



8100 South 15th
Suite B
Lincoln, NE 68512

nard@nrdnet.org
(402) 471-7670

January 12, 2024

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: January 12 NARD Update

Rule Changes - The Rules Committee accepted testimony on January 8, 2024, on 34 proposed rule changes aimed at streamlining floor debate and other legislative processes.

Most of the proposed rule changes are targeted at circumventing the filibustering that took place in 2023 over several controversial issues. Senators eventually had to put multiple bills in one bill to get legislation passed. Senator John Arch, Speaker of the Legislature, is looking for rule changes that would avoid repeating that situation.

Of the 34 rule changes proposed, the committee advanced 16 proposals to the floor for consideration. The following will get lively debate:

- Eliminate the use of secret ballots for electing legislative leaders, including the speaker and committee chairs. A roll call vote would be required.
- Reduce the number of votes needed to succeed with a filibuster-ending cloture motion from 33 to 2/3rds of those voting, with a minimum of 25 votes to advance. Those present and not voting would not be counted toward the 2/3rds.
- Limit senators to introducing only 14 bills per session and allow those who introduce five or fewer bills to name a second priority measure.

Senators began debate on the proposed rule changes on January 11th, and immediately came to a standstill, as the filibustering began. Multiple amendments to the proposed rules, motions to return to the committee, and motions to reconsider the vote just taken were very popular.

Speaker Arch was able to get two rule changes approved after several compromises were reached.

The first approved change expands upon a temporary change made last year. Midway through the 2023 legislative session, a change was made to allow only one of the following motions on a bill or proposal to be offered on the same day at the same stage of debate: to recommit, postpone to a specified later date or indefinitely postpone. The amendment further limits the use of priority motions to one during each stage of debate and provides that such motions may be withdrawn only with unanimous consent of the Legislature.

The second approved change expands the ability to invoke cloture — a procedure that ceases debate and forces a vote — to resolutions and motions. Cloture would not apply to consideration of changes to the rules of the Legislature. The change means that discussion on committee reports,

gubernatorial appointments, motions to withdraw a bill and other procedural items will not be subject to filibuster tactics. Currently, the only way to end debate on these types of items is to vote to suspend the rules. Now cloture can be used.

In 2017, lawmakers spent more than two months fighting over a proposal to ban secret ballots before the effort ended. Speaker Arch has reported debate on rule changes will continue next week.

New Bills -- The following are bills of interest for the NRDs that were introduced this week.

For more information on introduced legislation, visit the Nebraska Unicameral website at: [Nebraska Legislature - Home](#).

LB 1080 - Appropriate Federal Funds to the Department of Natural Resources. Holdcroft.

The bill proposes \$10 million to the Department of Natural Resources for the purpose of providing state aid for a grant to an entity within a county with a population exceeding one hundred thousand inhabitants formed pursuant to the Interlocal Cooperation Act for the purpose of funding a portion of the cost of a wastewater system.

The Federal Funds appropriated in the bill are from the unexpended and unencumbered appropriation balances of the Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021.

The bill also includes an emergency clause.

LB 1131 - Appropriate funds to the Department of Environment and Energy for grants for tribal-owned community drinking water and sewer systems. Raybould.

The bill proposes \$10 million from the General Fund for FY2024-25 to the Department of Environment and Energy for the purpose of issuing grants to improve tribal-owned community drinking water and sewer systems.

The bill also includes an emergency clause.

LB 1179 - Appropriate funds to the Department of Natural Resources. Wishart.

The bill proposes \$1.2 million from the General Fund for FY 2024-25 to the Department of Natural Resources for the purpose of issuing a grant to a natural resources district whose territory encompasses a county containing a city of the primary class in order to fund high-priority flood mitigation projects identified by the district and being completed by the district in collaboration with at least one other political subdivision.

LB 1184 - Adopt the Reverse Osmosis System Tax Credit Act. Bostar.

The bill proposes to adopt the Reverse Osmosis System Tax Credit Act to provide a tax credit for installation of reverse osmosis systems for one or more of the listed chemicals. The bill also requires a real-time nitrogen management plan to be in place by January 1, 2025.

Tax Credit

The credit would be for individuals that install systems at a primary residence for chemical that are above:

- 1) Ten parts per million for nitrate nitrogen;
- 2) Four parts per trillion for perfluorooctanoic acid or perfluorooctanesulfonic acid;
- 3) One on the Hazard Index for perfluorononanoic acid, perfluorohexanesulfonic acid, hexafluoropropylene oxide dimer acid and its ammonium salt, or perfluorobutanesulfonic acid

The refundable tax credit would be equal to fifty percent of the cost incurred by the taxpayer during the taxable year for installation of the reverse osmosis system, up to a maximum of one thousand dollars.

The Department of Revenue may adopt and promulgate rules and regulations to carry out the Reverse Osmosis System Tax Credit Act.

Nitrogen Management Plan

The bill also calls for a real-time nitrogen management plan to be in place by August 31, 2024, with full implementation by January 1, 2025.

The plan would have to be put together by the Department of Natural Resources and the Department of Environment and Energy. The plan will consider how state agencies, natural resources districts, farmers, and irrigators can obtain the necessary data to reduce fertilizer use and reuse nitrates contained in groundwater through the irrigation systems that will thereby lower input costs and reduce nitrate levels statewide.

Such plan will consider how state agencies, natural resources districts, farmers, and irrigators can obtain the necessary data to reduce fertilizer use and reuse nitrates contained in groundwater through irrigation systems that will thereby lower input costs and reduce nitrate levels statewide.

The bill proposes \$10 million for fiscal year 2024-25 from the General Fund to the Department of Environment and Energy to fund the installation of real-time nitrate sensors in monitoring wells statewide to prioritize nitrate management and reduction.

| Bill, LR or CA | Description | Sponsor(s) | Priority | NARD POSITION | Committee | Hearing Date | Status | Amendments/Notes |
|----------------|---|---------------|----------|----------------------|-------------------|--------------|--------------|---|
| LR 1CA | Constitutional amendment to require the Legislature to reimburse political subdivisions as prescribed | Blood | Blood | Support | Government | 2/24/2023 | General File | MO 120 - 126, AM 591 - Pending |
| LR 6CA | Constitutional amendment to prohibit governmental entities from imposing any taxes other than retail consumption taxes and excise taxes | Erdman | | Oppose | Revenue | 3/3/2023 | Committee | |
| LR 7CA | Constitutional amendment to require the state to impose a consumption tax or an excise tax on all new goods and services and to provide a tax exemption for grocery items | Erdman | | Oppose | Revenue | 3/3/2023 | Committee | |
| LB 7 | Provide a statute of limitations for exposure to hazardous or toxic chemicals | Blood | | Monitor | Judiciary | 1/25/2023 | Committee | |
| LB 40 | Adopt the Riparian and Water Quality Practices Act | Blood | | Oppose - as written. | Natural Resources | 2/23/2023 | Committee | AM 469 - Pending |
| LB 79 | Adopt the Nebraska EPIC Option Consumption Tax Act | Erdman | Erdman | Oppose | Revenue | 3/3/2023 | Committee | MO 258 - 264, AM 314 - Pending |
| LB 121 | Repeal the Trail Development Assistance Act | Bostelman | | Monitor | Natural Resources | 2/16/2023 | Committee | |
| LB 125 | Change provisions relating to the Surface Water Irrigation Infrastructure Fund | Bostelman | | Support | Appropriations | 3/14/2023 | Committee | Provisions incorporated into LB 818 via AM 1172 - Adopted & Passed |
| LB 147 | Change procedures for property tax refunds | Kauth | | Monitor | Revenue | 2/1/2023 | General File | Multiple AM/MO - Filed |
| LB 205 | Adopt the Government Neutrality in Contracting Act | von Gillern | | Support | Government | 2/10/2023 | General File | AM 452 - 465 - Pending |
| LB 218 | Change provisions relating to intent to appropriate money for management of vegetation within the banks or flood plain of a natural stream | Ibach | | Support | Agriculture | 2/7/2023 | General File | |
| LB 241 | Change provisions relating to transfers of water to another state | Briese | | Monitor | Natural Resources | 1/26/2023 | Committee | |
| LB 281 | Require the Department of Economic Development to provide grants for youth outdoor education camp facilities | Jacobson | | Support | Natural Resources | 2/15/2023 | Committee | Provisions incorporated into LB 814 & LB 818 via AM 915 & AM 1172 - Adopted & Passed. |
| LB 287 | Prohibit creation of joint public agencies under the Joint Public Agency Act | Brewer | | Monitor | Government | 3/24/2023 | Committee | |
| LB 292 | Prohibit the use of eminent domain under the Jobs and Economic Development Initiative Act | Cavanaugh, M. | | Monitor | Natural Resources | 2/8/2023 | Committee | |
| LB 302 | Change provisions relating to conflicts of interest by certain officeholders and public employees | Linehan | | Monitor | Government | 2/15/2023 | General File | AM 503, 603, 1368 - Pending |
| LB 304 | Require political subdivisions to disclose membership dues and lobbying fees | Linehan | | Monitor | Government | 2/9/2023 | General File | |
| LB 312 | Change provisions relating to withholding money due to noncompliance with budget limits and annual audits for certain political subdivisions | Lowe | | Monitor | Government | 2/9/2023 | General File | |
| LB 322 | Prohibit creation of new joint public agencies with power or authority relating to tax | Linehan | | Monitor | Revenue | 3/9/2023 | Committee | |
| LB 332 | Prohibit creation of new joint public agencies with power or authority relating to education | Linehan | | Monitor | Education | 3/21/2023 | Committee | |
| LB 361 | State legislative intent to appropriate funds for the Precision Agriculture Infrastructure Grant Program | Dorn | | Support | Appropriations | 3/1/2023 | Committee | Provisions incorporated into LB 814 via AM 915 - Adopted & Passed |
| LB 394 | Change provisions relating to the determination of damages as a result of eminent domain | Erdman | | Oppose | Judiciary | 2/23/2023 | Committee | |
| LB 396 | Provide for streamflow augmentation projects and retention of water rights | Erdman | | Oppose | Natural Resources | 3/1/2023 | Committee | See Attorney General Opinion 23-006 |
| LB 400 | Adopt the Nebraska Pheasant Restoration Act | Brewer | | Monitor | Natural Resources | 2/8/2023 | Committee | |
| LB 401 | State intent regarding appropriations to the Department of Natural Resources | Dorn | | Support | Appropriations | 3/14/2023 | Committee | |
| LB 506 | State intent to appropriate federal funds to the Department of Natural Resources and the Department of Environment and Energy | Bostar | | Support | Appropriations | 3/14/2023 | Committee | Provisions Ammended into LB 818 via AM 915 - Adopted & Passed. |

| | | | | | | | | |
|---------|---|---|-------|---------|-------------------|-----------|--------------|---|
| LB 513 | Change proof of publication requirements for legal notices and requirements for published notice and virtual conferencing under the Open Meetings Act | Brewer | | Support | Government | 2/10/2023 | General File | |
| LB 534 | Appropriate federal funds to the Department of Environment and Energy for community water systems | Slama | | Support | Appropriations | 3/13/2023 | Committee | |
| LB 540 | Change provisions relating to public lettings | Vargas | | Monitor | Government | 3/24/2023 | Committee | |
| LB 560 | State intent to seek federal funds under the Inflation Reduction Act of 2022 | Blood | | Support | Appropriations | 3/6/2023 | Committee | |
| LB 571 | Appropriate funds to the Department of Environment and Energy to carry out the Water Well Standards and Contractors' Practice Act | Lippincott | | Support | Appropriations | 3/13/2023 | Committee | |
| LB 576 | Provide limitations on liability and nuisance related to land-management burning | Cavanaugh, J. | | Support | Judiciary | 3/3/2023 | Committee | |
| LB 614 | Appropriate funds to the Department of Agriculture | McDonnell | | Support | Appropriations | 2/22/2023 | Committee | |
| LB 637 | Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act | Albrecht | | Monitor | Government | 2/24/2023 | General File | AM 616, 617 - Pending |
| LB 651 | Provide for appropriations relating to cybersecurity improvements for state agencies and political subdivisions | McDonnell | | Support | Appropriations | 3/16/2023 | Committee | |
| LB 656 | Change provisions relating to the Small Watersheds Flood Control Fund | McDonnell | | Support | Natural Resources | 3/1/2023 | Committee | |
| LB 672 | Appropriate funds to the Department of Environment and Energy | Hansen | | Support | Appropriations | 3/13/2023 | Committee | |
| LB 723 | Adopt the Public Water and Natural Resources Project Contracting Act | Bostelman, At the request of the Governor | | Support | Natural Resources | 2/2/2023 | Committee | Amended into LB 565e via AM 1240 - Adopted & Passed |
| LB 729 | Change provisions relating to the Jobs and Economic Development Initiative Fund | McDonnell | | Monitor | Natural Resources | 2/23/2023 | Committee | |
| LB 766 | Appropriate Federal Funds to the Department of Environment and Energy for reverse osmosis systems | DeKay | | Support | Appropriations | 3/13/2023 | Committee | AM 651 - Pending |
| LB 768 | Transfer money from the Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund | DeKay | DeKay | Support | Appropriations | 3/14/2023 | Committee | Provisions incorporated into LB 814 via AM 915 - Adopted & Passed - Line-item Vetoed by Gov. Pillen |
| LB 817 | Appropriate funds for capital construction | Arch, At the request of the Governor | | Support | Appropriations | 2/13/2023 | Committee | Provisions incorporated into LB 814 via AM 915 - Adopted & Passed |
| LB 819 | Change provisions relating to the Cash Reserve Fund | Arch, At the request of the Governor | | Support | Appropriations | 2/13/2023 | Committee | Provisions incorporated into LB 818 via AM 1172 - Adopted & Passed |
| LB 828 | Change provisions of the Nebraska Apiary Act and provide for the Pollinator Task Force, the Nebraska Apiary Registry, and immunity for certain damages relating to bees | Blood | | | Agriculture | | Committee | |
| LB 831 | Change provisions of the Noxious Weed Control Act and provide for control of restricted plants | Blood | | | Agriculture | | Committee | |
| LB 859 | Change conflict of interest provisions for certain political subdivision officers | Linehan | | | Government | | Committee | |
| LB 868 | Extend the sunset date for reimbursement for remedial action under the Petroleum Release Remedial Action Cash Fund | Bostelman | | | Natural Resources | | Committee | |
| LB 872 | Prohibit acceptance of central bank digital currency by state and local governments | Clements | | | Banking | | Committee | |
| LB 880 | Change requirements relating to the Land Acquisition and Source Water Loan Fund | Hughes | | | Natural Resources | | Committee | |
| LB 925 | Adopt the Firearm Industry Nondiscrimination Act | Aguilar | | | Government | | Committee | |
| LB 951 | Adopt the Public Officials on Private Boards Open Meetings Act | Linehan | | | Government | | Committee | |
| LB 1018 | Provide that positions of public employment shall not require a postsecondary degree and require equal consideration for non-degree-holders' wages and benefits | Holdcroft | | | Government | | Committee | |
| LB 1080 | Appropriate Federal Funds to the Department of Natural Resources | Holdcroft | | | Appropriations | | Committee | |
| LB 1131 | Appropriate funds to the Department of Environment and Energy for grants for tribal-owned community drinking water and sewer systems | Raybould | | | Appropriations | | Committee | |
| LB 1179 | Appropriate funds to the Department of Natural Resources | Wishart | | | | | Introduced | |
| LB 1184 | Adopt the Reverse Osmosis System Tax Credit Act | Bostar | | | | | Introduced | |