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January 5, 2024

TO: NARD Board, NRD Managers and Conservation Partners  
FROM: Dean E. Edson, NARD Executive Director  
RE: January 5 NARD Update

**Nebraska Legislature begins 60-day Session** – The Nebraska Legislature began its 60-day session January 3, 2024 and is tentatively scheduled to end April 18, 2024. Elections for leadership and committee chairs were held last session and those offices will be retained in 2024. Senators held an election to elect Sen. Ray Aguilar chair of the Legislature’s Executive Board. Sen. Aguilar replaces Tom Briese, who left the Unicameral after being appointed state treasurer. Sen. John Lowe was chosen as the new vice chairperson of the Executive Board.

Introduction of bills will continue through day 10 with the Rules Committee scheduled to hold a hearing on proposed rules changes on Monday, January 8<sup>th</sup>. Speaker Arch has said he’d like for floor debate on proposed rules changes to begin Wednesday, January 10.

**A complete list of State Senators and Committee assignments can be found at:**  
[https://www.nrdnet.org/sites/default/files/2024\\_senator\\_directory\\_0.pdf](https://www.nrdnet.org/sites/default/files/2024_senator_directory_0.pdf)

**Key Dates:** Here are some key dates for the session:

- Senators can introduce new bills through Day 10, which is January 17<sup>th</sup>.
- Governor Pillen will give his State of the State address January 18<sup>th</sup>.
- Committee hearings begin January 22<sup>nd</sup> and end February 29<sup>th</sup>.
- The deadline to submit a letter to the Speaker requesting designation of a bill as a 2024 speaker priority bill is February 14<sup>th</sup>.
- The deadline for designation of committee and senator priority bills is February 15<sup>th</sup>.
- Full-day floor debate starts March 4<sup>th</sup>.
- The 60-day session is tentatively scheduled to end April 18<sup>th</sup>.

**Legislative Calendar** – The following are dates when the Legislature will not be in session. These are the dates your senator(s) should be back in the district if you wish to schedule meetings with them.

**Legislative Recess Days**

January 29

February 9, 16, 26

March 1, 8, 11, 22, 29

April 1, 8, 12, 15, 16, 17

### Legislative Holidays

January 15 – Martin Luther King Jr. Day

February 19 - Presidents' Day

The legislative calendar can be found at:

<https://www.nebraskalegislature.gov/pdf/session/calendar.pdf>.

**Hearings and Procedure:** Below are procedures for testimony and other session information.

### *Submission of Testimony*

- Only in-person testimony will be accepted and appear on the committee statement.
- The submission of public comments to the online bill database will continue.
- The procedure for submitting position letters for inclusion as a permanent record of the public hearing record will continue to require the use of the online bill database. The submission of public comments to the online bill database will allow for the person submitting comments to request the comments to be part of the permanent hearing record if submitted prior to 12 p.m. CST the workday prior to the hearing.

The online bill database will be the only way to submit comments for inclusion as a public hearing exhibit. Letters and comments submitted via email or hand-delivered will no longer be included as part of the hearing record.

A copy of the rules governing public hearings, testimony and position comments can be found at: [Nebraska Legislature - Public Input Options](#).

Session information can be found on the Nebraska Unicameral website which is: [Nebraska Legislature - Home](#).

**New Bills --** Introduction of legislative bills occurs in the first 10 working days of the session. This is the second session of the 108th Legislature, so there are carry-over bills from last year. Of the carry-over bills, 110 bills were advanced to General File that were never debated, meaning lawmakers can take them up as soon as Speaker Arch schedules them. Fourteen carry-over bills are also sitting on Select File.

The following are bills of interest for the NRDs, introduced in the first three days of the session.

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

***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.***

The bill establishes a Pollinator Task Force for the purposes of: (1) annually researching existing pollinators in Nebraska and the habitat for such pollinators; (2) Research issues relevant to pollinators in Nebraska and how to resolve those issues; and (3) Work with the Legislature to achieve a healthy and sustainable pollinator population in Nebraska.

Members of the task force shall include:

- Director of Agriculture or designee;
- Director of Natural Resources or designee;
- Director of Environment and Energy or designee;
- Director of the Game and Parks Commission or designee;
- Director-State Engineer of the Department of Transportation or designee;
- The following members appointed by the Director of Agriculture, subject to approval by the Legislature:
  - Representative of a state association of natural resources districts;
  - Representative of a recreation and park association;
  - Representative of a noxious weed control association;
  - Representative of a conservation organization;
  - One individual who commercially grows at least one specialty crop;
  - One individual who commercially grows crops that are dependent upon pollinators;
  - One professional educator who teaches about pesticide use or the environmental effects of pesticides;
  - One dealer as defined in section 2-2624;
  - One commercial applicator as defined in section 2-2624;
  - One beekeeper who keeps at least one apiary in Nebraska and is also a member of a beekeeping club or organization; and
  - One member of the general public who resides in Nebraska.

The Pollinator Task Force shall examine existing statutes, rules, regulations, policies, and practices in Nebraska and the United States relating to pollinators and pollinator habitat and develop a pollinator plan that includes the following:

- (a) How the state should focus efforts relating to understanding, preventing, and recovering from pollinator losses;
- (b) The food production systems in Nebraska that rely on pollinators and the impact on such systems without sufficient pollinators;
- (c) How the state should develop and coordinate education programs to promote public knowledge about the effects of the loss of pollinators and how private individuals and businesses can help address the loss of pollinators;
- (d) An evaluation of and potential risk-reduction solutions to pesticide:
  - (i) Use, storage, and disposal, including pesticide-treated seeds;
  - (ii) Nontarget contamination;
  - (iii) Exposure to pollinators;
- (e) Recommendations for developing public and private partnerships to encourage pollinator protection and increase the quality and amount of habitat and forage for pollinators;
- (f) Specific policies and practices that state agencies should adopt to enhance pollinator habitat on state-managed property;
- (g) Recommendations for promoting availability of native seeds and plants that are beneficial to pollinators;
- (h) The marketing and promotion of products derived from bees that are kept in Nebraska, including honey, queen bees, bee packages, nucleus colonies, products derived from bees or beekeeping, and products related to support for bees or beekeeping; and
- (i) Recommendations for legislative, administrative, and budgetary actions necessary to implement the pollinator plan.

The Pollinator Task Force shall submit the pollinator plan to the Legislature not later than November 1, 2026, and by November 1 of each year thereafter.

***831 - Change provisions of the Noxious Weed Control Act and provide for control of restricted plants. Blood.***

The bill adds “restricted plants” that can be regulated under the Noxious Weed laws.

A restricted plant is defined as any non-native plant species that is designated and listed as restricted in rules and regulations adopted and promulgated by the director.

***LB 859 - Change conflict of interest provisions for certain political subdivision officers. Linehan.***

The bill proposes to expand a section of the conflict-of-interest statutes to all political subdivisions rather than just cities, villages and school districts. These conflict statutes outline when a person must abstain from voting if it may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated.

The conflict-of-interest statements would have to be filed with the person in charge of keeping public records for that political subdivision who shall enter the statement on the public records.

This section of statutes also allows for an exception as follows:

1. To the extent that the individual’s participation is legally required for the action or decision to be made, or
2. If the potential conflict of interest is based on a business association and (A) such business association is an association of such political subdivisions, (B) the political subdivision is a member of such association, and (C) the business association exists only as the result of such person holding elective office.

***LB 868 - Extend the sunset date for reimbursement for remedial action under the Petroleum Release Remedial Action Cash Fund. Bostelman.***

The bill extends the sunset for reimbursement of costs under the Petroleum Release Remedial Action Act from reported by June 30, 2024, to June 30, 2028.

***LB 872 - Prohibit acceptance of central bank digital currency by state and local governments. Clements.***

The bill prohibits a county treasurer, county official, or political subdivision official from using central bank digital currency as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature.

Central bank digital currency is defined in the bill as a digital medium of exchange, token, or monetary unit of account issued by the United States Federal Reserve System or any analogous federal agency that is made directly available to the consumer by such federal entities. Central bank digital currency includes a digital medium of exchange, token, or monetary unit of account so issued that is processed or validated directly by such federal entities.

***LB 880 - Change requirements relating to the Land Acquisition and Source Water Loan Fund. Hughes.***

The bill eliminates provisions requiring the Director to consult with the Director of Public Health when developing an intended use plan or when conducting activities permitted under section 1425(k) of the Safe Drinking Water Act.

***LB 925 - Adopt the Firearm Industry Nondiscrimination Act. Aguilar.***

The bill would prohibit state agencies and political subdivision's from entering a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it:

- (a) Does not have a practice, policy, guidance document, or directive that discriminates against a firearm entity or firearm trade association; and
- (b) Will not discriminate against a firearm entity or firearm trade association during the term of the contract.

The requirements of the act would not apply if a governmental entity:

- (a) Contracts with a sole-source provider; or
- (b) Does not receive a bid from a company that is able to provide the written verification.

Firearm entity is defined in the proposal as:

- (a) A firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer; or
- (b) A gun range.

Firearm trade association is defined in the proposal as any person, corporation, unincorporated association, federation, business league, or business organization that:

- (a) Is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;
- (b) Has two or more firearm entities as members; and
- (c) Is exempt from federal income taxation under section 501(a) of the Internal Revenue Code of 1986, as an organization described by section 501(c) of such code.

A contract is defined as a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and the right to seek a remedy for the breach of those duties. The term does not include an agreement related to investment services.

***LB 951 - Adopt the Public Officials on Private Boards Open Meetings Act. Linehan***

The bill proposes to make private boards subject to the Open Meetings Act when they include a majority of public officials are on such board.

Under the proposal, the following definitions are used:

Covered entity means any private or quasi-public entity, whether operated on a for-profit or nonprofit basis. It does not include a public body already subject to the Open Meetings Act.

Governing board means the board of directors, supervisory committee, or other governing body of a covered entity:

- (1) That sets policy for, makes decisions for, or supervises a covered entity; and
- (2) Of which a majority of the members are public officials.

The governing board does not include a subcommittee or subunit of a governing board unless a quorum of the members of the governing board is present or unless such subcommittee or subunit is making policy or taking formal action on behalf of the governing board.

Public official is defined as any elected or appointed official of the state or a political subdivision or any government employee or official in an upper level of management, including, but not limited to, school superintendents.

***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.***

The bill proposes that as a state agency or political subdivision of the state, shall not require that an applicant for public employment possess a postsecondary degree, provided the applicant has a qualifying career and life skills.

The bill includes the following exceptions:

- (a) The University of Nebraska or state colleges;
- (b) The judicial branch of state government;
- (c) Positions for which a postsecondary degree is required by state or federal law; or
- (d) Positions for which application of this section would jeopardize federal funding.

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	lbach		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					Introduced	
LB 951	Adopt the Public Officials on Private Boards Open Meetings Act	Linehan					Introduced	
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					Introduced	