

AMENDMENTS TO LB36

Introduced by Natural Resources.

1           1. Strike the original sections and insert the following new  
2 sections:

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

5           **Sec. 2.** For purposes of the Safe Battery Collection and Recycling  
6 Act:

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

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

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

19           (3)(a) Covered battery means a portable battery or a medium format  
20 battery.

21           (b) Covered battery does not include:

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

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

1        (iii) A battery designed to power a motor vehicle, part of a motor  
2 vehicle, or a component part of a motor vehicle assembled by, or for, a  
3 vehicle manufacturer or franchised dealer, including replacement parts  
4 for use in a motor vehicle;

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

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

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

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

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

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

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

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

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

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

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

30        (i) If the covered battery or battery containing product is sold  
31 under a brand of the battery's or product's manufacturer, the person that

1 manufactures the battery or product;

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

5 (iii) If subdivisions (7)(a)(i) and (ii) of this section do not  
6 apply, the person that is the licensee of a brand or trademark under  
7 which the covered battery or battery containing product is sold, offered  
8 for sale, or distributed for sale in or into this state, regardless of  
9 whether the trademark is registered in this state;

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

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

19 (b) Producer does not include a person that only sells, offers for  
20 sale, or distributes for sale a battery containing product if the battery  
21 is supplied by another producer that has designated a battery stewardship  
22 organization to implement a battery stewardship plan and if the producer  
23 certifies this fact in writing to the person that only sells, offers for  
24 sale, or distributes for sale the battery containing product;

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

28 (9)(a) Recycling means preparing batteries for use in manufacturing  
29 processes or for recovery of usable materials and delivering the  
30 materials for use.

31 (b) Recycling does not include:

1           (i) Destruction by incineration or other processes;  
2           (ii) Land disposal of recyclable materials; and  
3           (iii) Reuse, repair, or any other process through which batteries  
4 are returned in their original form;

5           (10) Recycling efficiency rate means the percentage calculated by  
6 dividing the weight of components and materials recycled by a battery  
7 stewardship organization by the weight of covered batteries collected by  
8 the battery stewardship organization; and

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

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

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

29           (3) Beginning January 1, 2029, no producer or retailer may sell,  
30 offer for sale, or distribute for sale in or into this state any covered  
31 battery or battery containing product unless the covered battery or

1 battery in the battery containing product is marked to ensure proper  
2 collection and recycling by:

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

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

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

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

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

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

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

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

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

30 (e) Consumer awareness goals and a description of the education and  
31 outreach strategy that the battery stewardship organization will

1 implement pursuant to section 7 of this act;

2 (f) A process for making available to collection sites, for  
3 voluntary use, signage, written materials, and other promotional  
4 materials to inform consumers of the available end-of-life management  
5 options for covered batteries collected under the battery stewardship  
6 plan;

7 (g) Collection site safety training procedures related to covered  
8 battery collection activities at collection sites, including a  
9 description of operating protocols to reduce risks of spills or fires,  
10 response protocols in the event of a spill or fire, and protocols for  
11 safe management of damaged batteries that are returned to collection  
12 sites;

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

16 (i) Provisions for collecting covered batteries at no cost,  
17 regardless of the brand or producer of the covered battery, on a  
18 continuous, convenient, visible, and accessible basis and a description  
19 of how the battery stewardship organization will comply with section 6 of  
20 this act;

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

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

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

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

31 (3) A battery stewardship organization whose battery stewardship

1 plan is approved under this section shall submit a new plan to the  
2 department for approval no less than once every five years. If the  
3 performance goals under the previously approved plan have not been met,  
4 the new plan shall include corrective measures to be implemented by the  
5 battery stewardship organization to meet those performance goals, which  
6 may include improvements to the collection site network or increased  
7 expenditures dedicated to education and outreach.

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

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

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

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

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

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

27 (6) A battery stewardship organization operating under a plan  
28 approved by the department under this section shall notify the department  
29 within ninety days of a producer beginning or ceasing participation in  
30 the battery stewardship organization, or within ninety days of adding or  
31 removing a processor or transporter under the approved plan.

1       (7) A battery stewardship organization shall pay a fee to the  
2 department upon approval of a plan under this section or on January 1,  
3 2027, whichever is later, and on an annual basis thereafter. The amount  
4 of the fee shall be set by the department and shall be sufficient to  
5 cover all costs incurred by the department to administer and enforce the  
6 Safe Battery Collection and Recycling Act for fiscal year 2027-28 and  
7 each fiscal year thereafter. Through June 30, 2027, the department shall  
8 use the Waste Reduction and Recycling Incentive Fund to pay all costs  
9 incurred by the department to implement, administer, and enforce the act.  
10 Fees paid under this subsection shall be remitted to the State Treasurer  
11 for credit to the Battery Stewardship Cash Fund.

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

14       (1) Be responsible for all costs associated with implementing the  
15 plan;

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

19       (3) Collect charges from participating producers sufficient to cover  
20 the costs of implementation, including battery collection,  
21 transportation, and processing, education and outreach, program  
22 evaluation, and payment of the annual fee to the department under section  
23 4 of this act.

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

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

30       (b) Provide to collection sites under the plan, at no cost to the  
31 sites, suitable collection containers for covered batteries that are

1 segregated from other solid waste, or make alternative arrangements for  
2 the collection of such batteries at the site, with the agreement of the  
3 collection site;

4 (c) Ensure that medium format batteries are collected only at  
5 household hazardous waste collection sites or other staffed collection  
6 sites that meet applicable federal, state, and local requirements for  
7 managing medium format batteries;

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

16 (e) Ensure statewide collection opportunities for all covered  
17 batteries;

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

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

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

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

31 (h) For medium format batteries, provide all of the following within

1 three years after approval of the battery stewardship plan:

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

4 (ii) A collection event at least once every three years in each  
5 county that does not have a permanent collection site, which shall  
6 provide for the collection of all medium format batteries, including  
7 damaged and defective medium format batteries; and

8 (i) Use as a collection site or the site of a collection event any  
9 entity that meets the criteria for a collection site or collection event  
10 under an approved battery stewardship plan and that requests to serve as  
11 a collection site or collection event, up to the number of collection  
12 sites required to comply with subdivisions (1)(g) and (h) of this  
13 section.

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

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

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

31 (1) Develop and maintain a website;

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

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

6       (4) Develop and distribute collection site safety training  
7 procedures to collection sites to help ensure proper management of  
8 covered batteries at collection sites;

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

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

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

19       (8) Upon request by a retailer or other potential collection site,  
20 provide educational materials describing collection opportunities for  
21 covered batteries;

22       (9) Coordinate with other battery stewardship organizations  
23 implementing a battery stewardship plan in providing education and  
24 outreach under this section; and

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

30       **Sec. 8. (1)** No later than June 1, 2029, and no later than June 1 of  
31 each year thereafter, a battery stewardship organization implementing a

1 battery stewardship plan approved under section 4 of this act shall  
2 submit to the department a report that includes:

3 (a) A summary financial statement documenting the financing of the  
4 plan and an analysis of plan costs and expenditures, including an  
5 analysis of the plan's expenses, such as collection, transportation,  
6 recycling, education, and administrative overhead. The summary financial  
7 statement shall be sufficiently detailed to provide transparency that  
8 funds collected from producers are spent on plan implementation in this  
9 state;

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

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

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

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

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

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

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

31 (i) A description of how collected batteries were managed and

1 recycled, including a discussion of best available technologies and the  
2 recycling efficiency rate;

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

5 (i) A summary of education and outreach provided to consumers,  
6 collection sites, manufacturers, distributors, and retailers to promote  
7 the collection and recycling of covered batteries;

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

10 (iii) Samples of education and outreach materials;

11 (iv) A summary of coordinated education and outreach efforts with  
12 any other battery stewardship organizations implementing a battery  
13 stewardship plan; and

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

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

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

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

24 (n) An evaluation of the effectiveness of education and outreach  
25 activities; and

26 (o) If a battery stewardship organization has disposed of covered  
27 batteries through energy recovery, incineration, or landfilling during  
28 the preceding calendar year of plan implementation, the steps that the  
29 battery stewardship organization will take to make the recycling of  
30 covered batteries cost-effective, when possible, or to otherwise increase  
31 battery recycling efficiency rates achieved by the battery stewardship

1 organization.

2 (2) After five years of implementation of an approved battery  
3 stewardship plan, a battery stewardship organization or a producer member  
4 of such organization shall hire an independent third party to conduct a  
5 one-time audit of the battery stewardship plan and plan operation. The  
6 auditor shall examine the effectiveness of the battery stewardship plan  
7 in collecting and recycling covered batteries. The auditor shall also  
8 examine the cost-effectiveness of the plan and compare it to the cost-  
9 effectiveness of collections plans and programs for covered batteries in  
10 other jurisdictions. A copy of such audit shall be submitted to the  
11 department.

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

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

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

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

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

22 (2) Any proprietary information submitted to the department under  
23 this section shall not be included on the department's website and shall  
24 not be subject to public disclosure pursuant to sections 84-712 to  
25 84-712.09.

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

31 **Sec. 11.** (1) Nothing in the Safe Battery Collection and Recycling

1 Act prevents or prohibits a person from offering or performing a fee-  
2 based household collection service or a mail-back service for covered  
3 batteries or a recycler located in this state from offering a fee-based  
4 battery collection service for covered batteries independently of a  
5 battery stewardship organization if:

6 (a) The services are performed and facilities are operated in  
7 compliance with all applicable federal, state, and local laws and  
8 requirements; and

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

19 (2) A person or recycler described in subsection (1) of this section  
20 may keep the covered batteries collected from customers in this state for  
21 purposes of recycling if such person or recycler provides collection data  
22 and recycling data to the department. Such data shall include (a) the  
23 weight, by chemistry, of covered batteries collected, (b) the weight of  
24 materials recycled from covered batteries collected, in total and by  
25 method of battery recycling, (c) a calculation of such person's or  
26 recycler's recycling efficiency rate, (d) a list of all facilities used  
27 in the processing or disposition of covered batteries and a summary of  
28 any violations of environmental laws and regulations during the previous  
29 three years at each facility, (e) a description of how each facility used  
30 for the final disposition of covered batteries recycled or otherwise  
31 managed batteries and battery components, and (f) the weight and

1 chemistry of covered batteries sent to each facility that is used for the  
2 final disposition of batteries. Such person or recycler shall not receive  
3 compensation from a battery stewardship organization for any batteries  
4 collected, transported, or recycled under this subsection.

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

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

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

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

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

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

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

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

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

30 (4) Unless the department is notified of the reason, a battery  
31 stewardship organization shall not refuse to accept covered batteries

1 that are inadvertently received by a recycling or solid waste facility if  
2 the batteries are properly packaged.

3 **Sec. 13.** (1) Any person who violates the Safe Battery Collection  
4 and Recycling Act, other than a violation of section 12 of this act,  
5 shall be subject to a civil penalty of ten thousand dollars for each  
6 violation. Any person who fails to pay the fee required under subsection  
7 (7) of section 4 of this act shall also be subject to a civil penalty of  
8 ten thousand dollars.

9 (2) A person who knowingly makes a false material statement to the  
10 department related to a battery stewardship plan submitted under section  
11 4 of this act shall be guilty of a Class IV felony.

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

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

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

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

31 **Sec. 15.** (1) A battery stewardship organization implementing an

1 approved battery stewardship plan may bring a civil action or actions to  
2 recover costs, damages, and fees, as specified in this subsection, from a  
3 producer who sells or otherwise makes available in Nebraska covered  
4 batteries or battery containing products not included under an approved  
5 plan in violation of the requirements of the Safe Battery Collection and  
6 Recycling Act. An action under this subsection may be brought against one  
7 or more defendants. An action under this subsection shall only be brought  
8 against a defendant producer if the battery stewardship organization  
9 incurs costs in Nebraska, including legal fees and expenses and  
10 reasonable incremental administrative and program promotional costs, in  
11 excess of one thousand dollars to collect, transport, and recycle or  
12 otherwise dispose of the covered batteries or battery containing products  
13 of a nonparticipating producer.

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

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

27 **Sec. 16.** The Battery Stewardship Cash Fund is created. The fund  
28 shall consist of fees collected under section 4 of this act. The fund  
29 shall be administered by the department and shall only be used for  
30 purposes of carrying out the Safe Battery Collection and Recycling Act.  
31 Any money in the fund available for investment shall be invested by the

1 state investment officer pursuant to the Nebraska Capital Expansion Act  
2 and the Nebraska State Funds Investment Act.

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

5 **Sec. 18.** (1) The Legislature hereby finds and declares that  
6 Nebraska is experiencing a persistent and present crisis in regards to  
7 affordable quality housing, as evidenced by lower inventory than required  
8 to support and sustain a healthy housing market. Housing inventory and  
9 availability are critical elements in population attraction and  
10 retention, workforce development, economic development, and individual  
11 family health and economic self-sufficiency. In addition to housing  
12 inventory and the availability of homes, another factor that may hinder  
13 population attraction is the quality of homes. One measurement of housing  
14 quality is age. As such, Nebraska must streamline and maximize all  
15 existing housing, weatherization, and home improvement programs to expand  
16 access to affordable quality homes and renovate and modernize existing  
17 aging housing inventory to meet modern standards.

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

20 (3) The clearinghouse shall:

21 (a) Serve as a primary contact point for persons applying for  
22 grants, loans, or other programs that fund home weatherization projects,  
23 whether administered by the department, other state or local agencies,  
24 nonprofits, or the federal government;

25 (b) Serve as a coordinator for other state and local agencies  
26 administering or applying for any such grants, loans, or programs; and

27 (c) Coordinate efforts by state and local agencies to maximize the  
28 receipt of federal dollars for home weatherization projects.

29 (4) The clearinghouse shall have as its primary focus the  
30 facilitation of funding for whole-home rehabilitation projects. As such,  
31 all grants that accomplish whole-home rehabilitation projects shall be

1 given priority for grant funding to the maximum extent allowed under the  
2 relevant federal, state, or local grant program. Additionally,  
3 administrative costs for public or nonprofit entities administering such  
4 grant programs shall never exceed ten percent of program costs unless  
5 expressly required under the relevant federal, state, or local grant  
6 program.

7 (5) The Department of Environment and Energy shall utilize existing  
8 staff to carry out this section.

9 **Sec. 19.** Section 37-438, Revised Statutes Cumulative Supplement,  
10 2024, is amended to read:

11 37-438 (1) The commission shall devise annual, temporary, disabled  
12 veteran, and active-duty military permits.

13 (2) The annual permit may be purchased by any person and shall be  
14 valid through December 31 in the year for which the permit is issued. The  
15 fee for the annual permit for a resident motor vehicle shall be not more  
16 than ~~fifty thirty-five~~ dollars per permit. The fee for the annual permit  
17 for a nonresident motor vehicle shall be two times the fee for a resident  
18 motor vehicle ~~or sixty dollars, whichever is greater~~. The commission  
19 shall establish such fees by the adoption and promulgation of rules and  
20 regulations.

21 (3) A temporary permit may be purchased by any person and shall be  
22 valid until noon of the day following the date of issue. The fee for the  
23 temporary permit for a resident motor vehicle shall be not more than ~~ten~~  
24 ~~seven~~ dollars. The fee for the temporary permit for a nonresident motor  
25 vehicle shall be two times the fee for a resident motor vehicle ~~or twelve~~  
26 ~~dollars, whichever is greater~~. The commission shall establish such fees  
27 by the adoption and promulgation of rules and regulations. The commission  
28 may issue temporary permits which are either valid for any area or valid  
29 for a single area.

30 (4)(a) A veteran who is a resident of Nebraska shall, upon  
31 application and without payment of any fee, be issued one disabled

1 veteran permit for a resident motor vehicle if the veteran:

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

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

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

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

13 (5) An active-duty military permit may be purchased by any  
14 individual who is active-duty military and shall be valid through  
15 December 31 in the year for which the permit is issued. The fee for the  
16 active-duty military permit is five dollars, regardless of residency. To  
17 qualify for an active-duty military permit, the individual shall present:

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

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

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

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

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

28 37-440 (1) The commission shall prescribe the type and design of  
29 permits and the method for displaying permits on the driver's side of the  
30 windshield of motor vehicles. ~~The commission may provide for the~~  
31 ~~electronic issuance of permits and may enter into contracts to procure~~

1 ~~necessary services and supplies for the electronic issuance of permits.~~

2 (2) The permits may be procured from the central and district  
3 offices of the commission, at areas of the Nebraska state park system  
4 where commission offices are maintained, from self-service vending  
5 stations at designated park areas, from designated commission employees,  
6 through Internet sales from the commission's website, from appropriate  
7 offices of county government, and from various private persons, firms, or  
8 corporations designated by the commission as permit agents. The  
9 commission and county offices or private persons, firms, or corporations  
10 designated by the commission as permit agents shall be entitled to  
11 collect and retain an issuing fee pursuant to section 37-406 ~~a fee of not~~  
12 ~~more than one dollar, as established by the commission pursuant to~~  
13 ~~section 37-327, for each permit as reimbursement for the clerical work of~~  
14 ~~issuing the permits and remitting therefor. The commission shall be~~  
15 ~~entitled to collect and retain a fee of one dollar for each permit sold~~  
16 ~~through its website as reimbursement for the clerical work and postage~~  
17 ~~associated with issuing the permit.~~

18 **Sec. 21.** Section 37-451, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20 37-451 (1) The commission may issue permits for hunting mountain  
21 sheep and may adopt and promulgate separate and, when necessary,  
22 different rules and regulations therefor within the limitations  
23 prescribed in subsection (1) of section 37-447 and section 37-452 for  
24 hunting deer. Such rules and regulations shall include provisions  
25 allowing persons who find dead mountain sheep, or any part of a mountain  
26 sheep, to turn over to the commission such mountain sheep or part of a  
27 mountain sheep. The commission may dispose of such mountain sheep or part  
28 of a mountain sheep as it deems reasonable and prudent. Except as  
29 otherwise provided in this section, the permits shall be issued to  
30 residents of Nebraska.

31 (2) The commission shall, pursuant to section 37-327, establish and

1 charge a nonrefundable application fee of not more than thirty-four  
2 dollars for permits issued only to residents. Any number of resident-only  
3 permits, as authorized by the commission, shall be awarded by random  
4 drawing to eligible applicants. No permit fee shall be charged in  
5 addition to the nonrefundable application fee.

6 (3) No more than two ~~one~~ additional permits ~~permit~~ may be authorized  
7 and issued pursuant to an auction open to residents and nonresidents. The  
8 number of such permits shall not exceed the number of those awarded  
9 pursuant to subsection (2) of this section. The auction shall be  
10 conducted according to rules and regulations prescribed by the  
11 commission. Any money derived from the sale of permits by auction shall  
12 be used only for perpetuation and management of mountain sheep, elk, and  
13 deer.

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

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

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

25 **Sec. 22.** Section 37-455, Revised Statutes Cumulative Supplement,  
26 2024, is amended to read:

27 37-455 (1) The commission may issue a limited permit for deer,  
28 antelope, wild turkey, or elk to a person who is a qualifying landowner  
29 or leaseholder or a member of such person's immediate family as described  
30 in this section. The commission may issue nonresident landowner limited  
31 permits after preference has been given for the issuance of resident

1 permits as provided in rules and regulations adopted and promulgated by  
2 the commission. Except as provided in subsection (4) of this section, a  
3 permit shall be valid during the predetermined period established by the  
4 commission pursuant to sections 37-447 to 37-450, 37-452, 37-456, or  
5 37-457. Upon receipt of an application in proper form as prescribed by  
6 the rules and regulations of the commission, the commission may issue (a)  
7 a limited deer, antelope, or wild turkey permit valid for hunting on all  
8 of the land which is owned or leased by the qualifying landowner or  
9 leaseholder if such lands are identified in the application or (b) a  
10 limited elk permit valid for hunting on the entire elk management unit of  
11 which the land of the qualifying landowner or leaseholder included in the  
12 application is a part.

13 (2)(a) The commission shall adopt and promulgate rules and  
14 regulations prescribing procedures and forms and create requirements for  
15 documentation by an applicant or permittee to determine whether the  
16 applicant or permittee is a Nebraska resident and is a qualifying  
17 landowner or leaseholder of the described property or is a member of the  
18 immediate family of such qualifying landowner or leaseholder. The  
19 commission may adopt and promulgate rules and regulations that create  
20 requirements for documentation to designate one qualifying landowner  
21 among partners of a partnership or officers or shareholders of a  
22 corporation that owns or leases eighty acres or more of farm or ranch  
23 land for agricultural purposes and among beneficiaries of a trust that  
24 owns or leases eighty acres or more of farm or ranch land for  
25 agricultural purposes. Only a person who is a qualifying landowner or  
26 leaseholder or a member of such person's immediate family may apply for a  
27 limited permit. An applicant may apply for no more than one permit per  
28 species per year except as otherwise provided in subsection (4) of this  
29 section and the rules and regulations of the commission. For purposes of  
30 this section, member of a person's immediate family means and is limited  
31 to the spouse of such person, any child or stepchild of such person or of

1 the spouse of such person, any spouse of any such child or stepchild, any  
2 grandchild or stepgrandchild of such person or of the spouse of such  
3 person, any spouse of such grandchild or stepgrandchild, any sibling of  
4 such person sharing ownership in the property, and any spouse of any such  
5 sibling.

6 (b) The conditions applicable to permits issued pursuant to sections  
7 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate,  
8 shall apply to limited permits issued pursuant to this section, except  
9 that the commission may pass commission orders for species harvest  
10 allocation pertaining to the sex and age of the species harvested which  
11 are different for a limited permit than for other hunting permits. For  
12 purposes of this section, white-tailed deer and mule deer shall be  
13 treated as one species.

14 (3)(a) To qualify for a limited permit to hunt deer or antelope, the  
15 applicant shall be a Nebraska resident who (i) owns or leases eighty  
16 acres or more of farm or ranch land for agricultural purposes or a member  
17 of such person's immediate family or (ii) is the partner, officer,  
18 shareholder, or beneficiary designated as the qualifying landowner by a  
19 partnership, corporation, or trust as provided in the rules and  
20 regulations under subdivision (2)(a) of this section or a member of the  
21 immediate family of the partner, officer, shareholder, or beneficiary.  
22 The number of limited permits issued annually per species for each farm  
23 or ranch shall not exceed the total acreage of the farm or ranch divided  
24 by eighty. The fee for a limited permit to hunt deer or antelope shall be  
25 one-half the fee for the regular permit for such species.

26 (b) A nonresident of Nebraska who owns three hundred twenty acres or  
27 more of farm or ranch land in the State of Nebraska for agricultural  
28 purposes or a member of such person's immediate family may apply for a  
29 limited deer or antelope permit. The number of limited permits issued  
30 annually per species for each farm or ranch shall not exceed the total  
31 acreage of the farm or ranch divided by three hundred twenty. The fee for

1 such a permit to hunt deer or antelope shall be one-half the fee for a  
2 nonresident permit to hunt such species.

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

7 (4)(a) In addition to any limited permit to hunt deer issued to a  
8 qualifying landowner under subsection (3) of this section, the commission  
9 shall issue up to eight limited permits to hunt deer during the three  
10 days of Saturday through Monday immediately preceding the opening day of  
11 firearm deer hunting season to any qualifying landowner meeting the  
12 requirements of subdivision (b) of this subsection and designated members  
13 of his or her immediate family. The fee for each permit issued under this  
14 subsection shall be five dollars. Permits shall be issued subject to the  
15 following:

16 (i) No more than eight permits may be issued per qualifying  
17 landowner to the landowner or designated members of his or her immediate  
18 family, except that no more than one permit shall be issued per person  
19 for the qualifying landowner or any designated member of his or her  
20 immediate family;

21 (ii) Of the eight permits that may be issued, no more than six  
22 permits may be issued to persons who are younger than nineteen years of  
23 age and no more than two permits may be issued to persons who are  
24 nineteen years of age or older; and

25 (iii) For a Nebraska resident landowner, the number of permits  
26 issued shall not exceed the total acreage of the farm or ranch divided by  
27 eighty, and for a nonresident landowner, the number of permits issued  
28 shall not exceed the total acreage of the farm or ranch divided by three  
29 hundred twenty.

30 (b) For purposes of this subsection, the qualifying criteria for a  
31 Nebraska resident described in subdivisions (3)(a)(i) and (ii) of this

1 section and the ownership criteria for a nonresident of Nebraska  
2 described in subdivision (3)(b) of this section apply.

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

5 (5)(a) To qualify for a limited permit to hunt wild turkey, the  
6 applicant shall be a Nebraska resident who (i) owns or leases eighty  
7 acres or more of farm or ranch land for agricultural purposes or a member  
8 of such person's immediate family or (ii) is the partner, officer,  
9 shareholder, or beneficiary designated as the qualifying landowner by a  
10 partnership, corporation, or trust as provided in the rules and  
11 regulations under subdivision (2)(a) of this section or a member of the  
12 immediate family of the partner, officer, shareholder, or beneficiary.  
13 The number of limited permits issued annually per season for each farm or  
14 ranch shall not exceed the total acreage of the farm or ranch divided by  
15 eighty. An applicant may apply for no more than one limited permit per  
16 season. The fee for a limited permit to hunt wild turkey shall be one-  
17 half the fee for the regular permit to hunt wild turkey.

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

25 (6)(a) (6) To qualify for a limited permit to hunt elk, (i) (a) the  
26 applicant shall be (A) (i) a Nebraska resident who owns three hundred  
27 twenty acres or more of farm or ranch land for agricultural purposes, or  
28 is the partner, officer, shareholder, or beneficiary designated as the  
29 qualifying landowner by a partnership, corporation, or trust as provided  
30 in the rules and regulations under subdivision (2)(a) of this section,  
31 (B) (ii) a Nebraska resident who leases six hundred forty acres or more

1 of farm or ranch land for agricultural purposes or has a combined total  
2 of six hundred forty leased and owned acres of ~~or has a leasehold~~  
3 ~~interest and an ownership interest in~~ farm or ranch land used for  
4 agricultural purposes, or is the partner, officer, shareholder, or  
5 beneficiary designated as the qualifying landowner by a partnership,  
6 corporation, or trust as provided in the rules and regulations under  
7 subdivision (2)(a) of this section ~~which when added together totals at~~  
8 ~~least six hundred forty acres,~~ (C) ~~(iii)~~ a nonresident of Nebraska who  
9 owns at least one thousand two hundred eighty acres of farm or ranch land  
10 for agricultural purposes, or is the partner, officer, shareholder, or  
11 beneficiary designated as the qualifying landowner by a partnership,  
12 corporation, or trust as provided in the rules and regulations under  
13 subdivision (2)(a) of this section, or (D) ~~(iv)~~ a member of such owner's  
14 or lessee's immediate family and (ii) ~~(b)~~ the qualifying farm or ranch  
15 land of the applicant shall be within an area designated as an elk  
16 management zone by the commission in its rules and regulations.

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

21 (c) The fee for a resident landowner limited permit to hunt elk  
22 shall not exceed one-half the fee for the regular permit to hunt elk. The  
23 fee for a nonresident landowner limited permit to hunt elk shall not  
24 exceed three times the cost of a resident elk permit.

25 (d) The number of applications allowed for limited elk permits for  
26 each farm or ranch shall not exceed the total acreage of the farm or  
27 ranch divided by the minimum acreage requirements established for the  
28 property. No more than one person may qualify for the same described  
29 property.

30 **Sec. 23.** Section 37-1214, Revised Statutes Cumulative Supplement,  
31 2024, is amended to read:

1           37-1214 (1) Except as otherwise provided in section 37-1211, the  
2 owner of each motorboat shall register such vessel or renew the  
3 registration every three years as provided in section 37-1226. The owner  
4 of such vessel shall file an initial application for a certificate of  
5 number pursuant to section 37-1216 with a county treasurer on forms  
6 approved and provided by the commission. The application shall be signed  
7 by the owner of the vessel, shall contain the year manufactured, and  
8 shall be accompanied by a registration fee for the three-year period of  
9 twenty-eight dollars for Class 1 boats, fifty-one dollars for Class 2  
10 boats, seventy-two dollars and fifty cents for Class 3 boats, and one  
11 hundred twenty dollars for Class 4 boats. Of each motorboat registration  
12 fee, not more than ten dollars may be used for the Aquatic Invasive  
13 Species Program.

14           (2) The owner of a motorboat not registered in Nebraska shall  
15 purchase an aquatic invasive species stamp for the Aquatic Invasive  
16 Species Program valid for one calendar year prior to launching into any  
17 waters of the state. The cost of such one-year stamp shall be established  
18 pursuant to section 37-327 and be ~~not less than ten dollars and~~ not more  
19 than thirty fifteen ~~fifteen~~ dollars plus an issuance fee pursuant to section  
20 37-406. Such one-year stamp may be purchased electronically or through  
21 any vendor authorized by the commission to sell other permits and stamps  
22 issued under the Game Law pursuant to section 37-406. The aquatic  
23 invasive species stamp shall be permanently affixed on the starboard and  
24 rearward side of the vessel. The proceeds from the sale of stamps shall  
25 be remitted to the State Game Fund.

26           (3) This subsection applies beginning on an implementation date  
27 designated by the Director of Motor Vehicles in cooperation with the  
28 commission. The director shall designate an implementation date on or  
29 before January 1, 2021, for motorboat registration. In addition to the  
30 information required under subsection (1) of this section, the  
31 application for registration shall contain (a)(i) the full legal name as

1 defined in section 60-468.01 of each owner or (ii) the name of each owner  
2 as such name appears on the owner's motor vehicle operator's license or  
3 state identification card and (b)(i) the motor vehicle operator's license  
4 number or state identification card number of each owner, if applicable,  
5 and one or more of the identification elements as listed in section  
6 60-484 of each owner, if applicable, and (ii) if any owner is a business  
7 entity, a nonprofit organization, an estate, a trust, or a church-  
8 controlled organization, its tax identification number.

9 **Sec. 24.** Section 37-1802, Revised Statutes Cumulative Supplement,  
10 2024, is amended to read:

11 37-1802 The Legislature finds and declares as follows:

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

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

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

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

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

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

31 (7) The state's water resources provide economic benefits to the

1 people, communities, and businesses of Nebraska by helping to attract  
2 visitors from other states and boosting local economies;

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

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

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

14 (c) The socioeconomic conditions, recreational and tourism  
15 opportunities, and public investment necessary to enhance economic  
16 development and to catalyze private investment in the region in Knox  
17 County, Nebraska, that lies north of State Highway 12 and extends to the  
18 South Dakota border and includes Lewis and Clark Lake and Niobrara State  
19 Park;

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

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

26 (b) Projects A ~~project~~ to increase access to and the enjoyment of  
27 Niobrara State Park through the construction of an event center and lodge  
28 or through other projects identified to increase recreational opportunity  
29 and the enjoyment of Niobrara State Park;

30 (10) It is in the public interest to expand water access and  
31 recreational opportunities at Lake McConaughy and the Lewis and Clark

1 State Recreation Area through the construction of new marinas or through  
2 infrastructure projects identified to improve access to the areas for  
3 recreational opportunities and water access; and

4 (11) It is in the public interest to increase access to and the  
5 enjoyment of Niobrara State Park through the construction of an event  
6 center and lodge or through projects identified to increase recreational  
7 opportunity and the enjoyment of Niobrara State Park.

8 **Sec. 25.** Section 37-1803, Revised Statutes Cumulative Supplement,  
9 2024, is amended to read:

10 37-1803 (1) The purposes of the Water Recreation Enhancement Act are  
11 to administer and carry out the following projects:

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

15 (b) Projects ~~A project~~ to increase access to and the enjoyment of  
16 Niobrara State Park through the construction of an event center and lodge  
17 or through other projects identified to increase recreational opportunity  
18 and enjoyment of Niobrara State Park.

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

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

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

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

31 (4) It is also the intent of the Legislature to encourage political

1 subdivisions that hold a Federal Energy Regulatory Commission license and  
2 that own land in and around the projects authorized in this section to  
3 enter into contracts with public and private entities for the use, lease,  
4 and purchase of such land whenever possible in order to increase economic  
5 development and recreational opportunities, particularly when covenants,  
6 easements, and other instruments can ensure such economic development  
7 complies with the rules and regulations of the Federal Energy Regulatory  
8 Commission.

9 (5) No member of the Game and Parks Commission or any employee of  
10 the commission shall have a financial interest, either personally or  
11 through an immediate family member, in any purchase, sale, or lease of  
12 real property relating to a project authorized in this section or in any  
13 contract entered into by the commission relating to a project authorized  
14 in this section. For purposes of this subsection, immediate family member  
15 means a spouse, child, sibling, parent, grandparent, or grandchild.

16 **Sec. 26.** Section 39-891, Revised Statutes Cumulative Supplement,  
17 2024, is amended to read:

18 39-891 (1) Recognizing that obstructions on or near the boundary of  
19 the State of Nebraska impede commerce and travel between the State of  
20 Nebraska and adjoining states, the Legislature hereby declares that  
21 bridges over these obstructions are essential to the general welfare of  
22 the State of Nebraska.

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

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

31 (4) It is recognized that bridges between the State of Nebraska and

1 adjoining states are not and cannot be the sole concern of the State of  
2 Nebraska. The nature of such bridges requires that a high degree of  
3 cooperation be exercised between the State of Nebraska and adjoining  
4 states in all phases of planning, construction, maintenance, and  
5 operation if proper benefits are to be realized.

6 (5) It is also recognized that parties other than the State of  
7 Nebraska may wish to erect and control bridges between the State of  
8 Nebraska and adjoining states and that the construction, operation, and  
9 financing of such bridges have previously been authorized by the  
10 Legislature. Such bridges also benefit the State of Nebraska, and it is  
11 not the intent of the Legislature to abolish such power previously  
12 granted.

13 (6) To this end, it is the intention of the Legislature to  
14 supplement sections 39-1301 to ~~39-1362~~ and 39-1393 and section 30 of this  
15 act, relating to state highways, in order that the powers and authority  
16 of the department relating to the planning, construction, maintenance,  
17 acquisition, and operation of interstate bridges upon the state highway  
18 system may be clarified within a single act.

19 (7) Acting under the direction of the Director-State Engineer, the  
20 department, with the advice of the State Highway Commission and the  
21 consent of the Governor, is given the power to enter into agreements with  
22 the United States and adjoining states, subject to the limitations  
23 imposed by the Constitution and the provisions of the Interstate Bridge  
24 Act of 1959.

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

30 (9) In order that the persons concerned may understand the  
31 limitations and responsibilities for planning, constructing, acquiring,

1 operating, and maintaining interstate bridges upon the state highway  
2 system, it is necessary that the responsibilities for such work shall be  
3 fixed, but it is intended that the department, acting under the Director-  
4 State Engineer, shall have sufficient freedom to enter into agreements  
5 with adjoining states regarding any phase of planning, constructing,  
6 acquiring, maintaining, and operating interstate bridges upon the state  
7 highway system in order that the best interests of the State of Nebraska  
8 may always be served. The authority of the department to enter into  
9 agreements with adjoining states, as granted in the act, is therefor  
10 essential.

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

15 **Sec. 27.** Section 39-893, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 39-893 The provisions of the Interstate Bridge Act of 1959 are  
18 intended to be cumulative to, and not amendatory of, sections 39-1301 to  
19 ~~39-1362 and 39-1393 and section 30 of this act.~~

20 **Sec. 28.** Section 39-1301, Revised Statutes Cumulative Supplement,  
21 2024, is amended to read:

22 39-1301 (1) Recognizing that safe and efficient highway  
23 transportation is a matter of important interest to all of the people in  
24 the state, the Legislature hereby determines and declares that an  
25 integrated system of highways is essential to the general welfare of the  
26 State of Nebraska.

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

30 (3) Adequate highways provide for the free flow of traffic, result  
31 in low cost of motor vehicle operation, protect the health and safety of

1 the citizens of the state, increase property values, and generally  
2 promote economic and social progress of the state.

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

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

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

17 (7) To this end, it is the intent of the Legislature, subject to the  
18 limitations of the Constitution and such mandates as the Legislature may  
19 impose by ~~the provisions of such sections 39-1301 to 39-1393 and section~~  
20 30 of this act, to designate the Director-State Engineer and the  
21 department, acting under the direction of the Director-State Engineer, as  
22 direct custodian of the state highway system, with full authority in all  
23 departmental administrative details, in all matters of engineering  
24 design, and in all matters having to do with the construction,  
25 maintenance, operation, and protection of the state highway system.

26 (8) The Legislature intends to declare, in general terms, the powers  
27 and duties of the Director-State Engineer, leaving specific details to be  
28 determined by reasonable rules and regulations which may be promulgated  
29 by him or her. It is the intent of the Legislature to grant authority to  
30 the Director-State Engineer to exercise sufficient power and authority to  
31 enable him or her and the department to carry out the broad objectives

1 stated in this section.

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

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

15 **Sec. 29.** Section 39-1302, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 39-1302 For purposes of sections 39-1301 to 39-1393 and section 30  
18 of this act, unless the context otherwise requires:

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

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

25 (3) Approach or exit road means any highway or ramp designed and  
26 used solely for the purpose of providing ingress or egress to or from an  
27 interchange or rest area of a highway. An approach road shall begin at  
28 the point where it intersects with any highway not a part of the highway  
29 for which such approach road provides access and shall terminate at the  
30 point where it merges with an acceleration lane of a highway. An exit  
31 road shall begin at the point where it intersects with a deceleration

1 lane of a highway and shall terminate at the point where it intersects  
2 any highway not a part of a highway from which the exit road provides  
3 egress;

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

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

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

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

16 (8) Commercial activity means those activities generally recognized  
17 as commercial by zoning authorities in this state, and industrial  
18 activity means those activities generally recognized as industrial by  
19 zoning authorities in this state, except that none of the following shall  
20 be considered commercial or industrial:

21 (a) Outdoor advertising structures;

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

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

26 (d) Activities conducted in a building principally used as a  
27 residence;

28 (e) Railroad tracks and minor sidings; and

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

31 (9) Connecting link means the roads, streets, and highways

1 designated as part of the state highway system and which are within the  
2 corporate limits of any city or village in this state;

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

10 (11) Department means the Department of Transportation;

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

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

16 (14) Expressway means a divided arterial highway for through traffic  
17 with full or partial control of access which may have grade separations  
18 at intersections;

19 (15) Extreme weather event means a weather event that generates  
20 extraordinary costs related to such event for construction,  
21 reconstruction, relocation, improvement, or maintenance occurring on or  
22 after January 1, 2023, resulting from weather conditions including, but  
23 not limited to, snow, rain, drought, flood, storm, extreme heat, or  
24 extreme cold;

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

28 (17) Farm operation means any activity conducted primarily for the  
29 production of one or more agricultural products or commodities for sale  
30 and home use and customarily producing such products or commodities in  
31 sufficient quantity to be capable of contributing materially to the

1 operator's support;

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

6 (19) Federal-aid primary roads means roads, streets, and highways,  
7 whether a part of the state highway system, county road systems, or city  
8 streets, which have been designated as federal-aid primary roads by the  
9 Nebraska Department of Transportation and approved by the United States  
10 Secretary of Transportation and shown on the maps provided for in section  
11 39-1311;

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

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

16 (22) Full control of access means that the right of owners or  
17 occupants of abutting land or other persons to access or view is fully  
18 controlled by public authority having jurisdiction and that such control  
19 is exercised to give preference to through traffic by providing access  
20 connections with selected public roads only and by prohibiting crossings  
21 or intersections at grade or direct private driveway connections;

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

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

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

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

30 (27) Interchange means a grade-separated intersection with one or  
31 more turning roadways for travel between any of the highways radiating

1 from and forming part of such intersection;

2 (28) Map means a drawing or other illustration or a series of  
3 drawings or illustrations which may be considered together to complete a  
4 representation;

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

8 (30) Parking lane means an auxiliary lane primarily for the parking  
9 of vehicles;

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

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

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

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

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

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

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

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

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

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

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

15 (42) Structure means anything constructed or erected, the use of  
16 which requires permanent location on the ground or attachment to  
17 something having a permanent location;

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

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

22 (45) Unzoned commercial or industrial area for purposes of control  
23 of outdoor advertising means all areas within six hundred sixty feet of  
24 the nearest edge of the right-of-way of the interstate and federal-aid  
25 primary systems which are not zoned by state or local law, regulation, or  
26 ordinance and on which there is located one or more permanent structures  
27 devoted to a business or industrial activity or on which a commercial or  
28 industrial activity is conducted, whether or not a permanent structure is  
29 located thereon, the area between such activity and the highway, and the  
30 area along the highway extending outward six hundred feet from and beyond  
31 each edge of such activity and, in the case of the primary system, may

1 include the unzoned lands on both sides of such road or highway to the  
2 extent of the same dimensions if those lands on the opposite side of the  
3 highway are not deemed scenic or having aesthetic value as determined by  
4 the department. In determining such an area, measurements shall be made  
5 from the furthest or outermost edges of the regularly used area of the  
6 commercial or industrial activity, structures, normal points of ingress  
7 and egress, parking lots, and storage and processing areas constituting  
8 an integral part of such commercial or industrial activity;

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

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

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

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

25 (2) The purpose of the mitigation bank or in-lieu-fee program is to  
26 provide compensatory mitigation for the following when compensatory  
27 mitigation is required for any transportation project administered by the  
28 department:

29 (a) The taking of threatened or endangered species or such species'  
30 habitat;

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

1       (c) Restoration, creation, enhancement, or preservation of habitats,  
2 wetlands, or other resources.

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

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

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

15       (b) Acquire title to real property through purchase, bequest,  
16 donation, or eminent domain for use with the mitigation bank or in-lieu-  
17 fee program to mitigate the impacts of any transportation project  
18 administered by the department;

19       (c) Establish or restore habitats, wetlands, and natural resources  
20 for threatened and endangered species and impacts to the environment and  
21 natural resources across Nebraska;

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

25       (e) Streamline the permitting and consultation process, minimize  
26 delays in permit decisions, and decrease the burden on permit applicants  
27 regarding planning and performing compensatory mitigation for the  
28 following relating to any transportation project administered by the  
29 department:

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

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

1        (iii) Any adverse effect on any environmental or natural resources;  
2        (f) Increase the ecological efficiency and effectiveness of  
3        compensatory mitigation;

4        (g) Replace impacted acres of land by providing for the  
5        establishment of a net increase in suitable acres, functions, and values  
6        for threatened and endangered species, habitats, wetlands, and other  
7        natural resources by using a fair, reasonable, and practicable ratio of  
8        compensatory mitigation acres to offset the impacts of any transportation  
9        project administered by the department;

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

14       (i) Provide research and educational opportunities to advance the  
15       understanding and conservation of threatened and endangered species,  
16       habitats, wetlands, and other natural resources impacted by any  
17       transportation project administered by the department.

18       (5) Any state agency, local agency, public party, or private party,  
19       including any for-profit or not-for-profit entity, that owns the  
20       mitigation bank acquired to restore, enhance, preserve, or create habitat  
21       or wetlands shall also pay a sum in lieu of ad valorem taxes lost by the  
22       county. This subsection (5) only applies to property acquired after July  
23       1, 2026.

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

26       **Sec. 31.** Section 39-1309, Revised Statutes Cumulative Supplement,  
27       2024, is amended to read:

28       39-1309 (1) The map prepared by the State Highway Commission showing  
29       a proposed state highway system in Nebraska, filed with the Clerk of the  
30       Legislature and referred to in the resolution filed with the Legislature  
31       on February 3, 1955, is hereby adopted by the Legislature as the state

1 highway system on September 18, 1955, except that a highway from  
2 Rushville in Sheridan County going south on the most feasible and direct  
3 route to the Smith Lake State Recreation Grounds shall be known as state  
4 highway 250 and shall be a part of the state highway system.

5 (2) The state highway system may be redesignated, relocated,  
6 redetermined, or recreated by the department with the written advice of  
7 the State Highway Commission and the consent of the Governor. In  
8 redesignating, relocating, redetermining, or recreating the several  
9 routes of the state highway system, the following factors, except as  
10 provided in section 39-1309.01, shall be considered: (a) The actual or  
11 potential traffic volumes and other traffic survey data, (b) the relevant  
12 factors of construction, maintenance, right-of-way, and the costs  
13 thereof, (c) the safety and convenience of highway users, (d) the  
14 relative importance of each highway to existing business, industry,  
15 agriculture, enterprise, and recreation and to the development of natural  
16 resources, business, industry, agriculture, enterprise, and recreation,  
17 (e) the desirability of providing an integrated system to serve  
18 interstate travel, principal market centers, principal municipalities,  
19 county seat municipalities, and travel to places of statewide interest,  
20 (f) the desirability of connecting the state highway system with any  
21 state park, any state forest reserve, any state game reserve, the grounds  
22 of any state institution, or any recreational, scenic, or historic place  
23 owned or operated by the state or federal government, (g) the national  
24 defense, and (h) the general welfare of the people of the state.

25 (3) Any highways not designated as a part of the state highway  
26 system as provided by sections 39-1301 to ~~39-1362~~ and 39-1393 and section  
27 30 of this act shall be a part of the county road system, and the title  
28 to the right-of-way of such roads shall vest in the counties in which the  
29 roads are located.

30 **Sec. 32.** Section 39-1320, Revised Statutes Cumulative Supplement,  
31 2024, is amended to read:

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

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

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

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

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

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

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

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

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

29           (h) The exchange of property for other property to be used for  
30 rights-of-way or other purposes set forth in subsection (1) or (2) of  
31 this section if the interests of the state will be served and acquisition

1 costs thereby reduced;

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

4 (j) The construction and maintenance of stock trails and cattle  
5 passes;

6 (k) The erection and maintenance of marking and warning signs and  
7 traffic signals;

8 (l) The construction and maintenance of sidewalks and highway  
9 illumination;

10 (m) The control of outdoor advertising which is visible from the  
11 nearest edge of the right-of-way of the Highway Beautification Control  
12 System as defined in section 39-201.01 to comply with the provisions of  
13 23 U.S.C. 131, as amended;

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

17 (o) The establishment and maintenance of wetlands to replace or to  
18 mitigate damage to wetlands affected by highway construction,  
19 reconstruction, or maintenance. The replacement lands shall be capable of  
20 being used to create wetlands comparable to the wetlands area affected.  
21 The area of the replacement lands may exceed the wetlands area affected.  
22 Lands may be acquired to establish a large or composite wetlands area,  
23 sometimes called a wetlands bank, not larger than an area which is one  
24 hundred fifty percent of the lands reasonably expected to be necessary  
25 for the mitigation of future impact on wetlands brought about by highway  
26 construction, reconstruction, or maintenance during the six-year plan or  
27 program as required by section 39-2115 or an annual plan or program under  
28 section 39-2118. For purposes of this section, wetlands shall have the  
29 definition found in 33 C.F.R. 328.3(c).

30 (3) The procedure to condemn property authorized by subsection (1)  
31 of this section or elsewhere in sections 39-1301 to ~~39-1362~~ and 39-1393

1 and section 30 of this act shall be exercised in the manner set forth in  
2 sections 76-704 to 76-724 or as provided by section 39-1323, as the case  
3 may be.

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

6 46-740 (1) If allocation is adopted for use of ground water for  
7 irrigation purposes in a management area, the permissible withdrawal of  
8 ground water shall be allocated equally per irrigated acre except as  
9 permitted by subsections (4) through (6) of section 46-739. Such  
10 allocation shall specify the total number of acre-inches that are  
11 allocated per irrigated acre per year, except that the district may allow  
12 a ground water user to average his or her allocation over any reasonable  
13 period of time. A ground water user may use his or her allocation on all  
14 or any part of the irrigated acres to which the allocation applies or in  
15 any other manner approved by the district.

16 (2) Except as permitted pursuant to subsections (4) through (6) of  
17 section 46-739, if annual rotation or reduction of irrigated acres is  
18 adopted for use of ground water for irrigation purposes in a management  
19 area, the nonuse of irrigated acres shall be a uniform percentage  
20 reduction of each landowner's irrigated acres within the management area  
21 or a subarea of the management area. Such uniform reduction may be  
22 adjusted for each landowner based upon crops grown on his or her land to  
23 reflect the varying consumptive requirements between crops.

24 (3)(a) If allocations to any municipality have been made prior to  
25 November 1, 2005, such allocations shall remain in full force and effect,  
26 but may be amended by the appropriate natural resources district. (3)  
27 Unless allocations have been made an integrated management plan, a rule,  
28 or an order is established, adopted, or issued prior to November 1, 2005,  
29 no integrated management plan, rule, or order shall limit the use of  
30 ground water by a municipality, within an area determined by the  
31 Department of Natural Resources to be fully appropriated pursuant to

1 section 46-714 or designated as overappropriated pursuant to section  
2 46-713, ~~until January 1, 2026,~~ except that on and after January 1, 2026,  
3 any new or expanded commercial or industrial user served by a municipal  
4 water source that commences water use at a rate in excess of twenty-five  
5 million gallons annually, expands water use to a rate in excess of  
6 twenty-five million gallons annually, or at any time exceeds water use of  
7 twenty-five million gallons annually shall be subject to the controls of  
8 an integrated management plan, rule, or order and provide a mitigation  
9 report to the natural resources district within which such user is  
10 located. The mitigation report shall include (i) annual water use, (ii)  
11 annual volume of water returned to the municipal system or discharged to  
12 another location, (iii) source of water used to mitigate the new or  
13 expanded consumptive use, and (iv) any other information deemed necessary  
14 by the applicable natural resources district or the Department of Natural  
15 Resources. The mitigation report shall be approved by the applicable  
16 natural resources district and the Department of Natural Resources prior  
17 to January 1, 2026, or prior to commencement of the new or expanded  
18 use. ÷

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

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

27 ~~(b)(i) For any municipality that has not received an allocation as~~  
28 ~~of November 1, 2005, the minimum annual allocation may be the greater of~~  
29 ~~either the amount of ground water authorized by a permit issued pursuant~~  
30 ~~to the Municipal and Rural Domestic Ground Water Transfers Permit Act or~~  
31 ~~the governmental, commercial, and industrial uses of the municipality~~

1 plus a per capita allowance. Water for commercial and industrial uses may  
2 be limited as specified in subdivision (b)(iii) of this subsection.

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

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

17 ~~(c) Prior to January 1, 2026, increases in the consumptive use of~~  
18 ~~water by a municipality that result in a decrease in streamflow shall be~~  
19 ~~addressed by the integrated management plan pursuant to controls or~~  
20 ~~incentive programs adopted pursuant to section 46-715 and shall not~~  
21 ~~affect the municipal allocations outlined in subdivisions (3)(a) and (b)~~  
22 ~~of this section. Any permanent reduction in consumptive use of water~~  
23 ~~associated with municipal growth, including governmental, industrial, and~~  
24 ~~commercial growth, during the period between July 14, 2006, and January~~  
25 ~~1, 2026, shall accrue to the benefit of the natural resources district~~  
26 ~~within which such municipality is located; and~~

27 ~~(d) To qualify for the exemption specified in subsection (3) of this~~  
28 ~~section, any city of the metropolitan class, city of the primary class,~~  
29 ~~city of the first class, or city of the second class shall file a~~  
30 ~~conservation plan with the natural resources district, if required by the~~  
31 ~~integrated management plan. Villages and other municipalities smaller~~

1 ~~than a city of the second class shall not be required to submit a~~  
2 ~~conservation plan to qualify for such exemption.~~

3 ~~(4) On and after January 1, 2026, the base amount for an annual~~  
4 ~~allocation to a municipality shall be determined as the greater of either~~  
5 ~~(a) the amount of water authorized by a permit issued pursuant to the~~  
6 ~~Municipal and Rural Domestic Ground Water Transfers Permit Act or (b) the~~  
7 ~~greatest annual use prior to January 1, 2026, for uses specified in~~  
8 ~~subdivision (3)(b) of this section plus the per capita allowance~~  
9 ~~described in subdivision (3)(b)(ii) of this section. On and after January~~  
10 ~~1, 2026, increases in the consumptive use of water by a municipality that~~  
11 ~~result in a decrease in streamflow shall be addressed by the integrated~~  
12 ~~management plan pursuant to controls or incentive programs adopted~~  
13 ~~pursuant to section 46-715. Each municipality may be subject to controls~~  
14 ~~adopted pursuant to such section for amounts in excess of the~~  
15 ~~allocations.~~

16 ~~(4) (5)~~ Unless an integrated management plan, rule, or order is  
17 established, adopted, or issued prior to November 1, 2005, no integrated  
18 management plan, rule, or order shall limit the use of ground water by a  
19 nonmunicipal commercial or industrial water user within an area  
20 determined by the department to be fully appropriated pursuant to section  
21 46-714 or designated as overappropriated pursuant to section 46-713,  
22 until January 1, 2026, except that:

23 (a) Prior to January 1, 2026, the minimum annual allocation for a  
24 nonmunicipal commercial or industrial user shall be the greater of either  
25 (i) the amount specified in a permit issued pursuant to the Industrial  
26 Ground Water Regulatory Act or (ii) the amount necessary to achieve the  
27 commercial or industrial use, including all new or expanded uses that  
28 consume less than twenty-five million gallons annually. Any increases in  
29 the consumptive use of water by a nonmunicipal commercial or industrial  
30 water user that result in a decrease in streamflow shall be addressed by  
31 the integrated management plan pursuant to controls or incentive programs

1 adopted pursuant to section 46-715;

2 (b) Prior to January 1, 2026, any new or expanded single commercial  
3 or industrial development served by a nonmunicipal well 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 which, after July 14, 2006, commences water use resulting in the  
7 consumptive use of water in amounts greater than twenty-five million  
8 gallons annually may be subject to controls adopted pursuant to section  
9 46-715. This subdivision does not apply to a water user described in this  
10 subdivision that is regulated by the Industrial Ground Water Regulatory  
11 Act and the United States Nuclear Regulatory Commission;

12 (c) On and after January 1, 2026, the base amount for an annual  
13 allocation to a nonmunicipal commercial or industrial user within an area  
14 determined by the department to be fully appropriated pursuant to section  
15 46-714 or designated as overappropriated pursuant to section 46-713 shall  
16 be the amount specified in subdivision (4)(a) ~~(5)(a)~~ or (b) of this  
17 section;

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

23 (e) Any reduction in consumptive use associated with new  
24 nonmunicipal industrial or commercial uses of less than twenty-five  
25 million gallons, during the period between July 14, 2006, and January 1,  
26 2026, shall accrue to the benefit of the natural resources district  
27 within which such nonmunicipal industrial or commercial user is located.

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

30 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is  
31 created. The department shall deduct from the fund amounts sufficient to

1 reimburse itself for its costs of administration of the fund. The fund  
2 shall be administered by the department. The fund shall consist of  
3 proceeds from the fees imposed pursuant to the Waste Reduction and  
4 Recycling Incentive Act.

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

7 (a) Technical and financial assistance to political subdivisions for  
8 creation of recycling systems and for modification of present recycling  
9 systems;

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

12 (c) Market development for recyclable materials separated by  
13 generators, including public education, planning, and technical  
14 assistance;

15 (d) Capital assistance for establishing private and public  
16 intermediate processing facilities for recyclable materials and  
17 facilities using recyclable materials in new products;

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

20 (f) Technical assistance for waste reduction and waste exchange for  
21 waste generators;

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

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

29 (i) Grants for reimbursement of costs to cities of the first class,  
30 cities of the second class, villages, and counties of five thousand or  
31 fewer population for the deconstruction of abandoned buildings. Eligible

1 deconstruction costs will be related to the recovery and processing of  
2 recyclable or reusable material from the abandoned buildings; and -

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

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

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

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

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

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

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

30 (f) Cost-sharing for the processing of scrap tires, with  
31 disbursements not to exceed twenty dollars per ton or two hundred fifty

1 thousand dollars, whichever is less, to any person annually;

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

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

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

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

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

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

27 (6) Any person who stores waste tires in violation of section  
28 13-2033, which storage is the subject of abatement or cleanup, shall be  
29 liable to the State of Nebraska for the reimbursement of expenses of such  
30 abatement or cleanup paid by the department.

31 (7) The department may receive gifts, bequests, and any other

1 contributions for deposit in the Waste Reduction and Recycling Incentive  
2 Fund. Transfers may be made from the fund to the General Fund at the  
3 direction of the Legislature. Any money in the Waste Reduction and  
4 Recycling Incentive Fund available for investment shall be invested by  
5 the state investment officer pursuant to the Nebraska Capital Expansion  
6 Act and the Nebraska State Funds Investment Act.

7       **Sec. 35.** Original sections 37-440, 46-740, and 81-15,160, Reissue  
8 Revised Statutes of Nebraska, and sections 37-438, 37-451, 37-455,  
9 37-1214, 37-1802, 37-1803, 39-891, 39-893, 39-1301, 39-1302, 39-1309, and  
10 39-1320, Revised Statutes Cumulative Supplement, 2024, are repealed.