunt deer or antelope shall be
9 one-half the fee for the regular permit for such species.

10 (b) A nonresident of Nebraska who owns three hundred twenty acres or
11 more of farm or ranch land in the State of Nebraska for agricultural
12 purposes or a member of such person's immediate family may apply for a
13 limited deer or antelope permit. The number of limited permits issued
14 annually per species for each farm or ranch shall not exceed the total
15 acreage of the farm or ranch divided by three hundred twenty. The fee for
16 such a permit to hunt deer or antelope shall be one-half the fee for a
17 nonresident permit to hunt such species.

18 (c) The commission may adopt and promulgate rules and regulations
19 providing for the issuance of an additional limited deer permit to a
20 qualified individual for the taking of a deer without antlers at a fee
21 equal to or less than the fee for the original limited permit.

22 (4)(a) In addition to any limited permit to hunt deer issued to a
23 qualifying landowner under subsection (3) of this section, the commission
24 shall issue up to eight limited permits to hunt deer during the three
25 days of Saturday through Monday immediately preceding the opening day of
26 firearm deer hunting season to any qualifying landowner meeting the
27 requirements of subdivision (b) of this subsection and designated members
28 of his or her immediate family. The fee for each permit issued under this
29 subsection shall be five dollars. Permits shall be issued subject to the
30 following:

31 (i) No more than eight permits may be issued per qualifying

1 landowner to the landowner or designated members of his or her immediate
2 family, except that no more than one permit shall be issued per person
3 for the qualifying landowner or any designated member of his or her
4 immediate family;

5 (ii) Of the eight permits that may be issued, no more than six
6 permits may be issued to persons who are younger than nineteen years of
7 age and no more than two permits may be issued to persons who are
8 nineteen years of age or older; and

9 (iii) For a Nebraska resident landowner, the number of permits
10 issued shall not exceed the total acreage of the farm or ranch divided by
11 eighty, and for a nonresident landowner, the number of permits issued
12 shall not exceed the total acreage of the farm or ranch divided by three
13 hundred twenty.

14 (b) For purposes of this subsection, the qualifying criteria for a
15 Nebraska resident described in subdivisions (3)(a)(i) and (ii) of this
16 section and the ownership criteria for a nonresident of Nebraska
17 described in subdivision (3)(b) of this section apply.

18 (c) The commission may adopt and promulgate rules and regulations to
19 carry out this subsection.

20 (5)(a) To qualify for a limited permit to hunt wild turkey, the
21 applicant shall be a Nebraska resident who (i) owns or leases eighty
22 acres or more of farm or ranch land for agricultural purposes or a member
23 of such person's immediate family or (ii) is the partner, officer,
24 shareholder, or beneficiary designated as the qualifying landowner by a
25 partnership, corporation, or trust as provided in the rules and
26 regulations under subdivision (2)(a) of this section or a member of the
27 immediate family of the partner, officer, shareholder, or beneficiary.
28 The number of limited permits issued annually per season for each farm or
29 ranch shall not exceed the total acreage of the farm or ranch divided by
30 eighty. An applicant may apply for no more than one limited permit per
31 season. The fee for a limited permit to hunt wild turkey shall be one-

1 half the fee for the regular permit to hunt wild turkey.

2 (b) A nonresident of Nebraska who owns three hundred twenty acres or
3 more of farm or ranch land in the State of Nebraska for agricultural
4 purposes or a member of such person's immediate family may apply for a
5 limited permit to hunt wild turkey. Only one limited wild turkey permit
6 per three hundred twenty acres may be issued annually for each wild
7 turkey season under this subdivision. The fee for such a permit to hunt
8 shall be one-half the fee for a nonresident permit to hunt wild turkey.

9 (6)(a) ~~(6)~~ To qualify for a limited permit to hunt elk, (i) ~~(a)~~ the
10 applicant shall be (A) ~~(i)~~ a Nebraska resident who owns three hundred
11 twenty acres or more of farm or ranch land for agricultural purposes, or
12 is the partner, officer, shareholder, or beneficiary designated as the
13 qualifying landowner by a partnership, corporation, or trust as provided
14 in the rules and regulations under subdivision (2)(a) of this section,
15 (B) ~~(ii)~~ a Nebraska resident who leases six hundred forty acres or more
16 of farm or ranch land for agricultural purposes or has a combined total
17 of six hundred forty leased and owned acres of ~~or has a leasehold~~
18 ~~interest and an ownership interest in~~ farm or ranch land used for
19 agricultural purposes, or is the partner, officer, shareholder, or
20 beneficiary designated as the qualifying landowner by a partnership,
21 corporation, or trust as provided in the rules and regulations under
22 subdivision (2)(a) of this section ~~which when added together totals at~~
23 ~~least six hundred forty acres,~~ (C) ~~(iii)~~ a nonresident of Nebraska who
24 owns at least one thousand two hundred eighty acres of farm or ranch land
25 for agricultural purposes, or is the partner, officer, shareholder, or
26 beneficiary designated as the qualifying landowner by a partnership,
27 corporation, or trust as provided in the rules and regulations under
28 subdivision (2)(a) of this section, (D) ~~(iv)~~ a member of such owner's
29 or lessee's immediate family and (ii) ~~(b)~~ the qualifying farm or ranch
30 land of the applicant shall be within an area designated as an elk
31 management zone by the commission in its rules and regulations.

1 **(b)** An applicant shall not be issued a limited bull elk permit more
2 than once every three years, and the commission may give preference to a
3 person who did not receive a limited elk permit or a specified type of
4 limited elk permit during the previous years.

5 **(c)** The fee for a resident landowner limited permit to hunt elk
6 shall not exceed one-half the fee for the regular permit to hunt elk. The
7 fee for a nonresident landowner limited permit to hunt elk shall not
8 exceed three times the cost of a resident elk permit.

9 **(d)** The number of applications allowed for limited elk permits for
10 each farm or ranch shall not exceed the total acreage of the farm or
11 ranch divided by the minimum acreage requirements established for the
12 property. No more than one person may qualify for the same described
13 property.

14 **Sec. 23.** Section 37-1214, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 37-1214 (1) Except as otherwise provided in section 37-1211, the
17 owner of each motorboat shall register such vessel or renew the
18 registration every three years as provided in section 37-1226. The owner
19 of such vessel shall file an initial application for a certificate of
20 number pursuant to section 37-1216 with a county treasurer on forms
21 approved and provided by the commission. The application shall be signed
22 by the owner of the vessel, shall contain the year manufactured, and
23 shall be accompanied by a registration fee for the three-year period of
24 twenty-eight dollars for Class 1 boats, fifty-one dollars for Class 2
25 boats, seventy-two dollars and fifty cents for Class 3 boats, and one
26 hundred twenty dollars for Class 4 boats. Of each motorboat registration
27 fee, not more than ten dollars may be used for the Aquatic Invasive
28 Species Program.

29 (2) The owner of a motorboat not registered in Nebraska shall
30 purchase an aquatic invasive species stamp for the Aquatic Invasive
31 Species Program valid for one calendar year prior to launching into any

1 waters of the state. The cost of such one-year stamp shall be established
2 pursuant to section 37-327 and be ~~not less than ten dollars and~~ not more
3 than thirty fifteen ~~fifteen~~ dollars plus an issuance fee pursuant to section
4 37-406. Such one-year stamp may be purchased electronically or through
5 any vendor authorized by the commission to sell other permits and stamps
6 issued under the Game Law pursuant to section 37-406. The aquatic
7 invasive species stamp shall be permanently affixed on the starboard and
8 rearward side of the vessel. The proceeds from the sale of stamps shall
9 be remitted to the State Game Fund.

10 (3) This subsection applies beginning on an implementation date
11 designated by the Director of Motor Vehicles in cooperation with the
12 commission. The director shall designate an implementation date on or
13 before January 1, 2021, for motorboat registration. In addition to the
14 information required under subsection (1) of this section, the
15 application for registration shall contain (a)(i) the full legal name as
16 defined in section 60-468.01 of each owner or (ii) the name of each owner
17 as such name appears on the owner's motor vehicle operator's license or
18 state identification card and (b)(i) the motor vehicle operator's license
19 number or state identification card number of each owner, if applicable,
20 and one or more of the identification elements as listed in section
21 60-484 of each owner, if applicable, and (ii) if any owner is a business
22 entity, a nonprofit organization, an estate, a trust, or a church-
23 controlled organization, its tax identification number.

24 **Sec. 24.** Section 37-1802, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 37-1802 The Legislature finds and declares as follows:

27 (1) The future vibrancy of the people, communities, and businesses
28 of Nebraska depends on reliable sources of water;

29 (2) While it is in the state's best interest to retain control over
30 its water supplies, much of the state's water resources are currently
31 underutilized;

1 (3) In 2019, the state experienced historic flooding along the
2 Platte River which caused loss of life and over one billion dollars in
3 damage to private and public property and infrastructure;

4 (4) Well-planned flood control is critical to the future of the
5 people, communities, and businesses of Nebraska;

6 (5) In light of the disruption from the COVID-19 pandemic and the
7 trend toward a remote workforce around the country, people around the
8 country are rethinking where they want to work, live, and raise a family.
9 As people consider where to live, access to sustainable water resources
10 and outdoor recreational opportunities will be important considerations
11 in making Nebraska a competitive choice for the future;

12 (6) The state's lakes and rivers help Nebraskans enjoy the water
13 resources in our state and make Nebraska an even more attractive place to
14 live and raise a family;

15 (7) The state's water resources provide economic benefits to the
16 people, communities, and businesses of Nebraska by helping to attract
17 visitors from other states and boosting local economies;

18 (8) In 2021, the Legislature passed LB406, which established the
19 Statewide Tourism And Recreational Water Access and Resource
20 Sustainability Special Committee of the Legislature. The committee was
21 tasked with conducting studies on:

22 (a) The need to protect public and private property, including use
23 of levee systems, enhance economic development, and promote private
24 investment and the creation of jobs along the Platte River and its
25 tributaries from Columbus, Nebraska, to Plattsmouth, Nebraska;

26 (b) The need to provide for public safety, public infrastructure,
27 land-use planning, recreation, and economic development in the Lake
28 McConaughy region of Keith County, Nebraska; and

29 (c) The socioeconomic conditions, recreational and tourism
30 opportunities, and public investment necessary to enhance economic
31 development and to catalyze private investment in the region in Knox

1 County, Nebraska, that lies north of State Highway 12 and extends to the
2 South Dakota border and includes Lewis and Clark Lake and Niobrara State
3 Park;

4 (9) After considerable study, the Statewide Tourism And Recreational
5 Water Access and Resource Sustainability Special Committee identified the
6 following potential opportunities:

7 (a) Marina construction projects or other projects identified to
8 expand water access or ~~and~~ recreational opportunities at Lake McConaughy
9 and the Lewis and Clark State Recreation Area; and

10 (b) Projects A ~~project~~ to increase access to and the enjoyment of
11 Niobrara State Park through the construction of an event center and lodge
12 or through other projects identified to increase recreational opportunity
13 and the enjoyment of Niobrara State Park;

14 (10) It is in the public interest to expand water access and
15 recreational opportunities at Lake McConaughy and the Lewis and Clark
16 State Recreation Area through the construction of new marinas or through
17 infrastructure projects identified to improve access to the areas for
18 recreational opportunities and water access; and

19 (11) It is in the public interest to increase access to and the
20 enjoyment of Niobrara State Park through the construction of an event
21 center and lodge or through projects identified to increase recreational
22 opportunity and the enjoyment of Niobrara State Park.

23 **Sec. 25.** Section 37-1803, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 37-1803 (1) The purposes of the Water Recreation Enhancement Act are
26 to administer and carry out the following projects:

27 (a) Marina construction projects or other projects identified to
28 improve ~~expand~~ water access or ~~and~~ recreational opportunities at Lake
29 McConaughy and the Lewis and Clark State Recreation Area; and

30 (b) Projects A ~~project~~ to increase access to and the enjoyment of
31 Niobrara State Park through the construction of an event center and lodge

1 or through other projects identified to increase recreational opportunity
2 and enjoyment of Niobrara State Park.

3 (2) The Game and Parks Commission is granted all power necessary to
4 carry out the purposes of the Water Recreation Enhancement Act,
5 including, but not limited to, the power to:

6 (a) Enter into contracts, including, but not limited to, contracts
7 relating to the provision of construction services, management services,
8 legal services, auditor services, and other consulting services or advice
9 as the commission may require in the performance of its duties; and

10 (b) Enter into public-private partnerships to carry out the purposes
11 of the act.

12 (3) It is the intent of the Legislature that the Game and Parks
13 Commission engage local stakeholders as the commission carries out the
14 projects authorized in this section.

15 (4) It is also the intent of the Legislature to encourage political
16 subdivisions that hold a Federal Energy Regulatory Commission license and
17 that own land in and around the projects authorized in this section to
18 enter into contracts with public and private entities for the use, lease,
19 and purchase of such land whenever possible in order to increase economic
20 development and recreational opportunities, particularly when covenants,
21 easements, and other instruments can ensure such economic development
22 complies with the rules and regulations of the Federal Energy Regulatory
23 Commission.

24 (5) No member of the Game and Parks Commission or any employee of
25 the commission shall have a financial interest, either personally or
26 through an immediate family member, in any purchase, sale, or lease of
27 real property relating to a project authorized in this section or in any
28 contract entered into by the commission relating to a project authorized
29 in this section. For purposes of this subsection, immediate family member
30 means a spouse, child, sibling, parent, grandparent, or grandchild.

31 **Sec. 26.** Section 39-891, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 39-891 (1) Recognizing that obstructions on or near the boundary of
3 the State of Nebraska impede commerce and travel between the State of
4 Nebraska and adjoining states, the Legislature hereby declares that
5 bridges over these obstructions are essential to the general welfare of
6 the State of Nebraska.

7 (2) Providing bridges over these obstructions and for the safe and
8 efficient operation of such bridges is deemed an urgent problem that is
9 the proper concern of legislative action.

10 (3) Such bridges, properly planned, designated, and managed, provide
11 a safe passage for highway traffic to and from the state highway system
12 and encourage commerce and travel between the State of Nebraska and
13 adjoining states which increase the social and economic progress and
14 general welfare of the state.

15 (4) It is recognized that bridges between the State of Nebraska and
16 adjoining states are not and cannot be the sole concern of the State of
17 Nebraska. The nature of such bridges requires that a high degree of
18 cooperation be exercised between the State of Nebraska and adjoining
19 states in all phases of planning, construction, maintenance, and
20 operation if proper benefits are to be realized.

21 (5) It is also recognized that parties other than the State of
22 Nebraska may wish to erect and control bridges between the State of
23 Nebraska and adjoining states and that the construction, operation, and
24 financing of such bridges have previously been authorized by the
25 Legislature. Such bridges also benefit the State of Nebraska, and it is
26 not the intent of the Legislature to abolish such power previously
27 granted.

28 (6) To this end, it is the intention of the Legislature to
29 supplement sections 39-1301 to ~~39-1362~~ and 39-1393 and section 30 of this
30 act, relating to state highways, in order that the powers and authority
31 of the department relating to the planning, construction, maintenance,

1 acquisition, and operation of interstate bridges upon the state highway
2 system may be clarified within a single act.

3 (7) Acting under the direction of the Director-State Engineer, the
4 department, with the advice of the State Highway Commission and the
5 consent of the Governor, is given the power to enter into agreements with
6 the United States and adjoining states, subject to the limitations
7 imposed by the Constitution and the provisions of the Interstate Bridge
8 Act of 1959.

9 (8) The Legislature intends to place a high degree of trust in the
10 hands of those officials whose duty it may be to enter into agreements
11 with adjoining states and the United States for the planning,
12 development, construction, acquisition, operation, maintenance, and
13 protection of interstate bridges.

14 (9) In order that the persons concerned may understand the
15 limitations and responsibilities for planning, constructing, acquiring,
16 operating, and maintaining interstate bridges upon the state highway
17 system, it is necessary that the responsibilities for such work shall be
18 fixed, but it is intended that the department, acting under the Director-
19 State Engineer, shall have sufficient freedom to enter into agreements
20 with adjoining states regarding any phase of planning, constructing,
21 acquiring, maintaining, and operating interstate bridges upon the state
22 highway system in order that the best interests of the State of Nebraska
23 may always be served. The authority of the department to enter into
24 agreements with adjoining states, as granted in the act, is therefor
25 essential.

26 (10) The Legislature hereby determines and declares that the
27 provisions of the act are necessary for the preservation of the public
28 peace, health, and safety, for the promotion of the general welfare, and
29 as a contribution to the national defense.

30 **Sec. 27.** Section 39-893, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 39-893 The provisions of the Interstate Bridge Act of 1959 are
2 intended to be cumulative to, and not amendatory of, sections 39-1301 to
3 ~~39-1362 and 39-1393 and section 30 of this act.~~

4 **Sec. 28.** Section 39-1301, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 39-1301 (1) Recognizing that safe and efficient highway
7 transportation is a matter of important interest to all of the people in
8 the state, the Legislature hereby determines and declares that an
9 integrated system of highways is essential to the general welfare of the
10 State of Nebraska.

11 (2) Providing such a system of facilities and the efficient
12 management, operation, and control thereof are recognized as urgent
13 problems and the proper objectives of highway legislation.

14 (3) Adequate highways provide for the free flow of traffic, result
15 in low cost of motor vehicle operation, protect the health and safety of
16 the citizens of the state, increase property values, and generally
17 promote economic and social progress of the state.

18 (4) It is the intent of the Legislature to consider of paramount
19 importance the convenience and safety of the traveling public in the
20 location, relocation, or abandonment of highways.

21 (5) In designating the highway system of this state, as provided by
22 sections 39-1301 to ~~39-1362 and 39-1393 and section 30 of this act~~, the
23 Legislature places a high degree of trust in the hands of those officials
24 whose duty it shall be, within the limits of available funds, to plan,
25 develop, construct, operate, maintain, and protect the highway facilities
26 of this state, for present as well as for future uses.

27 (6) The design, construction, maintenance, operation, and protection
28 of adequate state highway facilities sufficient to meet the present
29 demands as well as future requirements will, of necessity, require
30 careful organization, with lines of authority definitely fixed, and basic
31 rules of procedure established by the Legislature.

1 (7) To this end, it is the intent of the Legislature, subject to the
2 limitations of the Constitution and such mandates as the Legislature may
3 impose by ~~the provisions of such sections 39-1301 to 39-1393 and section~~
4 30 of this act, to designate the Director-State Engineer and the
5 department, acting under the direction of the Director-State Engineer, as
6 direct custodian of the state highway system, with full authority in all
7 departmental administrative details, in all matters of engineering
8 design, and in all matters having to do with the construction,
9 maintenance, operation, and protection of the state highway system.

10 (8) The Legislature intends to declare, in general terms, the powers
11 and duties of the Director-State Engineer, leaving specific details to be
12 determined by reasonable rules and regulations which may be promulgated
13 by him or her. It is the intent of the Legislature to grant authority to
14 the Director-State Engineer to exercise sufficient power and authority to
15 enable him or her and the department to carry out the broad objectives
16 stated in this section.

17 (9) While it is necessary to fix responsibilities for the
18 construction, maintenance, and operation of the several systems of
19 highways, it is intended that the State of Nebraska shall have an
20 integrated system of all roads and streets to provide safe and efficient
21 highway transportation throughout the state. The authority granted in
22 sections 39-1301 to ~~39-1362 and 39-1393~~ and section 30 of this act to the
23 Director-State Engineer and to the political or governmental subdivisions
24 or public corporations of this state to assist and cooperate with each
25 other is therefor essential.

26 (10) The Legislature hereby determines and declares that such
27 sections 39-1301 to 39-1393 and section 30 of this act are necessary for
28 the preservation of the public peace, health, and safety, for promotion
29 of the general welfare, and as a contribution to the national defense.

30 **Sec. 29.** Section 39-1302, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 39-1302 For purposes of sections 39-1301 to 39-1393 and section 30
2 of this act, unless the context otherwise requires:

3 (1) Abandon means to reject all or part of the department's rights
4 and responsibilities relating to all or part of a fragment, section, or
5 route on the state highway system;

6 (2) Alley means an established passageway for vehicles and
7 pedestrians affording a secondary means of access in the rear to
8 properties abutting on a street or highway;

9 (3) Approach or exit road means any highway or ramp designed and
10 used solely for the purpose of providing ingress or egress to or from an
11 interchange or rest area of a highway. An approach road shall begin at
12 the point where it intersects with any highway not a part of the highway
13 for which such approach road provides access and shall terminate at the
14 point where it merges with an acceleration lane of a highway. An exit
15 road shall begin at the point where it intersects with a deceleration
16 lane of a highway and shall terminate at the point where it intersects
17 any highway not a part of a highway from which the exit road provides
18 egress;

19 (4) Arterial highway means a highway primarily for through traffic,
20 usually on a continuous route;

21 (5) Beltway means the roads and streets not designated as a part of
22 the state highway system and that are under the primary authority of a
23 county or municipality, if the location of the beltway has been approved
24 by (a) record of decision or finding of no significant impact and (b) the
25 applicable local planning authority as a part of the comprehensive plan;

26 (6) Business means any lawful activity conducted primarily for the
27 purchase and resale, manufacture, processing, or marketing of products,
28 commodities, or other personal property or for the sale of services to
29 the public or by a nonprofit corporation;

30 (7) Channel means a natural or artificial watercourse;

31 (8) Commercial activity means those activities generally recognized

1 as commercial by zoning authorities in this state, and industrial
2 activity means those activities generally recognized as industrial by
3 zoning authorities in this state, except that none of the following shall
4 be considered commercial or industrial:

5 (a) Outdoor advertising structures;

6 (b) General agricultural, forestry, ranching, grazing, farming, and
7 related activities, including wayside fresh produce stands;

8 (c) Activities normally or regularly in operation less than three
9 months of the year;

10 (d) Activities conducted in a building principally used as a
11 residence;

12 (e) Railroad tracks and minor sidings; and

13 (f) Activities more than six hundred sixty feet from the nearest
14 edge of the right-of-way of the road or highway;

15 (9) Connecting link means the roads, streets, and highways
16 designated as part of the state highway system and which are within the
17 corporate limits of any city or village in this state;

18 (10) Controlled-access facility means a highway or street especially
19 designed for through traffic and over, from, or to which owners or
20 occupants of abutting land or other persons have no right or easement or
21 only a controlled right or easement of access, light, air, or view by
22 reason of the fact that their property abuts upon such controlled-access
23 facility or for any other reason. Such highways or streets may be
24 freeways, or they may be parkways;

25 (11) Department means the Department of Transportation;

26 (12) Displaced person means any individual, family, business, or
27 farm operation which moves from real property acquired for state highway
28 purposes or for a federal-aid highway;

29 (13) Easement means a right acquired by public authority to use or
30 control property for a designated highway purpose;

31 (14) Expressway means a divided arterial highway for through traffic

1 with full or partial control of access which may have grade separations
2 at intersections;

3 (15) Extreme weather event means a weather event that generates
4 extraordinary costs related to such event for construction,
5 reconstruction, relocation, improvement, or maintenance occurring on or
6 after January 1, 2023, resulting from weather conditions including, but
7 not limited to, snow, rain, drought, flood, storm, extreme heat, or
8 extreme cold;

9 (16) Family means two or more persons living together in the same
10 dwelling unit who are related to each other by blood, marriage, adoption,
11 or legal guardianship;

12 (17) Farm operation means any activity conducted primarily for the
13 production of one or more agricultural products or commodities for sale
14 and home use and customarily producing such products or commodities in
15 sufficient quantity to be capable of contributing materially to the
16 operator's support;

17 (18) Faulty engineering means a defect in the design of,
18 construction of, workmanship on, or the materials or systems used on a
19 project that results in failure of a component part or the structural
20 integrity of a structure and that such failure causes damage;

21 (19) Federal-aid primary roads means roads, streets, and highways,
22 whether a part of the state highway system, county road systems, or city
23 streets, which have been designated as federal-aid primary roads by the
24 Nebraska Department of Transportation and approved by the United States
25 Secretary of Transportation and shown on the maps provided for in section
26 39-1311;

27 (20) Freeway means an expressway with full control of access;

28 (21) Frontage road means a local street or road auxiliary to an
29 arterial highway for service to abutting property and adjacent areas and
30 for control of access;

31 (22) Full control of access means that the right of owners or

1 occupants of abutting land or other persons to access or view is fully
2 controlled by public authority having jurisdiction and that such control
3 is exercised to give preference to through traffic by providing access
4 connections with selected public roads only and by prohibiting crossings
5 or intersections at grade or direct private driveway connections;

6 (23) Grade separation means a crossing of two highways at different
7 levels;

8 (24) Highway means a road or street, including the entire area
9 within the right-of-way, which has been designated a part of the state
10 highway system;

11 (25) Highway approach means the portion of a county road located
12 within the right-of-way of a highway;

13 (26) Individual means a person who is not a member of a family;

14 (27) Interchange means a grade-separated intersection with one or
15 more turning roadways for travel between any of the highways radiating
16 from and forming part of such intersection;

17 (28) Map means a drawing or other illustration or a series of
18 drawings or illustrations which may be considered together to complete a
19 representation;

20 (29) Mileage means the aggregate distance in miles without counting
21 double mileage where there are one-way or divided roads, streets, or
22 highways;

23 (30) Parking lane means an auxiliary lane primarily for the parking
24 of vehicles;

25 (31) Parkway means an arterial highway for noncommercial traffic,
26 with full or partial control of access, and usually located within a park
27 or a ribbon of park-like development;

28 (32) Relinquish means to surrender all or part of the rights and
29 responsibilities relating to all or part of a fragment, section, or route
30 on the state highway system to a political or governmental subdivision or
31 public corporation of Nebraska;

1 (33) Right of access means the rights of ingress and egress to or
2 from a road, street, or highway and the rights of owners or occupants of
3 land abutting a road, street, or highway or other persons to a way or
4 means of approach, light, air, or view;

5 (34) Right-of-way means land, property, or interest therein, usually
6 in a strip, acquired for or devoted to a road, street, or highway;

7 (35) Road means a public way for the purposes of vehicular travel,
8 including the entire area within the right-of-way. A road designated as
9 part of the state highway system may be called a highway, while a road in
10 an urban area may be called a street;

11 (36) Roadside means the area adjoining the outer edge of the
12 roadway. Extensive areas between the roadways of a divided highway may
13 also be considered roadside;

14 (37) Roadway means the portion of a highway, including shoulders,
15 for vehicular use;

16 (38) Separation structure means that part of any bridge or road
17 which is directly overhead of the roadway of any part of a highway;

18 (39) State highway purposes has the same meaning set forth in
19 subsection (2) of section 39-1320;

20 (40) State highway system means the roads, streets, and highways
21 shown on the map provided for in section 39-1311 as forming a group of
22 highway transportation lines for which the Nebraska Department of
23 Transportation shall be the primary authority. The state highway system
24 shall include, but not be limited to, rights-of-way, connecting links,
25 drainage facilities, and the bridges, appurtenances, easements, and
26 structures used in conjunction with such roads, streets, and highways;

27 (41) Street means a public way for the purposes of vehicular travel
28 in a city or village and shall include the entire area within the right-
29 of-way;

30 (42) Structure means anything constructed or erected, the use of
31 which requires permanent location on the ground or attachment to

1 something having a permanent location;

2 (43) Title means the evidence of a person's right to property or the
3 right itself;

4 (44) Traveled way means the portion of the roadway for the movement
5 of vehicles, exclusive of shoulders and auxiliary lanes;

6 (45) Unzoned commercial or industrial area for purposes of control
7 of outdoor advertising means all areas within six hundred sixty feet of
8 the nearest edge of the right-of-way of the interstate and federal-aid
9 primary systems which are not zoned by state or local law, regulation, or
10 ordinance and on which there is located one or more permanent structures
11 devoted to a business or industrial activity or on which a commercial or
12 industrial activity is conducted, whether or not a permanent structure is
13 located thereon, the area between such activity and the highway, and the
14 area along the highway extending outward six hundred feet from and beyond
15 each edge of such activity and, in the case of the primary system, may
16 include the unzoned lands on both sides of such road or highway to the
17 extent of the same dimensions if those lands on the opposite side of the
18 highway are not deemed scenic or having aesthetic value as determined by
19 the department. In determining such an area, measurements shall be made
20 from the furthest or outermost edges of the regularly used area of the
21 commercial or industrial activity, structures, normal points of ingress
22 and egress, parking lots, and storage and processing areas constituting
23 an integral part of such commercial or industrial activity;

24 (46) Visible, for purposes of section 39-1320, in reference to
25 advertising signs, displays, or devices, means the message or advertising
26 content of such sign, display, or device is capable of being seen without
27 visual aid by a person of normal visual acuity. A sign shall be
28 considered visible even though the message or advertising content may be
29 seen but not read;

30 (47) Written instrument means a deed or any other document that
31 states a contract, agreement, gift, or transfer of property; and

1 (48) Zoned commercial or industrial areas means those areas within
2 six hundred sixty feet of the nearest edge of the right-of-way of the
3 Highway Beautification Control System defined in section 39-201.01, zoned
4 by state or local zoning authorities for industrial or commercial
5 activities.

6 **Sec. 30.** (1) The department may establish, use, and operate a
7 mitigation bank or an in-lieu-fee program in accordance with applicable
8 state and federal laws.

9 (2) The purpose of the mitigation bank or in-lieu-fee program is to
10 provide compensatory mitigation for the following when compensatory
11 mitigation is required for any transportation project administered by the
12 department:

13 (a) The taking of threatened or endangered species or such species'
14 habitat;

15 (b) The dredging or filling of wetlands; and

16 (c) Restoration, creation, enhancement, or preservation of habitats,
17 wetlands, or other resources.

18 (3) State regulatory agencies shall make a good faith effort to use
19 and give priority to the mitigation bank and in-lieu-fee program
20 established by the department when consulting on or reviewing mitigation
21 plans for the impacts of any transportation project administered by the
22 department.

23 (4) If the department establishes a mitigation bank or an in-lieu-
24 fee program pursuant to subsection (1) of this section, the department
25 may:

26 (a) Enter into one or more cooperative agreements with a state or
27 local public agency or private party, including for-profit and not-for-
28 profit entities, for the establishment, use, operation, and maintenance
29 of the mitigation bank or in-lieu-fee program;

30 (b) Acquire title to real property through purchase, bequest,
31 donation, or eminent domain for use with the mitigation bank or in-lieu-

1 fee program to mitigate the impacts of any transportation project
2 administered by the department;

3 (c) Establish or restore habitats, wetlands, and natural resources
4 for threatened and endangered species and impacts to the environment and
5 natural resources across Nebraska;

6 (d) Provide a consistent and simplified approach to address
7 mitigation requirements associated with permits or authorizations issued
8 by federal and state agencies;

9 (e) Streamline the permitting and consultation process, minimize
10 delays in permit decisions, and decrease the burden on permit applicants
11 regarding planning and performing compensatory mitigation for the
12 following relating to any transportation project administered by the
13 department:

14 (i) The taking of any threatened or endangered species;

15 (ii) The loss of any habitat of such species; and

16 (iii) Any adverse effect on any environmental or natural resources;

17 (f) Increase the ecological efficiency and effectiveness of
18 compensatory mitigation;

19 (g) Replace impacted acres of land by providing for the
20 establishment of a net increase in suitable acres, functions, and values
21 for threatened and endangered species, habitats, wetlands, and other
22 natural resources by using a fair, reasonable, and practicable ratio of
23 compensatory mitigation acres to offset the impacts of any transportation
24 project administered by the department;

25 (h) Achieve a net increase in conservation land functions and values
26 for threatened and endangered species, habitats, wetlands, and other
27 natural resources impacted by any transportation project administered by
28 the department; and

29 (i) Provide research and educational opportunities to advance the
30 understanding and conservation of threatened and endangered species,
31 habitats, wetlands, and other natural resources impacted by any

1 transportation project administered by the department.

2 (5) Any state agency, local agency, public party, or private party,
3 including any for-profit or not-for-profit entity, that owns the
4 mitigation bank acquired to restore, enhance, preserve, or create habitat
5 or wetlands shall also pay a sum in lieu of ad valorem taxes lost by the
6 county. This subsection (5) only applies to property acquired after July
7 1, 2026.

8 (6) The department may adopt and promulgate rules and regulations to
9 carry out this section.

10 **Sec. 31.** Section 39-1309, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 39-1309 (1) The map prepared by the State Highway Commission showing
13 a proposed state highway system in Nebraska, filed with the Clerk of the
14 Legislature and referred to in the resolution filed with the Legislature
15 on February 3, 1955, is hereby adopted by the Legislature as the state
16 highway system on September 18, 1955, except that a highway from
17 Rushville in Sheridan County going south on the most feasible and direct
18 route to the Smith Lake State Recreation Grounds shall be known as state
19 highway 250 and shall be a part of the state highway system.

20 (2) The state highway system may be redesignated, relocated,
21 redetermined, or recreated by the department with the written advice of
22 the State Highway Commission and the consent of the Governor. In
23 redesignating, relocating, redetermining, or recreating the several
24 routes of the state highway system, the following factors, except as
25 provided in section 39-1309.01, shall be considered: (a) The actual or
26 potential traffic volumes and other traffic survey data, (b) the relevant
27 factors of construction, maintenance, right-of-way, and the costs
28 thereof, (c) the safety and convenience of highway users, (d) the
29 relative importance of each highway to existing business, industry,
30 agriculture, enterprise, and recreation and to the development of natural
31 resources, business, industry, agriculture, enterprise, and recreation,

1 (e) the desirability of providing an integrated system to serve
2 interstate travel, principal market centers, principal municipalities,
3 county seat municipalities, and travel to places of statewide interest,
4 (f) the desirability of connecting the state highway system with any
5 state park, any state forest reserve, any state game reserve, the grounds
6 of any state institution, or any recreational, scenic, or historic place
7 owned or operated by the state or federal government, (g) the national
8 defense, and (h) the general welfare of the people of the state.

9 (3) Any highways not designated as a part of the state highway
10 system as provided by sections 39-1301 to ~~39-1362~~ and 39-1393 and section
11 30 of this act shall be a part of the county road system, and the title
12 to the right-of-way of such roads shall vest in the counties in which the
13 roads are located.

14 **Sec. 32.** Section 39-1320, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 39-1320 (1) The department is hereby authorized to acquire, either
17 temporarily or permanently, lands, real or personal property or any
18 interests therein, or any easements deemed to be necessary or desirable
19 for present or future state highway purposes by gift, agreement,
20 purchase, exchange, condemnation, or otherwise. Such lands or real
21 property may be acquired in fee simple or in any lesser estate. It is the
22 intention of the Legislature that all property leased or purchased from
23 the owner shall receive a fair price.

24 (2) State highway purposes, as referred to in subsection (1) of this
25 section or otherwise in sections 39-1301 to ~~39-1362~~ and 39-1393 and
26 section 30 of this act, shall include provision for, but shall not be
27 limited to, the following:

28 (a) The construction, reconstruction, relocation, improvement, and
29 maintenance of the state highway system and highway approaches. The
30 right-of-way for such highways shall be of such width as is deemed
31 necessary by the department;

1 (b) Adequate drainage in connection with any highway, cuts, fills,
2 or channel changes and the maintenance thereof;

3 (c) Controlled-access facilities, including air, light, view, and
4 frontage and service roads to highways;

5 (d) Weighing stations, shops, storage buildings and yards, and road
6 maintenance or construction sites;

7 (e) Road material sites, sites for the manufacture of road
8 materials, and access roads to such sites;

9 (f) The preservation of objects of attraction or scenic value
10 adjacent to, along, or in close proximity to highways and the culture of
11 trees and flora which may increase the scenic beauty of such highways;

12 (g) Roadside areas or parks adjacent to or near any highway;

13 (h) The exchange of property for other property to be used for
14 rights-of-way or other purposes set forth in subsection (1) or (2) of
15 this section if the interests of the state will be served and acquisition
16 costs thereby reduced;

17 (i) The maintenance of an unobstructed view of any portion of a
18 highway so as to promote the safety of the traveling public;

19 (j) The construction and maintenance of stock trails and cattle
20 passes;

21 (k) The erection and maintenance of marking and warning signs and
22 traffic signals;

23 (l) The construction and maintenance of sidewalks and highway
24 illumination;

25 (m) The control of outdoor advertising which is visible from the
26 nearest edge of the right-of-way of the Highway Beautification Control
27 System as defined in section 39-201.01 to comply with the provisions of
28 23 U.S.C. 131, as amended;

29 (n) The relocation of or giving assistance in the relocation of
30 individuals, families, businesses, or farm operations occupying premises
31 acquired for state highway or federal-aid road purposes; and

1 (o) The establishment and maintenance of wetlands to replace or to
2 mitigate damage to wetlands affected by highway construction,
3 reconstruction, or maintenance. The replacement lands shall be capable of
4 being used to create wetlands comparable to the wetlands area affected.
5 The area of the replacement lands may exceed the wetlands area affected.
6 Lands may be acquired to establish a large or composite wetlands area,
7 sometimes called a wetlands bank, not larger than an area which is one
8 hundred fifty percent of the lands reasonably expected to be necessary
9 for the mitigation of future impact on wetlands brought about by highway
10 construction, reconstruction, or maintenance during the six-year plan or
11 program as required by section 39-2115 or an annual plan or program under
12 section 39-2118. For purposes of this section, wetlands shall have the
13 definition found in 33 C.F.R. 328.3(c).

14 (3) The procedure to condemn property authorized by subsection (1)
15 of this section or elsewhere in sections 39-1301 to ~~39-1362~~ and 39-1393
16 and section 30 of this act shall be exercised in the manner set forth in
17 sections 76-704 to 76-724 or as provided by section 39-1323, as the case
18 may be.

19 **Sec. 33.** Section 46-740, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 46-740 (1) If allocation is adopted for use of ground water for
22 irrigation purposes in a management area, the permissible withdrawal of
23 ground water shall be allocated equally per irrigated acre except as
24 permitted by subsections (4) through (6) of section 46-739. Such
25 allocation shall specify the total number of acre-inches that are
26 allocated per irrigated acre per year, except that the district may allow
27 a ground water user to average his or her allocation over any reasonable
28 period of time. A ground water user may use his or her allocation on all
29 or any part of the irrigated acres to which the allocation applies or in
30 any other manner approved by the district.

31 (2) Except as permitted pursuant to subsections (4) through (6) of

1 section 46-739, if annual rotation or reduction of irrigated acres is
2 adopted for use of ground water for irrigation purposes in a management
3 area, the nonuse of irrigated acres shall be a uniform percentage
4 reduction of each landowner's irrigated acres within the management area
5 or a subarea of the management area. Such uniform reduction may be
6 adjusted for each landowner based upon crops grown on his or her land to
7 reflect the varying consumptive requirements between crops.

8 (3)(a) If allocations to any municipality have been made prior to
9 November 1, 2005, such allocations shall remain in full force and effect,
10 but may be amended by the appropriate natural resources district. ~~(3)~~
11 Unless allocations have been made an integrated management plan, a rule,
12 or an order is established, adopted, or issued prior to November 1, 2005,
13 no integrated management plan, rule, or order shall limit the use of
14 ground water by a municipality, within an area determined by the
15 Department of Natural Resources to be fully appropriated pursuant to
16 section 46-714 or designated as overappropriated pursuant to section
17 46-713, until January 1, 2026, except that on and after January 1, 2026,
18 any new or expanded commercial or industrial user served by a municipal
19 water source that commences water use at a rate in excess of twenty-five
20 million gallons annually, expands water use to a rate in excess of
21 twenty-five million gallons annually, or at any time exceeds water use of
22 twenty-five million gallons annually shall be subject to the controls of
23 an integrated management plan, rule, or order and provide a mitigation
24 report to the natural resources district within which such user is
25 located. The mitigation report shall include (i) annual water use, (ii)
26 annual volume of water returned to the municipal system or discharged to
27 another location, (iii) source of water used to mitigate the new or
28 expanded consumptive use, and (iv) any other information deemed necessary
29 by the applicable natural resources district or the Department of Natural
30 Resources. The mitigation report shall be approved by the applicable
31 natural resources district and the Department of Natural Resources prior

1 to January 1, 2026, or prior to commencement of the new or expanded
2 use. ÷

3 (b) Each integrated management plan, rule, or order within an area
4 determined by the Department of Natural Resources to be fully
5 appropriated pursuant to section 46-714 or designated as overappropriated
6 pursuant to section 46-713 may require annual water use and water
7 consumption reporting from municipalities.

8 ~~(a) Any allocations to a municipality that have been made as of~~
9 ~~November 1, 2005, shall remain in full force and effect unless changed by~~
10 ~~the appropriate natural resources district;~~

11 ~~(b)(i) For any municipality that has not received an allocation as~~
12 ~~of November 1, 2005, the minimum annual allocation may be the greater of~~
13 ~~either the amount of ground water authorized by a permit issued pursuant~~
14 ~~to the Municipal and Rural Domestic Ground Water Transfers Permit Act or~~
15 ~~the governmental, commercial, and industrial uses of the municipality~~
16 ~~plus a per capita allowance. Water for commercial and industrial uses may~~
17 ~~be limited as specified in subdivision (b)(iii) of this subsection.~~

18 ~~(ii) The per capita allowance shall be based on the location of the~~
19 ~~municipality, increasing in equal increments from east to west, and shall~~
20 ~~not be less than two hundred gallons per person per day at 95 degrees, 19~~
21 ~~minutes, 00 seconds longitude and not less than two hundred fifty gallons~~
22 ~~per person per day at 104 degrees, 04 minutes, 00 seconds longitude.~~
23 ~~Persons served by a municipality outside of its corporate limits shall be~~
24 ~~considered part of the municipality's population if such service begins~~
25 ~~prior to January 1, 2026.~~

26 ~~(iii) Prior to January 1, 2026, any new or expanded single~~
27 ~~commercial or single industrial development served by any municipality~~
28 ~~within the fully appropriated or overappropriated area which, after July~~
29 ~~14, 2006, commences water use resulting in the consumptive use of water~~
30 ~~in amounts greater than twenty-five million gallons annually may be~~
31 ~~subject to controls adopted pursuant to section 46-715;~~

1 ~~(c) Prior to January 1, 2026, increases in the consumptive use of~~
2 ~~water by a municipality that result in a decrease in streamflow shall be~~
3 ~~addressed by the integrated management plan pursuant to controls or~~
4 ~~incentive programs adopted pursuant to section 46-715 and shall not~~
5 ~~affect the municipal allocations outlined in subdivisions (3)(a) and (b)~~
6 ~~of this section. Any permanent reduction in consumptive use of water~~
7 ~~associated with municipal growth, including governmental, industrial, and~~
8 ~~commercial growth, during the period between July 14, 2006, and January~~
9 ~~1, 2026, shall accrue to the benefit of the natural resources district~~
10 ~~within which such municipality is located; and~~

11 ~~(d) To qualify for the exemption specified in subsection (3) of this~~
12 ~~section, any city of the metropolitan class, city of the primary class,~~
13 ~~city of the first class, or city of the second class shall file a~~
14 ~~conservation plan with the natural resources district, if required by the~~
15 ~~integrated management plan. Villages and other municipalities smaller~~
16 ~~than a city of the second class shall not be required to submit a~~
17 ~~conservation plan to qualify for such exemption.~~

18 ~~(4) On and after January 1, 2026, the base amount for an annual~~
19 ~~allocation to a municipality shall be determined as the greater of either~~
20 ~~(a) the amount of water authorized by a permit issued pursuant to the~~
21 ~~Municipal and Rural Domestic Ground Water Transfers Permit Act or (b) the~~
22 ~~greatest annual use prior to January 1, 2026, for uses specified in~~
23 ~~subdivision (3)(b) of this section plus the per capita allowance~~
24 ~~described in subdivision (3)(b)(ii) of this section. On and after January~~
25 ~~1, 2026, increases in the consumptive use of water by a municipality that~~
26 ~~result in a decrease in streamflow shall be addressed by the integrated~~
27 ~~management plan pursuant to controls or incentive programs adopted~~
28 ~~pursuant to section 46-715. Each municipality may be subject to controls~~
29 ~~adopted pursuant to such section for amounts in excess of the~~
30 ~~allocations.~~

31 ~~(4) (5) Unless an integrated management plan, rule, or order is~~

1 established, adopted, or issued prior to November 1, 2005, no integrated
2 management plan, rule, or order shall limit the use of ground water by a
3 nonmunicipal commercial or industrial water user within an area
4 determined by the department to be fully appropriated pursuant to section
5 46-714 or designated as overappropriated pursuant to section 46-713,
6 until January 1, 2026, except that:

7 (a) Prior to January 1, 2026, the minimum annual allocation for a
8 nonmunicipal commercial or industrial user shall be the greater of either
9 (i) the amount specified in a permit issued pursuant to the Industrial
10 Ground Water Regulatory Act or (ii) the amount necessary to achieve the
11 commercial or industrial use, including all new or expanded uses that
12 consume less than twenty-five million gallons annually. Any increases in
13 the consumptive use of water by a nonmunicipal commercial or industrial
14 water user that result in a decrease in streamflow shall be addressed by
15 the integrated management plan pursuant to controls or incentive programs
16 adopted pursuant to section 46-715;

17 (b) Prior to January 1, 2026, any new or expanded single commercial
18 or industrial development served by a nonmunicipal well within an area
19 determined by the department to be fully appropriated pursuant to section
20 46-714 or designated as overappropriated pursuant to section 46-713
21 which, after July 14, 2006, commences water use resulting in the
22 consumptive use of water in amounts greater than twenty-five million
23 gallons annually may be subject to controls adopted pursuant to section
24 46-715. This subdivision does not apply to a water user described in this
25 subdivision that is regulated by the Industrial Ground Water Regulatory
26 Act and the United States Nuclear Regulatory Commission;

27 (c) On and after January 1, 2026, the base amount for an annual
28 allocation to a nonmunicipal commercial or industrial user within an area
29 determined by the department to be fully appropriated pursuant to section
30 46-714 or designated as overappropriated pursuant to section 46-713 shall
31 be the amount specified in subdivision (4)(a) ~~(5)(a)~~ or (b) of this

1 section;

2 (d) On and after January 1, 2026, increases in the consumptive use
3 of water by a nonmunicipal commercial or industrial water user that
4 result in a decrease in streamflow shall be subject to the controls of an
5 ~~addressed by the integrated management plan, rule, or order pursuant to~~
6 ~~controls or incentive programs adopted pursuant to section 46-715; and~~

7 (e) Any reduction in consumptive use associated with new
8 nonmunicipal industrial or commercial uses of less than twenty-five
9 million gallons, during the period between July 14, 2006, and January 1,
10 2026, shall accrue to the benefit of the natural resources district
11 within which such nonmunicipal industrial or commercial user is located.

12 **Sec. 34.** Section 81-15,160, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is
15 created. The department shall deduct from the fund amounts sufficient to
16 reimburse itself for its costs of administration of the fund. The fund
17 shall be administered by the department. The fund shall consist of
18 proceeds from the fees imposed pursuant to the Waste Reduction and
19 Recycling Incentive Act.

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

22 (a) Technical and financial assistance to political subdivisions for
23 creation of recycling systems and for modification of present recycling
24 systems;

25 (b) Recycling and waste reduction projects, including public
26 education, planning, and technical assistance;

27 (c) Market development for recyclable materials separated by
28 generators, including public education, planning, and technical
29 assistance;

30 (d) Capital assistance for establishing private and public
31 intermediate processing facilities for recyclable materials and

1 facilities using recyclable materials in new products;

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

4 (f) Technical assistance for waste reduction and waste exchange for
5 waste generators;

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

8 (h) Capital assistance for establishing private and public
9 facilities to manufacture combustible waste products and to incinerate
10 combustible waste to generate and recover energy resources, except that
11 no disbursements shall be made under this section for scrap tire
12 processing related to tire-derived fuel; ~~and~~

13 (i) Grants for reimbursement of costs to cities of the first class,
14 cities of the second class, villages, and counties of five thousand or
15 fewer population for the deconstruction of abandoned buildings. Eligible
16 deconstruction costs will be related to the recovery and processing of
17 recyclable or reusable material from the abandoned buildings; and -

18 (j) Administrative costs of the department in fiscal years 2025-26
19 and 2026-27 to implement, administer, and enforce the Safe Battery
20 Collection and Recycling Act.

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

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

29 (b) Reimbursement for the purchase of tire-derived product which
30 utilizes a minimum of twenty-five percent recycled tire content, with
31 disbursements not to exceed twenty-five percent of the product's retail

1 cost;

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

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

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

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

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

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

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

27 (4) Priority for grants made under section 81-15,161 shall be given
28 to grant proposals demonstrating a formal public/private partnership
29 except for grants awarded from fees collected under subsection (6) of
30 section 13-2042.

31 (5) Grants awarded from fees collected under subsection (6) of

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

11 (6) Any person who stores waste tires in violation of section
12 13-2033, which storage is the subject of abatement or cleanup, shall be
13 liable to the State of Nebraska for the reimbursement of expenses of such
14 abatement or cleanup paid by the department.

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

22 **Sec. 35.** The Research Excellence Cash Fund is created. The fund
23 shall be administered by the University of Nebraska. The fund shall
24 consist of money from gifts, grants, or bequests designated for the fund
25 and transfers authorized by the Legislature. The fund may be used to
26 support research-based investments in data, data collection, and ongoing
27 research critical to the Nebraska economy, including, but not limited to,
28 the Nebraska Mesonet system. No money appropriated or transferred from
29 the fund shall be used for electronic-related equipment or electronic-
30 related components manufactured or supplied by a foreign adversary as
31 identified in 15 C.F.R. 791.4, as such regulation existed on February 7,

1 2025, for data gathering equipment that will be or is located within a
2 ten-mile radius of a military installation as defined in section
3 70-1001.01. Any money in the fund available for investment shall be
4 invested by the state investment officer pursuant to the Nebraska Capital
5 Expansion Act and the Nebraska State Funds Investment Act.

6 **Sec. 36.** Original sections 37-440, 46-740, and 81-15,160, Reissue
7 Revised Statutes of Nebraska, and sections 37-438, 37-451, 37-455,
8 37-1214, 37-1802, 37-1803, 39-891, 39-893, 39-1301, 39-1302, 39-1309, and
9 39-1320, Revised Statutes Cumulative Supplement, 2024, are repealed.