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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: January 10 NARD Update

Nebraska Legislature begins 60-day Session – The Nebraska Legislature began its 60-day session on January 8, 2020.

Here are some key dates for the session:

- Senators can introduce new bills through Day 10, which is January 23rd.
- Governor Pete Ricketts will give his State of the State address January 15th.
- Committee hearings begin January 21st and end February 27th.
- The deadline to submit a letter to the Speaker requesting designation of a bill as a 2020 speaker priority bill is February 19th, prior to adjournment.
- The deadline for designation of committee and senator priority bills is February 21st, prior to adjournment.
- Full-day floor debate starts March 3rd.
- The 60-day session is tentatively scheduled to end April 23rd.

Legislative Calendar – The following are dates when the Legislature will not be in session:

Legislative Recess Days

January 17

February 7, 14, 28

March 2, 13, 16, 27, 30

April 10, 13, 17, 20, 21, 22

Legislative Holidays

January 20 – Martin Luther King Jr. Day

February 17 - Presidents' Day

The legislative calendar can be found at: <https://nebraskalegislature.gov/pdf/session/2020tentativecalendar.pdf>

Capitol Renovation and Office Locations – Phase 1 of the \$106 million State Capitol Heating/AC and Renovation Project has ended, and the second phase will begin in February.

Phase 1 was the Southwest quadrant of the Capitol. Most of the senators originally located in that quadrant have moved back. Phase 2 will be the Southeast quadrant, which will close offices in that area. That means senator offices will be shifted around once again.

By mid-January, the final rosters and office locations will be published on the Legislature's website -- nebraskalegislature.gov.

The renovation project will replace and weather-strip all of the windows and add a closed-loop geothermal heating and cooling system. The plan used a state parking lot to the east of the building to drill a well field, which will serve the heating and cooling system. The current system is more than 50 years old.

In order to accomplish the project, the Capitol Commission is working on one quadrant of the building at a time, followed by similar work on the center tower. Each of the five phases is scheduled to last about 18 months.

Written Position Letter Policy for Public Hearings – The following rules apply to those submitting letters at legislative hearings:

“Those who are unable or do not wish to testify in person on a bill may submit a written position letter that will be included in the official hearing record as an exhibit. In order to be included in the record the letter must be delivered to the office of the committee conducting the hearing, or emailed to the committee chair, by 5:00 p.m. on the last work day immediately preceding the hearing.

Additionally, the letter must include your name, address, the bill number, your position (for, against, neutral), and a request that it be included as part of the public hearing record.

Please note that mass communications will not be included as part of the public hearing record regardless of delivery time or requests to have the communication included.”

A copy of the rule can be found at: https://www.nebraskalegislature.gov/calendar/hearings_range.php

New Bills – The following are bills that were introduced this week.

LR 285CA - Constitutional amendment to provide for use of lottery proceeds for prison overcrowding prior to use for the Nebraska Environmental Trust Act. Brewer.

A proposed constitutional amendment to allow use the funds intended for the Nebraska Environmental Trust Fund (NETF) to be first used to address prison overcrowding as the Legislature may direct. Any remaining money would be transferred to the NETF.

LR 288 – Legislative resolution regarding Missouri River Management. Slama and others.

A non-binding legislative resolution outlining that the Nebraska Legislature respectfully urges Congress and the United States Army Corps of Engineers to prioritize flood control as a top priority for the management of water systems under their authority in the Missouri River Mainstem Reservoir System Master Water Control Manual for the Missouri River Basin.

LB 769 – Change provisions relating to the Nebraska Natural Resources Commission. Gragert.

The bill proposes that members of the Natural Resources Commission be residents of the State of Nebraska.

LB 802 - State a legislative finding and declaration relating to the right to use ground water. Hughes.

The bill finds and declares that the right to use ground water is an attribute of owning fee simple title to land overlying the source of the ground water and is inseparable from the land to which the right applies.

The bill provides limited exceptions to the declaration including the transfers of ground water authorized in the Municipal and Rural Domestic Ground Water Transfers Permit Act, the Industrial Ground Water Regulatory Act, transfers for domestic purposes, approved permits to transfer to another state and approved permits to transfer for environmental purposes.

The bill further declares it does not otherwise alter, modify, or change the regulatory authority granted under the Nebraska Ground Water Management and Protection Act.

LB 829 - Change provisions relating to certain in lieu of tax payments made by the Game and Parks Commission. Erdman.

Currently the Nebraska Game and Parks Commission pays in-lieu-of taxes on property owned based upon the value for the use it had immediately before acquisition by the commission excluding any improvements on the land either before or after its acquisition.

The bill proposes to allow the county to change the value to the highest and best use.

LB 845 -- To change procedures relating to augmentation projects under an integrated management plan. Groene.

The bill proposes to allow owners of the augmentation project to sell the land and continue to pump water for the project or augmentation purposes without regard to land area or acres owned.

LB 855 - Eliminate legislative confirmation for certain members of the Niobrara Council. Moser.

The bill removes the current requirement for Legislative confirmation of individuals on the Niobrara Council. These currently exist for the following Governor appointments: 1) The individuals from each of Brown, Cherry, Keya Paha, and Rock counties; 2) the representative from a recreational business operating within the Niobrara scenic river corridor; 3) the timber industry representative operating within the Niobrara scenic river corridor; and 4) the representative of a recognized, nonprofit environmental, conservation, or wildlife organization.

LB 856 - Extend sunset of the Petroleum Release Remedial Action Cash Fund. Moser.

The bill proposes to extend the sunset date for the Petroleum Remedial Action Cash fund from June 30, 2020 to June 30, 2024.

LB 857 - Require state agency review of rules and regulations. Lowe.

The bill would require each state agency to review the rules and regulations adopted and promulgated by the state agency on the schedule prescribed in the bill and provide a report electronically to the Clerk of the Legislature on or before December 31 of the year prescribed in the schedule.

The report shall include the statutory authorization for the rules and regulations and an assessment of whether the rules and regulations are accomplishing the statutory purposes or need revision.

LB 859 - Change provisions relating to qualifications and terms of office for certain Game and Parks Commission members. Hughes.

The bill proposes to change the criteria of the three members of the commission representing agricultural pursuits. The change would be to require these individuals to be engaged in farming or livestock production.

Existing members in this classification that do not fit the revised definition would be able to serve out the duration of his or her term.

LB 860 - Change Game and Parks Commission district limits and designations as prescribed. Hughes.

The bill would maintain eight-person commission. There would be two major changes in the commission representation.

First, rather than District # 2 representing only Douglas County, the district boundary would include the following additional counties: Antelope, Burt, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Knox, Madison, Pierce, Platte, Sarpy, Saunders, Stanton, Thurston, Washington, and Wayne.

Second, District #8 currently includes only Lancaster County. The bill proposes to move Lancaster County to a revised District #1 which would include the following additional counties: Butler, Cass, Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Polk, Richardson, Saline, Seward, Thayer, and York.

The bill establishes a transition period beginning January 15, 2021 through January 15, 2025 for existing commission members to serve terms and transition to the new district representation.

LB 861 - Change provisions of the Integrated Solid Waste Management Act with respect to consumer merchandise and containers. Hughes.

The bill proposes to prohibit a county, municipality, or agency from adopting, enforcing, or otherwise administering an ordinance or resolution that prohibits the use of or that sets standards, fees, or requirements regarding the sale, use, or marketing of consumer merchandise and containers. The proposal would not apply to county, municipality, or agency recycling or solid waste collection programs.

Under the proposal, consumer merchandise is defined as merchandise offered for sale or lease, or provided with a sale or lease, primarily but not exclusively for personal, family, or household purposes, and includes any container used for consuming, carrying, or transporting such merchandise.

Container is defined as a bag, cup, package, container, bottle, or other packaging that is (1) designed to be either reusable or single-use, (2) made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, or postconsumer recycled or similar material or substrates, including coated, laminated, or multilayer substrates, and (3) designed for consuming, protecting, or transporting merchandise, food, or beverages from or at a food service or retail facility.

LB 863 - Limit ownership of land by the Game and Parks Commission. Hughes.

The bill proposes that beginning September 1, 2020, the Nebraska Game and Parks Commission would be prohibited from purchasing or acquiring title to any additional sites if such purchase or acquisition would increase the amount of property the commission owns on September 1, 2020.

LB 890 - Provide for water, wastewater, utility, and sewer construction projects under the Political Subdivisions Construction Alternatives Act. Hilgers.

The bill proposes to allow a political subdivision to use a design-build contract or construction management at risk contract under the Political Subdivisions Construction Alternatives Act for a project, in whole or in part, for water, wastewater, utility, or sewer construction.

LB 904 - Provide for use of the Water Sustainability Fund for sustainable use of water in food production and transfer General Funds. Bolz.

The bill proposes to divert \$900,000 annually from the Water Sustainability Fund to the University of Nebraska - Daugherty Water for Food Institute to conduct scientific and policy research into how to achieve more food security with less pressure on scarce water resources

The Water for Food Center would be required to submit to the Director of NDNR a summary of ongoing and planned research initiatives to be conducted using such funds, including descriptions of how the initiatives directly relate to sustainability of water use and food production.

The bill also proposes to add the term “Contributes to scientific and policy research regarding sustainable water use and food production” as one of the priority rankings on scoring funding requests from the fund.

LB 905 - Provide for a fee on single-use checkout bags and for a program to provide reusable checkout bags to the public. DeBoer.

The bill proposes to create Plastic Bag Reduction Fund for the purpose of creating a program to provide reusable checkout bags to the public. The program would be administered by the Department of Environment and Energy.

A reusable checkout bag is defined to mean a bag that: (1) Is provided by a store to a customer at the point of sale; (2) has handles and is designed and manufactured for a minimum lifetime capability of at least 125 uses carrying twenty-two pounds over a distance of at least 175 feet; (3) is capable of being washed so as to be cleaned and disinfected at least 100 times; (4) is at least two mils thick; and (5) contains recycled content materials.

The program would be funded by a five-cent fee on every single-use plastic bag provided by retail stores.