Nebraska's Natural Resources Districts
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January 6, 2023

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: January 6 NARD Update

Session Begins, Leadership Elected – The Nebraska Legislature convened its 90-day work session on January 4th and is tentatively scheduled to end on June 9th.

On the first day of the session 26 members were sworn into office. That number includes 9 re-elected senators serving for a second term, 1 appointed member, and 15 newly elected senators. Of the newly elected and appointed senators, 14 will be serving as Senators for the first time. Two members, Senators Reipe and Conrad have served in the Legislature previously.

Leadership Elections: On the opening day, January 4th, senators elected the Speaker of the Legislature and committee chairs. The election for leadership roles include the following:

- **Speaker of the Legislature** - Sen. Dan Arch of La Vista won unopposed.
- **Executive Board Chair** - Sen. Tom Briese of Albion won unopposed. For Vice-Chair, Sen. Ray Aguilar of Grand Island won unopposed.
- **Agriculture Committee** - Standing Chair Sen. Steve Halloran of Hastings won unopposed.
- **Appropriations Committee** - Sen. Robert Clements of Elmwood won unopposed.
- **Banking, Commerce and Insurance Committee** - Sen. Julie Slama of Peru won unopposed.
- **Business and Labor Committee** – Sen. Merv Riepe of Ralston won unopposed.
- **Education** - Sen. Dave Murman of Glenvil defeated Standing Chair Sen. Lynn Walz of Fremont by a 32-17 vote.
- **General Affairs** - Sen. John Lowe of Kearney won unopposed.
- **Government, Military and Veterans Affairs Committee** – Standing Chair Sen. Tom Brewer of Hyannis won unopposed.
- **Health and Human Services Committee** - Sen. Ben Hansen of Blair won unopposed.
- **Judiciary Committee** - Sen. Justin Wayne of Omaha won unopposed.
- **Natural Resources** – Standing Chair Sen. Bostelman of Brainard won unopposed.
- **Retirement Committee** - Sen. Mike McDonnell of Omaha won unopposed.
- **Revenue Committee** - Standing Chair Sen. Lou Ann Linehan of Omaha won unopposed.
- **Transportation and Telecommunications Committee** - Sen. Suzanne Geist of Lincoln defeated Sen. Tom Brandt of Plymouth, and Sen. Mike Moser of Columbus, by a 29-10-8 vote.
- **Urban Affairs Committee** - Sen. Terrell McKinney of Omaha won unopposed.
- **Committee on Committees** - Sen. Joni Albrecht of Thurston won unopposed.
- **Rules Committee** - Sen. Steve Erdman of Bayard defeated Sen. John Cavanaugh of Omaha by a 33-15 vote.
- **Enrollment and Review** - Sen. Beau Ballard of Lincoln was elected by unanimous consent. This position always goes to an incoming freshman senator who will make the motions on the floor to adopt any enrollment and review amendments to bills as they move through the legislative process.

Preliminary Committee assignments and Senator Office assignments are on the last two pages of this report.

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
February 6, 17, 27
March 10, 17, 20, 27
April 7, 10, 21, 24
May 1, 12, 15, 26
June 5, 6, 7, 8

Legislative Holidays
January 16 – Martin Luther King Jr. Day
February 20 - Presidents' Day
April 28 – Arbor Day
May 29 – Memorial Day

The legislative calendar can be found at: https://www.nebraskalegislature.gov/pdf/session/calendar.pdf.

Here are some key dates for the session:

- Senators can introduce new bills through Day 10, which is January 18th.
- Governor Jim Pillen will give his State of the State address January 25th.
- Committee hearings begin January 23rd and end March 24th.
- The deadline to submit a letter to the Speaker requesting designation of a bill as a 2023 speaker priority bill is March 15th, prior to adjournment.
- The deadline for designation of committee and senator priority bills is March 14th, prior to adjournment.
- Full-day floor debate starts March 28th.
- The 90-day session is tentatively scheduled to end June 9th.

Committees – On Wednesday, the Committee on Committees released their initial committee assignments. The next day, the committee reported one three-way change to committee make-ups: Senator Holdcroft from Government to Judiciary; Senator Slama from Judiciary to Natural Resources; and Senator Aguilar from Natural Resources to Government.

Several senators had requested other changes, which ignited a spirited debate. The Legislature adjourned Friday morning without accepting the Committee on Committees report, meaning the committee listing is still not finalized.

A copy of the Committee on Committees Preliminary Report follows on page 6.

Hearings – Committee hearings are scheduled to begin January 23rd. All day hearings will be held January 30th – February 15th, with afternoon-only hearings resuming after Feb. 15th.

Submission of Testimony - Final details on the hearing process, including submitted written testimony, will be announced next week.

Session information can be found on the Nebraska Unicameral' s 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 first session of the 108th Legislature, so there are no carry-over bills from last year. 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.

LR 1CA - Constitutional amendment to require the Legislature to reimburse political subdivisions as prescribed. Blood.

A proposed constitutional amendment that the Legislature shall not impose responsibility for a program created after the year 2024 or an increased level of service required under an existing program after the year 2024 on any political subdivision of the state unless the subdivision is fully reimbursed by the state for the cost of such program or increase in level of service.

Reimbursement by the state shall be in the form of a specific appropriation or an increase in state distribution of revenue to such political subdivision.

LR 6CA - Constitutional amendment to prohibit governmental entities from imposing any taxes other than retail consumption taxes and excise taxes. Erdman. Co-sponsored by Brewer, Clements, Halloran, McDonnell and Murman.

A proposed constitutional amendment, effective January 1, 2026, that no governmental entity in the State of Nebraska may impose taxes other than retail consumption taxes or excise taxes.

It replaces such taxes with a consumption tax which shall apply to purchases of services and new goods, except for fuel. Such consumption tax shall begin no later than January 1, 2024 (See LB 79).

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. Co-sponsored by Brewer, Clements, Halloran, McDonnell and Murman.

A proposed constitutional amendment, effective January 1, 2026, the State of Nebraska shall impose a retail consumption tax or an excise tax on all new goods and services, and the Legislature may authorize political subdivisions to do the same. There shall be no exemption from such taxes except for grocery items purchased for off-premises consumption.

(See LR 6CA and LB 79 for the companion legislation)

LB 40 - Adopt the Riparian and Water Quality Practices Act. Blood.

The bill establishes the Riparian Protection and Water Quality Practices Act. The Act would require the Department of Agriculture to consult with local water management authorities to develop a summary of watercourses for inclusion in a comprehensive local watershed management plan and to create buffer-protection maps. Water management authorities are defined under the bill as natural resources district, metropolitan utilities district, county, city, or village operating separately or jointly in its role as a local water management authority.

In consultation with local water management authorities, the department shall develop, adopt, and submit to each local water management authority in the state a summary of watercourses for inclusion in the local water management authority's plan. A local water management authority shall include such summary of watercourses identified under this section as an addendum to its comprehensive local water management plan or comprehensive watershed management plan.

The bill requires riparian buffers and water quality practices to: (a) protect state water resources from erosion and runoff pollution, (b) stabilize soils, shores, and banks, and (c) protect or provide riparian corridors.

- Buffers for all public waters of this state, the would be the more restrictive of: 1) A 50-foot-average width, a 30-foot-minimum width, a continuous buffer of perennially rooted vegetation; or 2) The

state standards and criteria set by the department pursuant to rules and regulations authorized, adopted and promulgated in the act.

- Buffers for public drainage systems, a 16.5-foot-minimum width continuous buffer. The buffer vegetation shall not impede future maintenance of the ditch.

There is an exception to the minimum buffer strip requirements. A landowner whose property is used for cultivation farming may meet the minimum requirements under the act by adopting an alternative riparian water quality practice, or a combination of structural, vegetative, and management practices.

These practices would have to be based on common alternative practices adopted and published by the department, other practices approved by the department, or practices based on local conditions approved by the local water management authority that are consistent with the practices adopted and published or approved by the department. The practices would have to provide water quality protection comparable to the buffer protection for the water body that the property abuts. Such practices include retention ponds and alternative measures that prevent overland flow to the water resource.

The bill requires landowners with property adjacent to a water source identified on a buffer-protection map to maintain buffers in accordance with the act. It also requires local water management authorities, with resources provided from the department, to assist landowners with riparian protection requirements including planning, technical assistance, implementation of approved alternative practices, and tracking progress toward compliance.

A local management authority would be required to notify the department if a landowner is not in compliance. The department would be authorized to enforce the act with administrative penalties not to exceed $1000 per violation.

The bill exempts land that is enrolled in the federal Conservation Reserve Program, used as a public or private water access or recreational use, covered by road or other structure, regulated by a national pollutant discharge elimination system, part of a water-inundation cropping system, or in a temporary non-vegetated condition.

LB 79 - Adopt the Nebraska EPIC Option Consumption Tax Act. Erdman.

Establishes the Nebraska EPIC Consumption Tax Act, where EPIC stands for the elimination of property, income, and corporate taxes. Repeals such taxes on Dec. 31, 2025. Beginning Jan. 1, 2026, imposes a flat tax on the use or consumption in Nebraska of taxable property or services (including health care) at the rate of 7.5% (down from 10.64% in the 2022 proposal). No consumption tax shall be imposed on the purchase of fuel or for property or service purchased for a business purpose in a trade or business.

LB 121 - Repeal the Trail Development Assistance Act. Bostelman.

The bill eliminates references to the Trail Development Assistance Act, which sunset in 2010, and provides another source of funding. Under the bill any revenue collected from leases under the fund shall be remitted to the State Treasurer for credit to the Cowboy Trail Fund.

LB 125 - Change provisions relating to the Surface Water Irrigation Infrastructure Fund. Bostelman.

The bill proposes that investment earnings from investment of money in the Surface Water Irrigation Infrastructure fund shall be credited back to the fund.

2023 NEBRASKA UNICAMERAL LEGISLATURE - ***As of 1/6/2023***

Capitol Mailing Address: Senator _____
District # State
Capitol PO Box
94604
Lincoln NE 68509-460

Senator	District	Capitol Phone	Room	City
Aguilar, Raymond	35	471-2617	1118	Grand Island
Albrecht, Joni	17	471-2716	12th Floor	Thurston
Arch, John	14	471-2730	2103	La Vista
Armendariz, Christy	18	471-2618	10th Floor	Omaha
Ballard, Beau	21	471-2673	1403	Lincoln
Blood, Carol	3	471-2627	10th Floor	Bellevue
Bostar, Eliot	29	471-2734	10th Floor	Lincoln
Bostelman, Bruce	23	471-2719	1210	Brainard
Brandt, Tom	32	471-2711	1528	Plymouth
Brewer, Tom	43	471-2628	1423	Gordon
Briese, Tom	41	471-2631	2108	Albion
Cavanaugh, John	9	471-2723	8th Floor	Omaha
Cavanaugh, Machaela	6	471-2714	11th Floor	Omaha
Clements, Robert	2	471-2613	1305	Elmwood
Conrad, Danielle	46	471-2720	1206	Lincoln
Day, Jen	49	471-2725	11th Floor	Omaha
DeBoer, Wendy	10	471-2718	12th Floor	Bennington
DeKay, Barry	40	471-2801	11th Floor	Niobrara
Dorn, Myron	30	471-2620	1208	Adams
Dover, Robert	19	471-2929	12th Floor	Norfolk
Dungan, George	26	471-2610	12th Floor	Lincoln
Erdman, Steve	47	471-2616	1124	Bayard
Fredrickson, John	20	471-2622	8th Floor	Omaha
Geist, Suzanne	25	471-2731	1110	Lincoln
Halloran, Steve	33	471-2712	1115	Hastings
Hansen, Ben	16	471-2728	1117	Blair
Hardin, Brian	48	471-2802	11th Floor	Gering
Holdcroft, Rick	36	471-2642	1302	Bellevue
Hughes, Jana	24	471-2756	10th Floor	Seward
Hunt, Megan	8	471-2722	12th Floor	Omaha
Ibach, Teresa	44	471-2805	12th Floor	Sumner
Jacobson, Mike	42	471-2729	1523	North Platte
Kauth, Kathleen	31	471-2327	1522	Omaha
Linehan, Lou Ann	39	471-2885	1116	Elkhorn
Lippincott, Loren	34	471-2630	11th Floor	Central City
Lowe, John S., Sr.	37	471-2726	1306	Kearney
McDonnell, Mike	5	471-2710	1101	Omaha
McKinney, Terrell	11	471-2612	1212	Omaha
Moser, Mike	22	471-2715	1529	Columbus
Murman, Dave	38	471-2732	1107	Glenvil
Raybould, Jane	28	471-2633	10th Floor	Lincoln
Riepe, Merv	12	471-2623	1308	Ralston
Sanders, Rita	45	471-2615	11th Floor	Bellevue
Slama, Julie	1	471-2733	1401	Sterling
Vargas, Tony	7	471-2721	8th Floor	Omaha
von Gillern, R. Brad	4	471-2621	10th Floor	Elkhorn
Walz, Lynne	15	471-2625	1120	Fremont
Wayne, Justin T.	13	471-2727	1103	Omaha
Wishart, Anna	27	471-2632	8th Floor	Lincoln

Agriculture (8)
Rm. 1524 – Tuesday
Halloran (C), Brewer, Hansen, Holdcroft, Hughes, Ibach, Raybould, Riepe

Appropriations (9)
Rm. 1307 – Monday, Tuesday, Wednesday, Thursday, & Friday
Clements (C), Armendariz, Dorn, Dover, Erdman, Lippincott, McDonnell, Vargas, Wishart

Banking, Commerce and Insurance (8)
Rm. 1507 – Monday & Tuesday
Slama (C), Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, von Gillern

Business and Labor (7)
Rm. 1524 – Monday
Riepe (C), Blood, Halloran, Hansen, Hunt, Ibach, McKinney

Education (8)
Rm. 1525 – Monday & Tuesday
Murman (C), Albrecht, Briese, Conrad, Linehan, Sanders, Walz, Wayne

General Affairs (8)
Rm. 1510 – Monday
Lowe (C), Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes, Raybould

Government, Military and Veterans Affairs (8)
Rm. 1507 – Wednesday, Thursday, & Friday
Brewer (C), Conrad, Halloran, Holdcroft, Hunt, Lowe, Raybould, Sanders

Health and Human Services (7)
Rm. 1510 – Wednesday, Thursday, & Friday
Hansen (C), Ballard, Day, Cavanaugh, M., Hardin, Riepe, Walz

Judiciary (8)
Rm. 1113 – Wednesday, Thursday, & Friday
Wayne (C), Blood, DeBoer, DeKay, Geist, Ibach, McKinney, Slama

Natural Resources (8)
Rm. 1525 – Wednesday, Thursday, & Friday
Bostelman (C), Aguilar, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser

Nebraska Retirement Systems (6)
Rm 1525 – At call of Chair
McDonnell (C), Clements, Conrad, Hardin, Ibach, Vargas

Revenue (8)
Rm. 1524 – Wednesday, Thursday, & Friday
Linehan (C), Albrecht, Briese, Bostar, Dungan, Kauth, Murman, von Gillern

Transportation and Telecommunications (8)
Rm. 1113 – Monday & Tuesday
Geist (C), Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Moser

Urban Affairs (7)
Rm. 1510 – Tuesday
McKinney (C), Blood, Cavanaugh, J., Day, Hardin, Hunt, Lowe

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						
LR 6CA	Constitutional amendment to prohibit governmental entities from imposing any taxes other than retail consumption taxes and excise taxes	Erdman						
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						
LB 40	Adopt the Riparian and Water Quality Practices Act	Blood						
LB 79	Adopt the Nebraska EPIC Option Consumption Tax Act	Erdman						
LB 121	Repeal the Trail Development Assistance Act	Bostelman						
LB 125	Change provisions relating to the Surface Water Irrigation Infrastructure Fund	Bostelman						