Nebraska's Natural Resources Districts
www.nrdnet.org
Protecting Lives • Protecting Property • Protecting the Future

8100 South 15th
Suite B
Lincoln, NE 68512

nard@nrdnet.org
(402) 471-7670

February 20, 2026

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 20 NARD Update

NACD Annual Meeting - The 2026 National Association of Conservation Districts (NACD) Annual Meeting was hosted in San Antonio, Texas, this week. Nebraska had 19 people in attendance representing NARD, USDA, Lewis & Clark, Lower Platte North, Lower Platte South, Nemaha and Papio NRDs. Attendees had the opportunity to hear from NRCS leadership and participate in more than 100 educational breakout sessions from soil health to grant writing.

Nebraska received recognition for 100% dues participation and our support of the National Conservation Foundation (NCF), which supports the Envirothon program and the Next Generation Leadership Institute (NGLI). Nebraska also had three award winners at the 2026 Annual Meeting including:

- **Dr. Orval Gigstad, NARD & Nemaha NRD**: Orval was inducted into the NACD Hall of Distinction during Tuesday's Leadership Lunch. For more than 30 years, he has been a steadfast champion for natural resources stewardship at the local, state, regional, and national levels.

- **Andy Bishop, Rainwater Basin Joint Venture**: The Rainwater Basin Joint Venture (RWBJV) received the Friend of Conservation Award during Wednesday's Appreciation Banquet. The RWBJV works to protect critical wetland and bird habitat while supporting productive working lands through voluntary, incentive-based conservation programs. Through industry symposiums, outreach, and partnership building, Bishop has helped address barriers to conservation adoption and strengthened the role of Nebraska's NRDs.

- **Jeff & Jolene Steffen, Lewis & Clark NRD**: The Steffen family received the Hugh Hammond Bennett Excellence in Conservation Award for the conservation practices and mentorship on their farm southeast of Crofton. For more than 30 years, the Steffens have implemented a continuous no-till cropping system and added integrated cover crops and livestock grazing to improve soil health and sustainability. Jeff also serves as a director with the Lewis & Clark NRD.

NACD's 2026 Summer Conservation Forum & Tours will be hosted in Grand Rapids, Michigan, July 17-22, 2026, and the 2027 NACD Annual Meeting will be in Las Vegas, Nevada, Feb. 6-10, 2027.

Legislative Session Reaches Midpoint - Following adjournment on Friday, day 30, the Legislature has reached the midpoint of the scheduled 60-day session. The deadline for priority bill designations was Thursday, Feb. 19. The following measures followed by NARD received priority designations:

- ***LB 525 - Adopt the Agricultural Data Privacy Act. Jacobson At the request of the Governor. Jacobson Priority.***

- ***LB 596 - Change requirements for legal publications and notices required by law. Sanders. Government Committee Priority.***

- ***LB 759 - Change provisions relating to water wells, the Department of Water, Energy, and Environment, the Perkins County Canal Project Act, and the Nebraska Litter Reduction and Recycling Fund. Brandt. Natural Resources Committee Priority.***

- ***LB 935 - Provide for the award of costs and attorney's fees in certain actions involving political subdivisions. Bosn. Judiciary Priority.***

- ***LB 1048 - Change and eliminate reporting requirements for certain government agencies and preparation of the state executive budget and eliminate the Small Business Advisory Council, the Suggestion Award Board, and the state employee suggestion system. Speaker Arch, at the Request of Governor. Speaker Priority.***

- ***LB 1096 - Adopt the Preventing Lethal Agricultural and National Threats Act and the Critical Infrastructure Protection Act, authorize the withholding of records relating to critical water infrastructure, and provide civil and criminal penalties. Bostar, at the request of the Governor. Bostar Priority.***

- ***LB 1179 - Change provisions relating to the Agriculture and Natural Resources Committee of the Legislature, the Transportation Committee of the Legislature, and the Telecommunications and Technology Committee of the Legislature. DeBoer. Planning Committee Priority.***

- ***LB 1219 - Limit the amount of property taxes that may be levied by a political subdivision. Brandt. Hansen Priority.***

- ***LR 292CA - Constitutional amendment to provide a new method of valuing real property for property tax purposes, provide a limit on property tax increases, provide certain exceptions, provide requirements for declared emergencies, provide for emergency bond levies, and eliminate conflicting constitutional provisions. Andersen. Andersen Priority.***

- ***LR 298CA - Constitutional amendment to create requirements for the use of the Nebraska Environmental Trust Fund. Brandt. Brandt Priority.***

The Legislature will conclude committee hearings next week before the body then shifts to full-day floor debate beginning Tuesday, March 3.

Floor debate has been limited to morning sessions during the first 30 days, however, senators have successfully passed more than 20 measures, with dozens of others advancing. That pace will likely slow as debate turns toward more contentious proposals and senator-designated priority bills.

Senators will spend much of the second half of the session on debate and adoption of a balanced budget. The Appropriations Committee must submit its budget proposal to the full Legislature by Day 40. The committee continues to conduct hearings and will begin compiling and revising its recommendations after receiving an updated revenue forecast from the Nebraska Economic Forecasting Advisory Board, which is scheduled to meet February 27.

The Governor's budget proposal included several reductions and other measures intended to address the projected $471 million shortfall. Following the conclusion of hearings and review of the updated forecast, the committee will evaluate those recommendations and finalize its own proposal to present to the floor for consideration.

With respect to Natural Resources program funding, significant discussion during committee hearings has focused on the Governor's proposed transfers from the Nebraska Environmental Trust Fund (NETF) to other cash funds, including the Water Resources Cash Fund (WRCF), Water Sustainability Fund (WSF) and the Water Recreation Enhancement Fund (WREF). According to budget tables provided to the committee (provided below), the NETF currently has a financial balance that exceeds $70 million. With that balance, under the Governor's proposal, the transfer from NETF of $32.7 million to the NSWCP, WRCF, WSF, and WREF cash funds could occur, and all approved NET applications totaling approximately $20 million could be funded, and NETF would maintain a projected beginning balance of more than $20 million into FY 2027. See the chart below.

Nebraska Environmental Trust Funds Analysis

	NE Environmental Trust # 23290					*Projected*			
	Funds Analysis	**FY 22**	**FY 23**	**FY 24**	**FY 25**	**FY 26**	**FY 27**	**FY 28**	**FY 29**
	Beginning Balance	**43,159,421**	**52,570,917**	**59,487,222**	**68,821,115**	**73,280,616**	**29,930,916**	**22,728,216**	**25,981,456**
	Revenues								
	Investment Income	785,079	1,053,120	1,588,310	669,877	0	0	0	0
	Other	-695,326	283,307	312,855	196,953	300	300	300	300
	Lottery Revenue	21,773,822	24,593,362	24,396,802	20,113,372	22,350,000	22,797,000	23,252,940	23,717,999
	Subtotal	***21,863,575***	***25,929,789***	***26,297,967***	***20,980,202***	***22,350,300***	***22,797,300***	***23,253,240***	***23,718,299***
	Current Law: Transfers to WRCF	0	0	-7,000,000	-7,000,000	-3,000,000	0		
	Current Law: Transfers to WSF	0	0	0	0	-8,000,000	0		
	Current Law: Transfers to Soil & Water	0	0	0	0	-2,000,000	-2,000,000		
1	Additional: Transfers to WREF & WRCF					***-32,700,000***	***-8,000,000***		
	Revenue Total	**21,863,575**	**25,929,789**	**19,297,967**	**13,980,202**	**-23,349,700**	**12,797,300**	**23,253,240**	**23,718,299**
2	**Expenditures Total**	**12,452,079**	**19,013,484**	**9,964,074**	**9,520,700**	**20,000,000**	**20,000,000**	**20,000,000**	**20,000,000**
3	**EOY Fund Total**	**52,570,917**	**59,487,222**	**68,821,115**	**73,280,616**	**29,930,916**	**22,728,216**	**25,981,456**	**29,699,755**
	25% of Expenditures	*3,113,020*	*4,753,371*	*2,491,019*	*2,380,175*	*5,000,000*	*5,000,000*	*5,000,000*	*5,000,000*

2 Expenditures are above what is currently forecasted to demonstrate the health of the NET cash fund.

General File

LB 759 - Change provisions relating to water wells, the Department of Water, Energy, and Environment, the Perkins County Canal Project Act, and the Nebraska Litter Reduction and Recycling Fund. Brandt. Natural Resources Committee Priority.

The Legislature advanced LB 759 to Select File on Feb. 19, 2026, on a 26-5 vote after adopting the committee amendment (AM 1939) on a 26-1 vote, and AM 2182 on a 26-2 vote.

The Natural Resources Committee advanced LB 759 to General File on Feb. 11, 2026, on a 7-1 vote after adopting a committee amendment (AM 1939). The measure was declared as the committee's 2026 priority measure. AM 1939 incorporates provisions of three other bills, including LB 760, LB 761, and LB 1076. AM 2182 made technical corrections to the bill.

- ***LB 759 - Change provisions relating to water wells, the Department of Water, Energy, and Environment, the Perkins County Canal Project Act, and the Nebraska Litter Reduction and Recycling Fund.***

  First, the bill corrects several department title references from legacy DNR and DEE to the Department of Water, Energy, and Environment.

  The bill strikes the requirement that the council annually determine percentage amounts for allocation and distribution of funds from the Nebraska Litter Reduction and Recycling fund.

  The bill adds the Chief Water Officer, or his or her designated representative, as a new seat to the Water Well Standards and Contractors' Licensing Board.

  Additionally, the bill clarifies Department authorities under the Perkins County Project Act. These include the authority to enter upon any property to make surveys, examinations, investigations, studies, geological soil borings, and tests and to acquire other necessary and relevant data when in contemplation of:

  (i) establishing the location of the Perkins County Canal Project,
  (ii) acquiring land, property, permits, and construction materials for the Perkins County Canal Project, or
  (iii) performing other operations or activities incident to the Perkins County Canal Project and pursuant to the Perkins County Canal Project Act.

  Entry upon any property shall not be considered to be a legal trespass and no damages shall be recoverable on that account alone. In the case of any actual or demonstrable damage to the property, the department shall pay the owner of the property the amount of the damages.

- ***LB 760 - Change and eliminate provisions of the Environmental Safety Act. Brandt.***

  The bill shifts rulemaking authority, inspections, permit requests, violations, enforcement measures, and penalties for swimming pools, mobile home parks, and recreation camps under the Environmental Safety Act from DWEE to the local government entity with jurisdiction.

  Local government is defined as a county, city, or village or a local public health department. In setting health and safety standards governing these areas, the local government must meet or exceed the minimum sanitary and safety requirements adopted and made available to it by DWEE. Local governments are authorized to set, collect, and enforce fees to cover their costs.

- ***LB 761 - Create a fund and change provisions relating to water well fees, use of funds, and powers and duties of the Department of Water, Energy, and Environment. Brandt.***

  The bill as amended with the committee amendment proposes increasing the registration fee for all water wells from $40 to $200. It specifies that collected fees shall be used to cover both direct and indirect costs associated with administering the well registration program.

  The bill as amended also proposes changes to National Pollutant Discharge Elimination System (NPDES) permit fees. For large, concentrated animal feeding operations (CAFOs), the bill would require the Department to ensure that permit fees recover at least 30 percent of program costs from the previous fiscal year, an increase from the current 20 percent requirement. The original bill, prior to the committee amendment, required 40 percent of program costs to be recovered.

  In addition, the bill creates the Water Quality and Quantity Cash Fund. The fund would be used to pay reasonable direct and indirect costs to develop and administer programs regulating discharges under Section 402 of the federal Clean Water Act.

  Beginning July 1, 2027, each application for an NPDES permit or a pretreatment permit must be accompanied by an application fee set by the Department. The fee may not exceed the amount necessary to reimburse the Department for the cost of administering the application. Applications for animal feeding operations or construction and operating permits for livestock waste control facilities shall be exempt from this application fee.

  The bill also proposes that beginning July 1, 2027, the Department shall charge an annual fee to each holder of an NPDES or pretreatment permit. The annual fee may not exceed the actual cost of services provided. Permits for animal feeding operations or construction and operating permits for livestock waste control facilities shall be exempt from the annual fee.

- ***LB 1076 - Change penalty provisions relating to the Nebraska Geologic Storage of Carbon Dioxide Act. Brandt.***

  The bill codifies the Oil and Gas Conservation Commission's authority to take administrative action and impose penalty sanctions when violations occur or are threatened.

The Natural Resources Committee held the hearing for LB 759 on Wednesday, January 21, 2026.

Sen. Brandt opened the hearing noting the bill addresses technical cleanups following the agency merger. Additionally, the bill authorizes access for investigating and examining locations for purposes of Perkins County Canal project. Lastly, the bill updates procedures for allocating and distributing funds of Nebraska Litter Reduction and Recycling fund.

During questioning, Sen. Raybould requested the addition of a requirement for proper notification. Sen. Brandt noted there are other examples of where notification can create issues.

Proponents

Jesse Bradley, Director of DWEE, testified in support. Bradley noted this is a cleanup bill following the agency merger, with a majority of changes addressing technical corrections consistent

with the intent of the merger. Additionally, the bill grants limited authority for actions necessary for narrow purposes of the Perkins County Canal project design. The authority is modeled directly off authorities utilized by the Department of Transportation. This measure will reduce costs for the state by preventing costly access agreements. The bill provides protections for landowners by authorizing reimbursements of costs for damages. Bradley also discussed the bill reinstates a member to the well licensing board that was inadvertently removed. The bill has no fiscal impact.

During questioning, Sen. Conrad asked why existing provisions for land surveying are not sufficient - Bradley responded that given the linear nature of the project and certain unique geotechnical and soil boring work that is required, they want to make sure the authority is clear. Currently, these efforts are done through access agreements and while many have worked just fine, there can be challenges regarding fees for access.

Sen. Conrad asked about the scope of support or opposition – Bradley said they have had broad support, and only a couple of challenges, and those were likely driven by opportunistic pursuit of fees for access.

Sen. Conrad and Raybould raised questions about the transfer of funds from the project proposed in the Governor's budget – Bradley reiterated that the Department continues to be committed to moving the project forward and progress continues on moving the project forward on schedule. At a subsequent hearing before the committee, Bradley reiterated that the proposed transfer is consistent with prior language of only transferring interest from the fund and is not an additional transfer.

No opponents and no neutral testimony were provided.

Letters for the record were submitted by two proponents and one opponent.

LB 948 - Rename and change provisions of the Nebraska Commercial Fertilizer and Soil Conditioner Act, eliminate the Nebraska Poultry and Egg Resources Act, terminate a fund, and eliminate provisions relating to certain associations and societies. Agriculture Committee. Agriculture Committee Priority.

LB 948 was advanced to Select File on Feb. 20, 2026, after the adoption of Committee Amendment AM 1976. The amendment incorporates provisions of LB 947. A summary of LB 947 follows.

Original provisions of LB 948 rename the Nebraska Commercial Fertilizer and Soil Conditioner Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act. The bill revises fees collected under the Act. The bill also repeals the Nebraska Poultry and Egg Resources Act.

- ***LB 947 – Change fees under the Plant Protection and Plant Pest Act and the Pesticide Act, change provisions relating to the Weeds of the Great Plains book, and change, eliminate, and terminate certain funds. Agriculture Committee.***

Provisions of the bill were incorporated into LB 948 via AM 1976.

This is a Department of Agriculture clean-up bill.

The bill increases some fees related to natural resources.

- The pesticide registration fee increases from $160 to $200 and increases the amount going to the Noxious Weed Cash fund from $30 to $50.

- Establishes a penalty of 25% of the license fee for nursery stock distributor for each month such person has failed to obtain such license.

The Agriculture Committee held the hearing for LB 947 on Tuesday, January 27, 2026.

Rick Leonard introduced LB 947 on behalf of the Agriculture Committee. The bill was introduced at the request of the Department of Agriculture and reflects an element of the Governor's budget recommendation. He outlined the measure includes authorizing the Director to annually revise fees outside the formal rules and regulations process, using fee criteria consistent with other programs.
Proponents

Sherry Vinton, Director of the Nebraska Department of Agriculture, testified that the bill increases the statutory ceiling on fees under the Plant Protection and Plant Pest Act to allow the program to cover its costs without requesting additional General Funds. Fees would be set based on the budgeting needs of the existing program and are established each July 1, using a formula. Without these changes, the Department would need an increase of approximately $139,000 in General Funds, and that amount would continue to grow in future years.

She also noted that the pesticide product registration fee would increase from $160 to $200. Of that increase, $20 would be directed to the Noxious Weed Cash Fund and $20 to the Pesticide Administrative Cash Fund. These proposed fee changes are intended to keep the programs operating.

The bill also eliminates the Department's responsibility to publish and sell the *Weeds of the Great Plains* book. The Department has had difficulty selling the book, and LB 947 would allow the remaining 7,000 copies to be freely distributed. It also eliminates the related cash fund and transfers approximately $30,000 to the Noxious Weed Cash Fund.

Finally, LB 947 would transfer funds from the Nebraska Potato Development Fund to the Plant Protection and Plant Pest Cash Fund. When LB 346 passed, there was no language designating the disposition of those funds. Transferring the remaining balance is appropriate because the Plant Protection and Plant Pest program conducts potato cyst nematode inspections.

Sen. Ibach questioned that a few people have expressed concern about the *Noxious Weed* book and suggestions to publish it every five years – is it currently published every year?

Vinton explained that the book was last published in 2019, and prior to that in 2003. The Department currently has 7,000 books in storage. She noted how much has changed with technology and that there are now many ways to communicate information.

Vinton was asked if the Department has any influence on changing the planting of red cedars with NRDs – Vinton praised NRDs for their local control, stating that this is largely a matter of education and management of cedar trees at the local level.

There was no opponent or neutral testimony. Letters of support were submitted by two proponents.

Select File

LB 807 - Change the administration of the Noxious Weed Control Act from the Department of Agriculture to the Department of Water, Energy, and Environment and change provisions of the Noxious Weed Control Act and the Water Resources Cash Fund. Ibach.

The Legislature advanced LB 807 to Final Reading on Feb. 19, 2026, on a voice vote.

Previously, the Legislature advanced LB 807 to Select File on Feb. 4, 2026, on a 33-0 vote, after adopting the committee amendment, AM 1828, on a 31-0 vote. The bill was reported to General File on January 29, 2026, on an 8-0 committee vote after adopting committee amendment AM 1828.

The committee amendment (AM 1828) strikes the original sections and becomes the bill. The amendment retains administration of the Noxious Weed Control Act with the Department of Agriculture rather than transferring it to DWEE as the original bill proposed. The measure repeals authorization for the Riparian Vegetation Management Task Force and transfers authority for grant funding of state aid assistance to riparian vegetation management projects to DWEE.

The amendment establishes riparian vegetation management projects as eligible activities for state aid grant assistance through the Water Resources Cash Fund administered by DWEE. The amendment authorizes eligible uses of grant funds to include riparian vegetation removal that improves streamflow conveyance and the acquisition of equipment related to that purpose. Entities eligible to apply for a grant through DWEE include natural resources districts, weed control authorities, and other weed management entities. No later than January 1, 2027, the department shall prescribe the form for application. Priority in awarding grants under this program is given to applicants for projects within streams subject to an interstate compact or decree.

The original bill also included intent language to increase annual appropriation from $3 million to $6 million. These provisions were eliminated with the committee amendment, AM 1828.

The Agriculture Committee held the hearing for LB 807 on Tuesday, Jan. 27, 2026.

In her opening, Senator Ibach introduced LB 807 and AM 1757, a white copy amendment that would become the bill. Comments were limited to the amendment, which has been a collaborative effort between the Department of Agriculture (NDA) and the Department of Water, Energy, and Environment (DWEE).

AM 1757 keeps administration of the Noxious Weed Act with the Department of Agriculture but amends the Water Resources Cash Fund to expand its uses to provide grants to weed management entities. Priority will be given to entities involved in interstate compacts, such as the Republican River and the Platte River.

Senator Ibach suggested that DWEE supports LB 807 and this change will address the issue long term, as proponents will no longer have to seek general appropriation for these funds.

Proponents

John Thorburn, Tri-Basin NRD General Manager, testified in support. The Tri-Basin Natural Resources District, along with most of Nebraska's NRDs, is an active participant in and strong

supporter of managing invasive vegetation in riparian areas to reduce flooding potential by ensuring that stream channel capacity is maintained. Controlling invasive species also protects critical riparian wildlife habitat and reduces non-beneficial water consumption during drought.

Tri-Basin NRD is responsible for protecting the soil and water resources of Gosper, Phelps and Kearney counties in South-Central Nebraska. Our NRD helped organize both the Platte Valley and Twin Valleys Weed Management Areas. NRD staff work with these entities, helping to identify areas that need treatment and making contact with affected district landowners to secure their cooperation with Phragmites control efforts on their properties. We have also budgeted $20,000 of our local funds annually for the past 15 years to support Platte Valley Weed Management Area. Tri-Basin isn't exceptional in this respect. Overall, Nebraska's NRDs spent more than $ 500,000 of local funds and over 3,000 hours of staff time controlling noxious and invasive weeds in FY 2024-25.

Over the past 15 years, Weed Management Areas (WMAs) have received modest, but steady funding from several sources and have utilized those dollars extremely effectively, keeping invasive riparian plants under control in our river systems. Steady, predictable funding is key to effective management of invasive plants. This can't be an on again/off again process. Missing even one spray season could unravel the progress that we've achieved over the past 15 years. We don't expect the state to pay all the cost of managing invasive riparian plants, but we do need a reliable, predictable partner.

Because phragmites control is so closely related to flood control efforts, we believe that the Department of Water, Energy, and Environment is a good choice to administer Riparian Weed Management grant funds. Nebraska's Natural Resources Districts work closely with DWEE on a variety of issues. Adding this program increases opportunities for collaboration on flood control efforts.

Jon Cannon, NACO, stated that their interest is in the Water Management Cash Fund and ensuring its uses can be directed toward issues tied to water management, particularly those related to the Republican River Compact. He highlighted the U.S. Supreme Court case involving the Republican River, noting the significant return on investment—avoiding a potential $100 million lawsuit and resolving it for approximately $7 million, especially given that Kansas was likely to prevail. This was a case against the State, and the Constitution provides that no property tax shall be levied for a state purpose. Instead, the approach has been to allow weed management areas to handle activities such as spraying for phragmites. These associations are primarily funded by property taxes. By funding these efforts through the Cash Fund, NACO believes their purposes can be accomplished more effectively.

Brent Meyer, Noxious Weed Superintendent for Lancaster County, testified in support on behalf of several weed management organizations. He noted that Nebraska has seen significant improvements in weed management, helping the state meet its water obligations to Kansas. Ensuring compliance with interstate compacts is a state responsibility.

Meyer stated that LB 807 makes practical improvements by strengthening funding, clarifying eligibility, and ensuring resources are directed toward effective, science-based weed management. He emphasized that the bill is a strong fit for the Water Resources Cash Fund, as improving streamflow conveyance supports flood mitigation, water management, and protection of public

infrastructure. Nothing in the bill changes existing responsibilities; rather, it provides additional tools and partnerships to address statewide challenges.

Mike Reed, representing the Governor's Riparian Task Force and the Nebraska Weed Control Association, testified that the bill is critical for three reasons: 1) It helps maintain water conveyance for Nebraska's interstate water compacts; 2) DWEE intends to continue the work of the Riparian Task Force to improve and maintain streamflow, channel conveyance, riparian areas, ecosystem health, and water availability; and 3) Moving this effort to the Water Resources Cash Fund identifies a much-needed and appropriate funding source for water management. He concluded that it is good legislation that makes sense.

John Hansen, President of the Nebraska Farmers Union, stated that the amendment changed their position on the bill. He referenced the historical perspective shared by Jon Cannon, noting that this has long been a significant problem for the State of Nebraska, but one the state has tackled with substantial progress. He emphasized that this is a never-ending job and one where it pays to stay at it year after year. The work these groups are doing is saving Nebraska a tremendous amount of money, making it a sound investment.

There was no opponent testimony.

Neutral

Sherry Vinton, Director of the Department of Agriculture, testified that the Department would be concerned with the bill as originally introduced, as it removes the Department's responsibilities under the Noxious Weed Control Act and transfers them to DWEE. These responsibilities have been performed by the Department of Agriculture since 1989.

She stated that if LB 807 is amended to keep the program within the Department of Agriculture, the Department would support the bill. The Department is in favor of repealing the Riparian Task Force and supports the new language allowing the Water Resources Cash Fund to be used for riparian management purposes.

In closing, Senator Ibach addressed the earlier question regarding funding. Previously, the program was funded 50/50 with NET and General Funds; it is now funded 100 percent through NET. With this measure the program can return to the $5 million request level, allowing more remediation to occur in a shorter amount of time. As noted in testimony, this is a long-standing issue, and these changes will help reduce future litigation while ensuring Nebraska can deliver the required amounts of water.

With the amendment, the fiscal note is eliminated. Senator Ibach emphasized that the intent is not to move noxious weeds out of the Department of Agriculture. Noxious weeds will remain with the Department of Agriculture, while invasive species responsibilities will move to DWEE.

Letters of support were submitted by five proponents.

Final Reading

LB 794 – Change powers and duties of the Department of Agriculture and eliminate provisions relating to the Healthy Soils Task Force and obsolete fund transfers. DeKay.

The Legislature gave final approval to LB 794 on February 19, 2026, on a 48-0-1 vote. The measure now awaits action by Gov. Pillen.

The Legislature advanced LB 794 to Final Reading on Feb. 9, 2026, on a voice vote after adopting AM 2019 on a 35-0 vote. AM 2019 incorporated provisions of LB 827, a summary of LB 827 follows the hearing notes for LB 794.

The Legislature advanced LB 794 to Select File on January 27, 2026, on a 43-0 vote. The measure was voted out of committee on January 21, on an 8-0 vote.

The bill proposes to change the general powers granted to the Department of Agriculture from shall to may.

The bill repeals all sections of statute that were created by LB 243 in 2019 authorizing the Healthy Soils Task Force, and proposes that prior to January 1, 2027, the Department of Agriculture shall electronically submit, to the Clerk of the Legislature a copy of the comprehensive action plan, a copy of agendas, meeting minutes and any other documents, findings and recommendations reported by the Task Force as they existed on January 1, 2021.

The bill strikes language authorizing use of the Fertilizers and Soil Conditioners Administrative Fund to defray costs and provide budgetary support of the Healthy Soils Task Force.

The Agriculture Committee held the hearing for LB 794 on Tuesday, January 20, 2026.

Sen. DeKay opened the hearing outlining that the bill is a result of the termination of the Healthy Soils Task Force work. Sen. DeKay reviewed the purpose for the task force and noted their work ultimately concluded in December of 2020. It was highlighted that the bill includes a one-time reporting requirement to electronically submit final reports to the clerk of legislature – documents are already available, but this measure ensures work is still accessible by public at a later date.

There was no testimony at the hearing. Letters were submitted for the record by one proponent and one neutral.

- ***LB 827 - Provide for natural resources districts to create soil and water programs. DeKay.***

  Provisions of the bill were incorporated into LB 794 via AM 2019 on Feb. 9, 2026, after the adoption of a floor amendment (FA 966) that replaces the word preserve with conserve. The Natural Resources Committee previously reported the bill to General File on Feb. 3, 2026, on an 8-0 committee vote.

  The bill clarifies that a Natural Resources District (NRD) may establish or participate in programs to educate residents about or research practices to improve water quality, water quantity management, or soil health practices.

  Such programs may include conducting demonstration projects and hosting educational events to inform agricultural producers and the public about practices to protect and preserve natural resources in the state.

A district may enter into agreements with agricultural producers, nonprofit organizations, companies, service organizations, political subdivisions, public or private postsecondary educational institutions, or state or federal agencies to establish or participate in such programs.

The Natural Resources Committee held the hearing for LB 827 on Wednesday, Jan. 28, 2026.

Annette Sudbeck, Lewis & Clark Natural Resources District (LCNRD) General Manager, testified in support on behalf of the Nebraska Association of Resources Districts and LCNRD.

LB 827 provides clear, practical authority for NRDs to continue, and formally recognizes the important work NRDs already do to support soil health, water quality, water quantity, and public education. This bill strengthens the statutory foundation for programming that directly benefits landowners, communities, and Nebraska's long-term natural resources.

NRDs have long partnered with producers to encourage voluntary, research-based practices that protect Nebraska's land and water. Many of these programs depend on collaboration with UNL Extension, state and federal agencies, nonprofit partners, farmers, and private organizations. LB 827 reflects the modern, collaborative model of conservation that districts are using today. It also affirms our ability to host educational events, support demonstration projects, and provide research-driven information to residents.

At LCNRD, we are actively engaged in programs that would fall squarely within the authority clarified by LB 827. Over the next three years, we will be deeply involved in implementing funds focused on water quality and quantity utilizing district funds to match a Water Sustainability Fund and we recently received notice of approval for a Nebraska Environmental Trust grant focused on:

- Improving groundwater quality through nitrate-reduction efforts.
- Expanding soil health practices through producer-led demonstration fields.
- Supporting efficient water use with updated irrigation technology programs.
- Partnering with neighboring NRDs to address shared water-quality challenges.
- Enhancing education and outreach, including workshops, tours, and on-farm demonstrations.

Several projects implemented by LCNRD and NRDs across the state, particularly those addressing groundwater nitrate levels and long-term aquifer resilience, are structured around multi-year planning, testing, and evaluation. These initiatives rely heavily on our ability to educate landowners, host field days, gather research data, and demonstrate practices on working farms.

LB 827 explicitly supports that framework and enables us to continue these programs effectively.

This bill does not expand NRD authority, it clarifies and modernizes it. The expectations placed on NRDs today require strong partnerships, proactive education, and science-based decision making. LB 827 ensures that state law clearly supports these efforts.

Producers consistently ask for practical, localized information that helps them protect natural resources while remaining profitable. LB 827 helps NRDs continue delivering that information through programs, demonstrations, and collaborative research.

On behalf of Nebraska Association of Resources Districts, LCNRD, and the producers we work with, I respectfully urge the committee to advance LB 827. This bill recognizes the good work

already happening across Nebraska and strengthens our ability to protect soil and water resources for future generations.

Sudbeck addressed questions from the committee regarding LCNRD's NET grant being put on hold – she highlighted the impact of the proposed grant activities and the impact the loss of the funds would have on the district's efforts to address water quality. Senator Brandt mentioned an upcoming hearing on Feb. 19, for his CA (LR 298 CA) addressing NET funds.

John Hansen, Nebraska Farmers Union, testified in support suggesting this probably isn't necessary, but they support it if it helps NRDs that may be reluctant to get into the mode of educating. Hansen suggested the way of moving conservation forward is education and then incentives.

Senator DeKay closed by discussing that we can and need to do more to address nitrates. The NRDs are well positioned, and this bill recognizes that. The measure provides clarity to local boards that NRDs have that authority.

Letters were submitted for the record by one proponent.

The Following Measures Had Hearings This Week

The Appropriations committee scheduled the hearing for the state budget bills (LB 1071 & LB 1072) on Feb. 2. While this was the advertised date for the hearings, hearings on the measures continue as each code agency receives a specific hearing – this is an appropriate time for testimony on the appropriations for a respective agency.

- **Agency 84 – Dept. of Water, Energy, and Environment**

DWEE had a hearing before the committee on Tuesday, Feb. 17, 2026. Dir. Bradley opened by expressing full support for the Governor's proposed budget adjustments. Bradley highlighted decreases to agency operations from the General Fund, but noted a portion of the reduction would be offset by revenues from increased fees proposed in LB 761.

Bradley also highlighted the Governor's proposal includes several cash fund transfers, totaling approximately $15 million, he told the committee these transfers can be accommodated while leaving sufficient resources.

Bradley discussed the proposed transfer from the Nebraska Environmental Trust Fund (NETF) to the Water Resources Cash Fund (WRCF). Bradley provided an overview of the WRCF, noting the fund supports management actions and water resources programs statewide. It was mentioned that if LB 807 passes, the WRCF would also support riparian vegetation removal. Bradley discussed that current statute requires any funds transferred from NETF to WRCF to be used in alignment with purposes established for NETF. Bradley provided the committee with a handout summarizing the NETF budget, a copy of that summary is provided following the hearing summary. The handout demonstrates that NETF has a current balance in excess of $70 million, and even after accounting for the full funding of all currently approved grants and all the proposed transfers, over $20 million would be retained in the fund. The handout is provided on the next page.

Bradley closed by reiterating the Departments full support for the governor's proposed budget.

During questioning, Sen. Prokop asked Bradley for updates on the Perkins County Canal. Bradley highlighted that the project is advancing on schedule, with design now exceeding 60%. The state is currently working on federal permits and moving forward with willing buyer proposals. Public meetings are being scheduled. Through the design process areas have been identified where existing infrastructure can be used.

Nebraska Environmental Trust Funds Analysis

	NE Environmental Trust # 23290					*Projected*			
	Funds Analysis	**FY 22**	**FY 23**	**FY 24**	**FY 25**	**FY 26**	**FY 27**	**FY 28**	**FY 29**
	Beginning Balance	**43,159,421**	**52,570,917**	**59,487,222**	**68,821,115**	**73,280,616**	**29,930,916**	**22,728,216**	**25,981,456**
	Revenues								
	Investment Income	785,079	1,053,120	1,588,310	669,877	0	0	0	0
	Other	-695,326	283,307	312,855	196,953	300	300	300	300
	Lottery Revenue	21,773,822	24,593,362	24,396,802	20,113,372	22,350,000	22,797,000	23,252,940	23,717,999
	Subtotal	***21,863,575***	***25,929,789***	***26,297,967***	***20,980,202***	***22,350,300***	***22,797,300***	***23,253,240***	***23,718,299***
	Current Law: Transfers to WRCF	0	0	-7,000,000	-7,000,000	-3,000,000	0		
	Current Law: Transfers to WSF	0	0	0	0	-8,000,000	0		
	Current Law: Transfers to Soil & Water	0	0	0	0	-2,000,000	-2,000,000		
1	Additional: Transfers to WREF & WRCF					***-32,700,000***	***-8,000,000***		
	Revenue Total	**21,863,575**	**25,929,789**	**19,297,967**	**13,980,202**	**-23,349,700**	**12,797,300**	**23,253,240**	**23,718,299**
2	**Expenditures Total**	**12,452,079**	**19,013,484**	**9,964,074**	**9,520,700**	**20,000,000**	**20,000,000**	**20,000,000**	**20,000,000**
3	**EOY Fund Total**	**52,570,917**	**59,487,222**	**68,821,115**	**73,280,616**	**29,930,916**	**22,728,216**	**25,981,456**	**29,699,755**
	25% of Expenditures	*3,113,020*	*4,753,371*	*2,491,019*	*2,380,175*	*5,000,000*	*5,000,000*	*5,000,000*	*5,000,000*
2	Expenditures are above what is currently forecasted to demonstrate the health of the NET cash fund.								

Mike Reed, Chair of Governor Riparian Vegetation Task Force and Douglas County Weed Superintendent testified at the hearing. Reed spoke in favor of utilizing the WRCF for purposes of funding riparian vegetation management. Reed highlighted that in 2024, the appropriations committee decided riparian program dollars would be part of budget, but the Dept. of Ag retained funds and did not award grants. Reed reiterated the importance of LB 807 and support from the committee for the use of WRCF as funded by NETF transfer for the purpose of riparian vegetation management.

Tracy Bruckner, Audubon Great Plains, presented testimony highlighting Audubon's opposition to sweeps from the NETF to the WRCF. Bruckner highlighted the value of both funds, but suggested WRCF should be funded through appropriate General Fund appropriations and not via the constitutionally protected lottery funding. It was noted that using NET to finance regulatory duties of DWEE violates the constitutional intent of the fund. Testimony highlighted that NETF grantees are facing more rigorous requirements, but this transfer would circumvent the process for the WRCF.

Russ Souchek, Nebraska Wildlife Federation, provided testimony focused on the NETF transfers. It was suggested that a competitive citizen guided grant process encourages transparency. The WRCF purposes matter, but the process does not go through a competitive process and violates voter trust. Souchek suggested that WRCF projects should apply like every other applicant. Would set precedent that NETF could be tapped whenever budgets get tight.

John Bender, Friends of Trust, presented testimony expressing opposition to proposed NETF transfers. Bender suggested that direct transfers are not in keeping with the intent of the trust and the NETF should not be used to fill gaps in agencies operations. This will break the trust and leave

it unable to fund future projects. Bender highlighted that in past years, DNR at least went through the grant process. Bender suggested that WRCF projects are valuable and in Nebraska's interest, but the projects are due to agreements with other states and should be funded through general appropriation.

Grace Barton, Program Director Nebraska Recycling Council, also provided testimony focused on the NETF transfers. Barton highlighted that recycling industry has a $731 million recycling impact on Nebraska and programs are primarily funded through grants, including NETF. Reducing NETF funds would weaken the revenue source that is keeping programs running.

Rae Powers, Xerces Society for Invertebrate Conservation, also provided testimony focused on NETF transfers. Powers highlighted that the NETF has been a viable source to support invertebrate creatures and large pulls from the fund would impact work of the society.

Candace Meredith, NACO, provided testimony highlighting NACO's support for funding of riparian weed management. NACO supports maintaining the necessary processes and funding to support these weed management projects.

Letters for the record were submitted by one proponent and 18 opponents.

- **Agency 11 – Attorney General**

Attorney General Hilgers provided the committee with an overview of his office's proposed budget. During questioning, Hilgers addressed questions from the committee on the status of the Perkins County Canal and South Platte Compact litigation. Hilgers discussed that following more than a year and a half of attempted negotiations, where the intent was and remains to find a resolution that allows for the canal to be built without litigation, it became clear the only way for Nebraska to exercise its right was to file suit.

In addressing questions about the anticipated legal costs, Hilgers discussed that the state is currently waiting for the Solicitor Generals' opinion, and through that process to this point, most of the work handled with the existing team and there has been very little spend. When asked for potential estimates for future litigation costs, Hilgers expressed that costs of litigation will vary, but it's anticipated that it will be less than 2-3% of project costs – and Hilgers reiterated that while not cheap, the benefits far outweigh the costs. Hilgers also expressed the importance of retaining and protecting the funds appropriated for the project.

LB 525 - Adopt the Agricultural Data Privacy Act. Jacobson At the request of the Governor. Jacobson Priority.

The committee held a hearing for a re-write of the bill after negotiations with the parties involved. The hearing focused on AM 1710, but also covered some additional language that had been agreed upon.

In simple terms, the amendment prohibits the sale of ag data that is collected. It outlines that the agricultural producer is the owner of agricultural data that originates from the farm, land, device, or equipment of such agricultural producer.

It also outlines that a controller or processor shall not engage in the sale of agricultural data without the express written consent of the agricultural producer. Written consent for the sale of agricultural data shall be obtained through clear and conspicuous disclosure that is separate from the primary terms of service or data use agreement.

There are references in the amendment that the bill does not include information that is made available to the public by a government entity or public source.

Additional new language to be considered is that the data would not be subject to a public records request. The exception would be unless publicly disclosed in an open court, open administrative proceeding, or an open meeting or disclosed by a public entity pursuant to its duties.

Finally, the new proposed language includes the following:

The Agricultural Data Privacy Act shall not be construed to:

> (1) Limit or supersede any duty or obligation that is imposed by any federal law or any other law of the State of Nebraska;
>
> (2) Relieve any person from any duty or obligation otherwise imposed by law; or
>
> (3) Impair, supersede, or otherwise affect the terms of any private contract that is in existence prior to the effective date of this act.

The Banking, Commerce and Insurance Committee held the hearing for AM 1710 to LB 525 on Tuesday, February 17, 2026.

In opening, Sen. Jacobson explained that LB 525 is being advanced through AM 1710, which has been incorporated into AM 2076 and will serve as the working bill. Over the past year, we solicited feedback from producers, technology providers, and other stakeholders, and that input helped shape the provisions now included in AM 2076.

The amendment focuses on two core principles:

1. **General prohibition on the sale of data.** Producers are concerned that their farm data could be sold to third parties without their consent. Farm data should not be treated as a commodity to be bought and sold.
2. **Reasonable data-security measures.** Providers must implement reasonable security practices to keep producer data private. A producer's competitive information should not be accessible to others.

Nebraska cannot afford to wait while producers' assets remain unprotected. This amendment is a starting point, and while it may need refinement, it establishes the basic protections that are needed now. Over the past year, we have worked to bring all parties to the table, and this represents a Nebraska-first solution.

We had strong cooperation during the interim study, which helped build consensus around this legislation. The goal was to include the fundamental protections in the bill, with the understanding that additional improvements may come later. AM 2076 puts the necessary guardrails in place.

Proponents

Cicely Batie, agricultural policy advisor for the Governor's Office, thanked Senator Jacobson for his continued support of this bill. She noted that LB 252 would be the only statute they are aware of that clearly establishes producers as the sole owners of their data. As technology has advanced farming, she outlined the types of data now being collected by producers and emphasized that this bill ensures the knowledge and experience producers have gained over the years is protected. The bill affirms that producers own their data and puts them in the driver's seat when it comes to how that data is used. She described it as a first-in-the-nation effort to establish agricultural data privacy and a priority for Governor Pillen.

Batie explained that if the bill does not pass, it leaves a gray area for producers. There is currently nothing in statute that clearly grants producers ownership of their data, even though it is their information. Regarding the discussion of ownership versus control, she acknowledged that the two concepts are closely related and noted that this is one of the areas that will likely be addressed with future refinements.

Michael Dibbern, President of the Nebraska Corn Growers Association, testified on behalf of his organization and a number of other agricultural associations. He explained that through the interim study, five core principles were identified, which he outlined for the committee.

Dibbern noted that producers have come to rely on technology to support their operations, and the data generated reflects their personal investments and management decisions. Farmers own that data. While producers are grateful for the technology that allows them to collect and use this information, they also believe it must be protected. Dibbern added that the National Corn Growers Association is a member of Ag Data Transparent and supports the basic principle that farmers should own their data.

Bruce Rieker, testifying on behalf of the Nebraska Farm Bureau and other agricultural leaders, stated that at the center of this issue is data privacy. He emphasized that producer data should be safeguarded and not used without the producer's knowledge or consent. He compared the bill to HIPAA, noting that similar protections are needed to ensure the privacy of producers' data. He described the issue as both a privacy concern and a fiduciary responsibility for those handling the data.

Rieker added that this is an important issue, and it will likely take several years to build upon the foundation established by the bill Sen. Jacobson has introduced.

John Hansen, testifying on behalf of the Nebraska Farmers Union, stated that the organization has been part of the stakeholder-driven process surrounding LB 525. He noted there is still a lot of ground to cover, with questions to ask and questions to answer, but described the effort as groundbreaking and one that needs to move forward.

Hansen emphasized that the longer it takes to begin the process, the more it delays progress. The Farmers Union wants to remain actively involved as the bill continues to develop. Hansen added that their interests are similar to other stakeholders, particularly in supporting the need for fiduciary responsibility when handling producer data.

Rocky Weber, President of the Nebraska Cooperative Council, testified that farmer-owned companies occupy a unique position in this space. He highlighted two main points.

First, cooperatives support the protection of farmers' agricultural data. Because farmers own these companies, the cooperatives share a strong interest in ensuring their data is protected.

Second, he expressed concern about any undue burden on the data that is necessary to market and sell grain.

Weber noted that while the legislation is not perfect, it reflects a collaborative effort among stakeholders. The Nebraska Cooperative Council is supportive of AM 2076, but not the underlying bill.

Dean Edson, presented testimony with a recommended amendment to clarify the bill.

The NRD boards need information from producers about nitrogen applications, yield goals to make informed decisions on local regulations to address water quality problems where they exist. Our data collection programs exceed 99% from mandatory reporting on metering and fertilizer applications in areas.

We do have producers that will not provide the information. In those cases, we must go to an administrative hearing to force compliance with local NRD regulations. As an example, the Lower Niobrara NRD just went through such a hearing, and it cost around $8,000 to force compliance. Each district has similar challenges, and we don't want this bill to give producers another avenue to try to circumvent the regulations.

The NRDs do not sell the data but provide it back to the producers in aggregate reports. Producers are starting to adopt better practices, and we have had some success. As an example, the number of producers that exceed the recommended fertilizer rates in the Lower Niobrara NRD has dropped from 91% in 2015 to about 62% in 2023. We are gaining ground but still have a ways to go.

The exceptions are provided in Section 10, but it refers to state law.

The state law on management plans for water quality specifies that NRDs must develop a plan to be approved by The Nebraska Department of Water, Environment and Energy. It is up to the NRDs to develop that plan, as the law does not spell that out.

Edson suggested adding the following in Section 10 of AM 1710 to make it clear that NRD required information for water quality and/or quantity information is not included under the act.

(4) Limit or supersede any data collection, duty or obligation that is imposed by any natural resources districts, or their employees and agents, when acting in performance of their statutory duties.

It is also my understanding that language to provide a FOIA exemption is coming. We would support such so that individual producer information is not subject to such. We will continue to supply aggregate data, similar to what we provide back to the producers.

We can't make sound policy decisions without accurate, timely and dependable data. We want to continue down this path to develop sound, workable and accurate policy and encourage you to amend the bill to allow us to do so.

Neutral

Scott Merritt, testifying in a neutral capacity on behalf of the Nebraska Agribusiness Association, said the current landscape for agricultural data is somewhat of a "wild west," and the association believes there should be a clear framework in place. However, as discussions have progressed, he noted that stakeholders have encountered more questions than answers. While the bill and its amendments begin to establish a framework, there are still gray areas that prevent the association from supporting the measure at this time.

Merritt said the group is seeking clarification on a few key issues, including:

1. What qualifies as "derived data," and

2. How the legislation will account for where agricultural technology may be in the next five to ten years.

Merritt concluded that the association supports the effort to build a framework, recognizing that it will need further refinement and collaboration going forward.

Phil Erdman, testifying on behalf of the Nebraska–Iowa dealership associations, said their position is not due to inaction, but rather the result of extensive efforts to find consensus among stakeholders. He noted that the differences are in approach, not in overall goals.

Erdman explained that the associations have collaborated with numerous parties to better understand the process and identify where true gaps exist. He also pointed out that major manufacturers already have privacy policies in place that prohibit the sale of data. He added that the dealership associations have contributed extensively to the discussions and look forward to continuing to work with stakeholders on this issue.

April Price, testifying on behalf of John Deere, said the company appreciates the committee's focus on agriculture and shares the goals of trust, transparency, and security. However, she expressed concern that the bill's reliance on the concept of data ownership could create unintended consequences for both producers and the broader agricultural economy.

Price stated that ownership should not be the foundation of the bill. Instead, data should be addressed through the lens of control rather than ownership. She noted that while the bill aims to protect the economic value of data, those goals can be achieved without establishing statutory ownership. John Deere requested that the ownership provisions be removed and that the bill rely instead on data privacy protections. She also noted that once data is aggregated, individual ownership or control is no longer practical.

Shirley Neimeyer testified that she has read the bill several times but is still unsure she fully understands its complexity. She said the issue is important, but she is puzzled by the concept of data ownership and how it relates to her environmental concerns. She noted that much of the discussion seems to focus on machinery data, but there is also water-quality data, including well tests and nitrate tests. Her concern is whether, if someone owns the data, they could limit or refuse to provide that information to NRDs or the state.

Neimeyer questioned whether existing environmental regulations would still require that data to be shared and said she would not want a situation where important information is withheld, especially if nitrate levels are high.

No comments were submitted online because the measure was not reopened for written testimony.

In closing, Sen. Jacobson addressed a few key points.

First, he discussed the difference between raw data and derived data. Raw data would include the information collected directly in the field by equipment sensors, such as yield and moisture readings from a combine. Derived data, by contrast, would be information that has been aggregated or processed, such as combining yield monitor data from multiple machines across the state to create broader datasets. He emphasized that the bill is focused on protecting farmers' proprietary, raw data, not aggregated or derived data.

Second, he addressed the issue of ownership versus control. He noted that the Ag Data Transparent initiative—of which John Deere was an early participant—uses the concept of ownership repeatedly. While he is not opposed to using the concept of control instead of ownership, the committee was not supportive of the original bill, which led to the interim study. During that

process, stakeholders agreed the original bill needed changes. The group then worked together to identify what was effective and what was not.

He explained that the operating agreements between producers and manufacturers already state that the producer owns the data, and that concept was used as the foundation for the bill. Rather than reinventing the framework, the bill builds on concepts that were already agreed upon in those agreements.

Sen. Jacobson also noted that the first time they heard from John Deere during the process was at the hearing, and the sponsors would have been willing to address their concerns earlier had they been communicated.

Finally, he stated that an amendment is planned to address FOIA concerns raised by NRDs and that the language can be adjusted from ownership to control if needed. He concluded by saying this will be his personal priority bill.

The following is the summary of the original bill and the hearing notes from last year.

The bill proposes to adopt the Agricultural Data Privacy Act for the purposes of protecting the privacy of agricultural producers in Nebraska; and protecting the agriculture industry in Nebraska.

In basic terms, the bill requires the individual (person) to sign off on releasing any data to anyone. The person could also rescind the release. There is no exception for NRD data requests for water management purposes.

The bill establishes the following definitions for purposes of the Act:

> (1) Acquisitions data means data related to the acquisition of capital, land, equipment, inputs, livestock or any other acquisition of agricultural property;
>
> (2) Agricultural data means acquisitions data, care data, crop production data, cultivation data, field usage data, financial standings data, GPS data, historical yield data, irrigation data, maintenance data, marketing strategy and decisions data, purchase sell information, usage data, and yield data;
>
> (3) Care data means data related to the acquisition or selling of livestock and metrics associated with such a transaction;
>
> (4) Controller means an individual or other person that, alone or jointly with others, determines the purpose and means of processing agricultural data;
>
> (5) Crop production data means data related to the practice of protecting the crop yields from different agents including pests, weeds, plant diseases, and other organisms that may cause damage to agricultural crops;
>
> (6) Cultivation data means data related to the practice of planting, harvesting, cultivating, or other related practices and the data such as dates operation occurred, metrics regarding method of the practice, and other personally identifiable related practices;
>
> (7) Field usage data means data related to commodities planted, land care, irrigation, and land management practices;

(8) Financial standings data means data related to financial standings of agricultural production operations including assets and liabilities, and other related identifiable information;

(9) GPS data means data related to Global Positioning Systems (GPS) in farm machinery, decision making software, and all other related systems utilizing GPS in agricultural practices;

(10) Historical yield data means data connected to individual parcels of land, including yield metrics related to the success of crops cultivated in individual parcels;

(11) Irrigation data means data related to the method, timing, and usage of irrigation resources and equipment;

(12) Maintenance data means data related to maintenance actions of equipment, including services, service intervals, and other related personally identifiable data;

(13) Marketing strategy and decisions data means data related to transactions of commodities, livestock, and land, including marketing plans, marketing actions, and related metrics;

(14) Process or processing means an operation or set of operations performed, whether by manual or automated means, on agricultural data or on sets of agricultural data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of agricultural data;

(15) Processor means a person that processes agricultural data on behalf of a controller;

(16) Purchase sell information means data related to the acquisition or selling of livestock and metrics associated with the transaction;

(17) Usage data means data concerning the operation of machinery related to common agricultural practices; and

(18) Yield data means data connected to the harvest of commodities, including yield and production metrics, as well as date of harvest and other personally identifiable data.

A person may provide written consent to any potential controller of such person's agricultural data that authorizes:

(a) The potential controller to process such person's agricultural data; or

(b) A third party to process such person's agricultural data on behalf of the potential controller.

A person that has provided written consent may rescind such consent by providing a written notice of such rescission to the controller of the agricultural data.

A controller shall not:

(a) Require any person to submit to any processing of such person's agricultural data without the written consent of such person;

(b) Provide any difference in any service, good, benefit, or reward provided to any person who does not consent to the collection or possession of agricultural data; or

(c) Sell, provide, or use the agricultural data of any person without such person's authorization.

A controller shall delete the agricultural data relating to a person that has provided a written notice rescinding the authorization pursuant to section of this act within thirty days after receiving such written notice. A processor shall not process, sell to any person, provide to any person, or use the agricultural data of a person without such person providing written consent that authorizes such processing to the controller of the agricultural data.

The Agricultural Data Privacy Act does not apply to the processing of agricultural data by a person if such person is the owner of the agricultural data.

Any provision of a contract or agreement that waives or limits in any way any requirement for a controller or processor as described in this act is contrary to public policy and is void and unenforceable.

The Attorney General has exclusive authority to enforce the Agricultural Data Privacy Act and may bring an action against any controller or processor to:

(1) Seek injunctive relief; or

(2) Recover a civil penalty in the amount of [XXXX] dollars for each separate violation of the Agricultural Data Privacy Act. All such civil penalties shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

The Attorney General shall post on the Attorney General's website:

(1) Information relating to:

(a) The responsibilities of a controller under the Agricultural Data Privacy Act;

(b) The responsibilities of a processor under the Agricultural Data Privacy Act; and

(c) A consumer's rights under the Agricultural Data Privacy Act; and

(2) An online mechanism through which a person may submit a complaint under the Agricultural Data Privacy Act to the Attorney General.

The Agricultural Data Privacy Act shall not be construed as providing a basis for, or being subject to, a private right of action for a violation of the Agricultural Data Privacy Act or any other law.

On February 3, 2025, the Banking, Commerce and Insurance Committee accepted testimony on the bill.

In his opening, Sen. Jacobson reported the bill is going to be held over and an interim study will be done on the issue. He mentioned the bill needs to be clarified and has talked to various interested parties about the bill who will be testifying today.

Proponents

Director of Agriculture, Sherry Vinton, testified in support of the bill on behalf of Governor Pillen.

John Hansen, Nebraska Farmers Union, testified in support of the bill noting farmers should keep their own data.

Kevin Kenney, a Nebraska Farmer, testified in support noting he wants to keep his own data and doesn't think the companies should sell it. The trade secrets of farms are at risk, and he expressed concern that robots will replace farmers.

Opponents

There was no opposition testimony.

Neutral

Bruce Reiker testified in a neutral capacity on behalf of the Ag Leaders group, which is made up of eleven ag groups and commodity organizations. He noted the merits of the bill, but also recognized it needs work to clarify the overall goal. He pledged to work with the committee over the interim on the bill.

Phil Erdman, Iowa and Nebraska Equipment Dealers Association, testified in a neutral capacity. He offered their availability during ongoing discussions on the topic. Currently data is managed under the 2014 Ag Data Agreement, which provides customers with safeguards.

Rocky Weber, Nebraska Cooperative Council, testified in a neutral capacity. They appreciate the bill and the good conversation it is creating between commercial and farmer groups. He noted they want to be part of the conversation, and policy needs to recognize that data is generated from a lot of different places.

Dean Edson presented testimony on behalf of NARD. He noted that he has had conversations with Senator Jacobson and the Governor's staff about an amendment to clarify that NRD data and information for water quality & quantity management purposes is not subject to LB 525. If it is not exempt, our NRD boards will not have enough data to make sound decisions on local water management.

We understand the goal of the bill and do not want to be in the way to accomplish such goals. However, we want to work with the committee and parties involved to make sure NRDs have appropriate data to make management decisions on water quality and quantity.

Our data collection programs exceeds 99% from mandatory reporting on metering and fertilizer applications in areas. If this becomes voluntary, with a producer's agreement to supply such data, our collection rates will diminish greatly. We want to make sure the management decisions that are made by the local NRDs is based upon as much relevant information as possible.

The testimony included a couple of aggregate data PowerPoint slides from data collected in the Lower Niobrara NRD. He noted this aggregated data is provided back to producers for educational and information purposes. The data points are an individual's but they are not identified. The producers know where they are on the charts and it helps them make some better management decisions.

This data in aggregated form is reported back to producers, the number of producers that exceed the recommended fertilizer rates has dropped from 91% in 2015 to about 62% in 2023. We are gaining ground but still have a way to go.

We also suggest including some guard rails that we are not going to sell the data, and individual data would not be subject to a public records request. We are willing to share aggregate data but want to make it clear that we will not release any individual data.

Edson offered the following suggested language to consider that will fit the goals of the bill:

In Section 3 add:

- **Controller shall not include a natural resources district, or its employees and agents, when acting in performance of their statutory duties.**

- **Processor shall not include natural resources districts, or its employees and agents, when acting in performance of their statutory duties.**

In Section 6 add:

- **No political subdivision shall sell any of the data identified in this act.**

Amend Neb. Rev. Stat. § 84-712.05

- **The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records: All data identified in the Agricultural Data Privacy Act, unless prior written consent has been obtained from the person from whom such data was obtained.**

We can't make sound policy decisions without accurate, timely and dependable data. We want to continue down this path to develop sound, workable and accurate policy and encourage the committee to amend the bill to allow us to do so.

Letters were submitted for the record by three proponents, no opponents, and two neutral.

Sen. Jacobson closed by thanking all testifiers and reiterated this is a large and important issue with a lot of moving parts and he wants to avoid unintended consequences.

LB 935 - Provide for the award of costs and attorney's fees in certain actions involving political subdivisions. Bosn. Judiciary Priority.

The bill declares it is the policy of the state to deter frivolous or harassing litigation, especially when it involves frivolous claims or defenses against a political subdivision that necessitate the wasteful expenditure of scarce taxpayer resources.

A political subdivision may request an award of costs and attorney fees if:

1) The political subdivision is defendant against a claim that is frivolous or intended primarily to harass the political subdivision, or its public officials; or

2) Another party asserts a defense against a claim of the political subdivision and such defense is frivolous or intended primarily to harass the political subdivision or its public officials.

The bill outlines a procedure for the court to follow under the act.

Political subdivision is defined in the bill as any village, city, county, school district, public power district, community college, natural resources district, or other unit of local government.

The Judiciary Committee held the hearing for LB 935 on Wednesday, Feb. 18, 2026.

Sen. Bosn opened the hearing highlighting that the measure strengthens accountability and fairness while protecting taxpayers. Cities, counties, and school districts frequently face frivolous lawsuits that burden taxpayers and public employees. Current law allows for reimbursement from frivolous claims, but existing law is ambiguous in how it pertains to local governments.

Sen. Bosn discussed that the measure codifies and clarifies eligibility for attorney fees and costs, while making clear political subdivisions have same authority as any other party.

Proponents

David Levey, representing the City of Omaha and the City of David City, testified in support of the measure. Levey discussed a situation in David City where over the course of just one year, one individual brought five active lawsuits against the city. This resulted in a cost to taxpayers well over $100,000 and took a lot of city staff time.

Levey outlined the process for determining if a lawsuit is frivolous. A defendant would need to make a claim that the original claim was frivolous, then the claimant gets an opportunity to claim why it was not frivolous, then the court rules. This process exists in statute already, but this just clarifies and harmonizes provisions. Case law demonstrates the bill would only address cases where the initial hurdle isn't met by the claimant - cases that are determined based on merits, even in favor of defendant, would not be eligible to be deemed frivolous.
Christy Abraham, NACO, discussed that the bill went through the NACO legislative and legal review process. Following review by city attorneys statewide, the measure had unanimous support.

There was no opposition or neutral testimony. Written comments for the record were submitted by 10 proponents and eight opponents.

The Committee reported the measure as the committee 2026 priority bill.

LB 1136 - Require political subdivisions to identify authorized recipients of tort claims filed under the Political Subdivisions Tort Claims Act. Dungan.

Under the Political Subdivisions Tort Claims Act, the bill would require a political subdivision to maintain on the home page of its website a notice describing the official or law department authorized to receive such claims. The notice shall identify the official or law department by name and title and provide a mailing address.

The filing of a claim with the official or law department identified on such website shall constitute substantial compliance with the act.

The failure of a political subdivision to maintain accurate and up-to-date information as required by this subsection shall "toll the deadline" (pause or delay the statute of limitations) for making a claim in writing and the deadline for bringing a suit.

The Judiciary Committee held the hearing for LB 1136 on Thursday, Feb. 19, 2026.

Sen. Dungan opened by highlighting that the current Act provides benefits to political subdivisions that are not available to citizens. The Nebraska Supreme Court has strongly enforced the Act and some political subdivisions have made it difficult to find who the appropriate individual is to receive service of process. Currently political subdivisions have this designated, but they can make it difficult to know or find who that individual is.

Sen. Dungan discussed the bill is specifically drafted to only impact political subdivisions that are already required to have a website. He discussed he is open to amending the measure so that it does not necessarily need to be posted directly on political subdivisions homepage, but it would need to be reasonably discoverable.

Proponents

Josh Yamber, Attorney with Berry Law Firm, provided testimony highlighting a procedural hurdle under the act that allows political subdivisions to hide the ball. He discussed that political subdivisions often do not make it publicly known who is to maintain official records. Courts make it clear claimants must file directly with person officially designated to maintain official records.

Neutral
Elaine Menzel, testified in a neutral capacity on behalf of NACO and Nebraska Country Attorneys Association, were prepared to testify in opposition, but through discussions there has been willingness to address concerns regarding tolling.

In closing, Sen. Dungan suggested that he is open to additional conversation, as the intent is to provide ease and clarify and not to be overly burdensome. He suggested additional consideration be given to if it's the individual or the position that is posted on the website.

The Committee reported no action on the measure.

LB 1028 - Provide requirements for nutrient management plans and the application of livestock waste or litter. Jaurez.

The bill adds new requirements for large, concentrated animal feeding operation subject to permits from the Nebraska Department of Water, Energy, and Environment (DWEE).

First, it would require such operations to register its nutrient management plan with the department and to update its plan annually thereafter. The plan and any supporting documentation shall be made publicly available on the department's website.

Second, for any acres where livestock waste or litter is applied pursuant to the nutrient management plan, cover crops shall be planted following application unless the field has perennial cover crops. The establishment and maintenance for such cover crops shall be paid by the entity implementing the nutrient management plan.

Third, when reasonably possible, the entity implementing the nutrient management plan shall use regenerative agricultural practices which minimize tillage, establish living roots systems, armor the soil with increased plant matter build up, increase bio-diversity, integrate livestock grazing systems, and respect and restore a region's native ecosystem.

Fourth, for any acres where livestock waste or litter is applied adjacent to a running waterway pursuant to a nutrient management plan, a minimum thirty-foot perennial-grass buffer shall be established and maintained between the area of application and the waterway. The establishment and maintenance for such buffer shall be paid by the entity implementing the nutrient management plan.

Finally, the entity implementing the nutrient management plan shall also annually compensate the landowner of such buffer for production losses on such buffered acres prices as determined by the department.

The Natural Resources Committee held the hearing for LB 1028 on Thursday, Feb. 19, 2026.

In her opening testimony, Sen. Juarez, mentioned although she represents an urban district, her constituents and her have a strong stake in this conversation, as water quality is becoming an increasingly serious issue across Nebraska. Our farmers are part of the solution, and LB 1028 is built around farmer-based, practical approaches to help reduce nutrient leaching into our aquifers and the water we all rely on.

The goal of LB 1028 is to create reasonable, consistent standards for the largest waste applicators in the state, Concentrated Animal Feeding Operations (CAFOs). Since the bill's introduction, we have received substantial feedback. The measure was discussed at the NARD Legislative Conference, and many of those concerns helped shape AM 1967. We also met with the Nebraska Farm Bureau and the Nebraska Cattlemen. While they opposed the bill, they did not offer alternative solutions.

The amendment reflects several important changes:

- It maintains the University of Nebraska–Lincoln recommendation of at least a 30-foot buffer between fields and streams.
- The phrase "running water" was clarified to "river or stream" for better specificity.
- Instead of requiring annual updates, a new nutrient management plan is only required when there is a material modification, such as changes in livestock numbers, land application acreage, fields, or nutrient management rates and timing.
- The bill allows for the creation or expansion of a registration fee to help offset administrative costs.

The amendment also updates how waste can be applied to frozen ground, requiring application at rates that reduce runoff, and it strengthens conservation practices by requiring cover crops in the fall.

Proponents

Grahm Christensen, President of GC Resolve and a producer, stated over the years, our farming practices have been innovative, but not always regenerative. In recent years, we have begun implementing regenerative practices to address soil erosion, and we have seen measurable improvements.

Livestock waste contains high levels of phosphorus and nitrogen—essential nutrients for crop production—but without proper management, those nutrients can contribute to water quality concerns. LB 1028 represents a practical first step toward ensuring healthy waters across the state by improving transparency and making nutrient management more consistent and accountable.

By reducing soil erosion, we improve water quality. Fall-seeded cover crops help absorb excess nitrates, and buffer strips serve as a final line of defense to protect rivers and streams.

Matthew Sutton, a geologist who tracks nutrient and pesticide contamination across Nebraska. Through his research he has documented widespread and persistent contamination in many of our state's waterways. LB 1028 incorporates two science-based conservation practices that directly address these concerns: buffer strips and cover crops. Both practices are designed to reduce soil erosion. In agricultural settings, many pollutants are attached to sediment that erodes from fields and is carried into nearby waterways. By limiting erosion, we can significantly reduce the movement of nutrients and pesticides into rivers and streams. These recommendations are consistent with the findings of the Healthy Soils Task Force and align with the conservation strategies previously recommended to Governor Pete Ricketts.

John Hansen with the Nebraska Farmers Union has been engaged in water quality work for decades. The big picture is this: soil health and water quality are directly connected, and we have been discussing many of these same issues since 1974. One key concern is nitrogen loading in our aquifers. Once nitrogen accumulates in groundwater, it takes a very long time to clean up. In many cases, the only way to reduce those concentrations is to utilize the nitrogen through irrigation water over time. That reality underscores the importance of prevention.

Not all nutrient management plans are created equal. There needs to be greater emphasis on strengthening those plans, particularly in marginal or sensitive areas. Stronger, more targeted nutrient management requirements can help prevent long-term water quality impacts. The encouraging news is that there is a strong appetite for conservation across our state. Nebraska continues to be a national leader in soil and water conservation programs. We should harness that momentum and commitment to ensure we are doing the right thing.

Dr. Andrea Basche, Associate Professor at the University of Nebraska–Lincoln, testifying on her own behalf. Dr. Basche has more than 15 years of professional experience researching and working with cover crops. This bill presents a creative and forward-thinking solution for producers to protect Nebraska's water resources. It builds on proven soil health practices, including the use of cover crops, which help reduce erosion, improve nutrient retention, and enhance overall environmental stewardship. Increasing soil health practices and cover crop adoption aligns with recommendations from the Governor's Water Quality Task Force. There is also strong interest and enthusiasm among younger agricultural professionals to implement these conservation strategies, which can create new entrepreneurial opportunities within the state.

Jim Knopik, farmer and rancher, testified in support. Twenty-eight years ago, his community organized to address concerns about concentrated animal feeding operations (CAFOs) locating in his county. We gathered information from other states and worked to better understand the potential impacts. Today, all but three Nebraska counties have adopted zoning regulations related to livestock operations. Jim provided the committee with background on how Livestock Friendly County zoning regulations developed over time and the local efforts that shaped those policies.

Jim also shared examples of livestock waste situations he has encountered over the years, underscoring the importance of clear standards and responsible management to protect neighboring landowners and water resources.

Al Davis testified on behalf of the Nebraska Sierra Club. He noted that concentrated animal feeding operations (CAFOs) have expanded across the nation and are highly efficient systems capable of providing a steady food supply. However, he emphasized that experiences in other states demonstrate that insufficient regulation can lead to significant damage to both surface water and groundwater. He cited Iowa as an example, where high nitrate levels in drinking water have become a serious concern. Mr. Davis explained that Nebraska's soils are uniquely permeable, making groundwater particularly vulnerable when nitrogen is applied at the wrong time or under improper conditions. He also highlighted research conducted by the University of Nebraska Medical Center (UNMC) examining correlations between elevated nitrate levels and increased pediatric cancer rates. Several aspects of the fiscal note raise questions and warrant further review. That said, we remain supportive of the bill overall.

Anne Devries testified that concerns over the high fiscal note prompted her to speak. She expressed frustration with the Department of Water, Energy, and Environment (DWEE), stating that the agency has caused stress and confusion for many individuals. She questioned whether the fiscal note may be overstated and suggested there are inefficiencies within the department that should be addressed. She encouraged the committee to take a closer look at how the agency operates when evaluating the projected costs associated with the bill.

Shirley Neimeyer expressed uncertainty about who would be responsible for submitting the required information under the bill—whether it would be the livestock producer, another party, or both—and asked for clarification regarding associated costs. She noted that if nitrate contamination requires treatment through reverse osmosis systems, the expense to municipalities could be significant. She also raised concerns about potential legal liability for livestock producers if connections between nitrate levels and cancer are established. She suggested that periodic testing of both water and soil be included in the bill, if it is not already addressed, to ensure ongoing monitoring and accountability.

Opponents

Walt Troudt testified in opposition. He is a pork producer and grain farmer who operates a 4,000-head finishing barn and represents several grain associations. As a large CAFO operator, he operates under a state permit that already requires detailed recordkeeping, including documentation of when and where nutrients are applied. These nutrient management plans are subject to state inspection and oversight. He stated that LB 1028 would duplicate an existing regulatory framework that is already in place.

Mr. Troudt expressed concern that the bill mandates cover crops and buffer requirements regardless of local conditions, creating what he views as an unfunded mandate for producers. He noted that many producers apply nutrients on land they do not own or directly control, which can make establishing cover crops impractical or infeasible. He concluded by stating that Nebraska's current regulatory framework already includes environmental protections and oversight mechanisms to safeguard water quality.

Sam Drinnen testified in opposition on behalf of the Nebraska Cattlemen, as well as wheat and dairy associations. He is also a feedlot operator. He stated that Nebraska feedlot producers are committed to sustainability and responsible resource management. Under federal EPA regulations, CAFOs are already required to develop and maintain detailed nutrient management plans. He argued that LB 1028 goes well beyond existing federal requirements and represents a significant expansion of state oversight, rather than a minor administrative adjustment.

Drinnen expressed concern that the bill would require substantial additional time, financial investment, and staffing resources. He noted that the detailed information required under the bill could raise privacy and security concerns for producers. He also characterized the mandates as costly and ongoing annual obligations. He emphasized that producers already work closely with Natural Resources Districts (NRDs), the Natural Resources Conservation Service (NRCS), and other agencies to implement conservation practices and comply with local rules and regulations.

Neutral

Brian Bruckner, General Manager for the Lower Elkhorn Natural Resources District, submitted neutral testimony on behalf of the LENRD.

To begin, we extend our gratitude to Senator Juarez for introducing this piece of legislation and share her concern for the protection of water quality. The LENRD devotes time and financial resources each year, engaging in activities directly related to groundwater and surface water quality, and has enacted regulatory controls in portions of the LENRD where conditions warrant.

The oversight and regulation of permitted livestock production facilities is the jurisdiction of the Nebraska Department of Energy and Environment (DWEE) and the LENRD relies on their active involvement in ensuring compliance with permitting requirements. The LENRD is contacted by DWEE regarding applications for new permits, or modifications to existing permits, and we provide input regarding any concerns we might have. Nutrient management plans are currently required for facilities that meet the permit requirement threshold, though we are unaware of how often DWEE reviews those plans to ensure that they are up to date, or the frequency of oversight to ensure compliance.

To the matter of the application of livestock waste or litter on thawed or frozen soils, we are again reliant upon the oversight of DWEE to ensure that facilities are operating within the requirements of their nutrient management plan. We recognize that there are situations that will require application on frozen soils and utilization of processes to minimize negative impacts should always be observed.

The use of cover crops as a beneficial conservation practice has long been supported by the LENRD and can provide a multitude of environmental benefits. It is our understanding that this would be a required practice, in the fall of each calendar year, for land application sites. We support this measure but can see challenges in obtaining compliance given the short window of time that can sometimes exist after crop harvest. The germination of cover crop seed and growth of biomass would be impacted by precipitation and temperature conditions in the days that follow cover crop seeding. It will also require the devotion of manpower and resources by DWEE to conduct site visits to ensure that the practice has been carried out in compliance with the legislation. The measure to require the 30 foot setback is also a prudent suggestion, but oversight to ensure compliance is another task that needs to be taken into consideration by DWEE.

In closing, Sen. Juarez addressed a comment regarding AM 1967. We received feedback that the amendment was too restrictive in requiring annual updates to nutrient management plans and we adjusted the language to limit updates to nutrient management plans only when there are material changes, such as adjustments in animal numbers, timing, or application rates.

Nebraska’s water is one of our most valuable natural resources. Protecting it requires practical, farmer-led solutions that address nutrient runoff before it becomes a crisis. LB 1028 supports proven conservation practices and reflects a balanced approach—one where agriculture and clean water can thrive together.

Written testimony was submitted for the record by 46 proponents, nine opponents, and three neutral. The Committee reported no action on the measure.

LR 298CA - Constitutional amendment to create requirements for the use of the Nebraska Environmental Trust Fund. Brandt.

The proposed constitutional amendment would add language to clarify the funds provided to the Nebraska Environmental Trust Fund are to be used exclusively by the Nebraska Environmental Trust.

The proposed amendment would also direct the Nebraska Environmental Trust to fund competitive awarded grants to tax-exempt entities, Nebraska political subdivisions or Nebraska state agencies.

The amendment would also require that a project proposed by a Nebraska state agency shall not be awarded a grant by the Nebraska Environmental Trust unless at least 50% of the project's funding is provided by a political subdivision, the federal government, or private donors.

The Natural Resources Committee held the hearing for LR 298CA on Thursday, Feb. 19, 2026.

Sen. Brandt introduced LR 298CA stating it is grounded in a simple principle: the people of Nebraska were told that lottery dollars would support our natural resources. Of those proceeds, 44.5 percent was allocated to the Nebraska Environmental Trust (NET). Over time, however, transfers have also been made out of the Trust, raising concerns about long-term stability and voter intent.

We recognize there are technical issues with the current draft of the bill, and we are actively working on an amendment to address those concerns. The goal is to provide long-term certainty and protection for Trust funds. Ensuring that these dollars remain dedicated to their intended purpose is a priority for Senator Brandt.

“Why is reaffirmation necessary if the law is already in place?” The answer is clarity and certainty. This proposal seeks clear constitutional affirmation that these funds cannot be swept or redirected in a way that undermines the intent of Nebraska voters.
LR 298CA is about honoring that commitment and protecting funding for our state’s natural resources.

Proponents

Brian Bruckner, General Manager for the Lower Elkhorn Natural Resources District, submitted written testimony in support on behalf of the LENRD.

The LENRD serves 15 counties in northeast Nebraska and has leveraged more than $2.6 million from the Nebraska Environmental Trust (NET) since 1994. Without these funds, we would have been forced to increase our property tax requirement to support innovative projects benefiting our residents.

Proposed transfers from the NET in Governor Pillen’s mid-biennium budget have drawn significant public concern. Nebraskans are engaging at hearings, contacting senators, and expressing worry about protecting the Trust and maintaining confidence in government decision-making. When voters supported dedicating lottery proceeds to the NET, they agreed that these funds should be allocated to qualified applicants and eligible projects—not redirected for general operating expenses of state agencies or ceded to executive or legislative control. Yet these types of transfers have occurred before and are once again being proposed in the current budget debate.

Since 1994, the LENRD has leveraged $2,628,758 in NET funding, matched by nearly $5 million in local funds. These dollars have supported major projects, including:

• Aerial Electromagnetic Mapping to define aquifer boundaries and improve groundwater quantity management.

• The Bazile Groundwater Management Area Project, the first groundwater management plan authorized to use EPA Section 319 funds to address nitrate contamination.

• The Skyview Lake Wetlands Project in Norfolk, constructed to provide flood protection and now a valued community recreation area for fishing, kayaking, and trail use.

Current NET-funded projects include the LENRD Flow Meter Telemetry Project, which incentivizes real-time groundwater-use monitoring and supports compliance with groundwater allocation requirements, and the LENRD Groundwater for Public Health Project, which is collecting water quality samples from nearly 600 locations to study connections between groundwater chemistry and human health.

Additionally, the LENRD was recently informed of an award of $545,490 for the Observing Water and Nutrient Mobility in the Vadose Zone Project, a three-year effort aimed at improving groundwater quality monitoring and identifying agricultural practices beneficial for protecting water resources. We are concerned that continued or future transfers from the NET may jeopardize funding availability throughout the project's duration.

These examples demonstrate that NET funding has allowed us to maximize locally raised dollars. Continued diversion of NET funds to state agency budgets would hinder our ability to fulfill our statutory responsibilities and force increased reliance on property taxes. Furthermore, NET grant contracts impose rigorous reporting requirements on recipients, yet it remains unclear whether state agencies benefiting from these transfers will be held to the same accountability standards.

On behalf of the Lower Elkhorn Natural Resources District, I encourage you to make this measure a committee priority and to provide your unwavering support for the adoption of the resolution by the Nebraska Unicameral.

David Potter, General Manager Lower Platte South NRD, submitted written testimony in support on behalf of the LPSNRD.

I respectfully urge you to support LR298CA, introduced by Senator Brandt, to strengthen constitutional protections for the Nebraska Environmental Trust.

Since 1994, the Trust has operated as a competitive, statewide program, providing benefits to every legislative district and every Natural Resources District (NRD). This structure promotes fairness, accountability, and responsible stewardship of public funds.

Through this competitive process, the Lower Platte South NRD has received more than $3.36 million, allowing us to implement critical conservation and water management projects without increasing property taxes. These funds have helped us meet local needs while protecting taxpayers. Lower Platte South NRD currently has an approved NET project that is critical to the flood reduction effort on Deadman's Run in Lincoln between 48th Street and Cornhusker Highway. The approved $687,000 of Trust funds are key to designing and constructing a wetlands complex and detention basin on UNL's East Campus necessary for the overall 30-million-dollar Deadman's Run Flood Reduction Project which will remove nearly 480 properties from the mapped floodplain and benefit public safety.

The Nebraska Environmental Trust was enshrined in the Nebraska Constitution by Nebraska voters. Diverting Trust dollars disregards voter intent, undermines confidence in constitutionally protected programs, and breaks down the trust of the voters of Nebraska.

We urge your support for LR298CA to ensure the Nebraska Environmental Trust remains stable and protected. Uncertainty weakens the Trust and limits the ability of NRDs, local governments, and nonprofit partners to carry out cost-effective conservation work across Nebraska.

The Nebraska Environmental Trust is working as intended. It should be protected—not raided. We encourage you to protect the Trust now and into the future.

NARD submitted written testimony in support of the measure. Nebraska's NRDs have used the Nebraska Environmental Trust (NET) funds extensively since its inception. These funds have helped protect natural resource projects across Nebraska.

The trust funding has also filled gaps when state budgets have been reduced. It is our preference that all water and soil conservation funds would be fully funded, as well as NET. Recent proposals put the NRDs in a precarious position of either choosing to leave excess funds in the NET and receiving no general fund dollars in the Water Resources Cash Fund, Nebraska Soil and Water Conservation Fund and Water Sustainability Fund.

This uncertainty limits the ability for NRDs to implement cost share and other programs to protect and enhance natural resource projects. It is our understanding that the grants approved this past year are going to be fully funded and after the transfers proposed by Governor Pillen, there will be more than $20 million still available.

We hope that stabilizing the NETF with LR 298 CA will assist in securing funding for grant projects. We would also encourage support for funding other dedicated funds for the Water Resources Cash Fund, Nebraska Soil and Water Conservation Fund and Water Sustainability Fund.

Anne DeVries testified in support of protecting the NET. She noted that NET has funded countless projects protecting Nebraska's natural resources. She volunteered for many years as an engineer reviewer and has seen the Trust's impact firsthand. She expressed concern about recent transfers from the Trust and urged stronger protections to ensure funds remain dedicated to their original purpose.

Tracy Bruckner, National Audubon Society, testified that LR 298CA would codify and protect the voter-approved grant process. NET was created to support community-led conservation, including vital Platte River projects that protect threatened and endangered species. She noted that her organization has leveraged $3.3 million in NET funding to secure $6.6 million in partner funding, with 72% of matching dollars coming from private donors. Continued transfers threaten those private investments. She emphasized that NET has historically enjoyed bipartisan support and argued that agency operations should be funded through the general budget rather than through Trust sweeps.

Katie Torpy, The Nature Conservancy, urged reaffirmation and protection of NET. She stated that the Trust is increasingly being treated as a budget-balancing mechanism. Over the past three years, $29 million has been transferred from the Trust without required matching funds. She noted that lottery revenue was voter-directed and should remain protected, including interest earnings currently directed to the General Fund.

John Bender, Friends of the Nebraska Environmental Trust, strongly supported LR 298CA. He reminded the committee that Nebraska voters approved lottery funding for NET in 1992 to support habitat protection, water quality improvements, and conservation projects statewide. NET grants allow local organizations to implement projects beyond the scope of routine state operations. He warned that continued transfers undermine the Trust and erode voter intent. He emphasized that voters should retain a voice in how these funds are used.

Dan Kloock, Nebraska Ducks Unlimited, testified that many Ducks Unlimited wetland conservation projects depend on NET funding. When NET grants are secured, DU brings technical expertise and additional funding to enhance wetlands across Nebraska. He emphasized the importance of maintaining stable Trust funding.

Matthew Grundorad, Nebraska Wildlife Society, stated that LR 298CA is necessary in light of recent and proposed sweeps of NET funds in the Governor's budget. Trust dollars support community-driven projects with measurable environmental benefits. He emphasized that NET funds attract additional outside investment into Nebraska and should not be used to balance the state budget. The Trust is constitutionally directed and should remain protected.

Alex McKener, Robinette Farms, testified that NET has made significant environmental investments across nearly every county in Nebraska. He expressed concern about new contract language allowing grants to be canceled at any time, creating uncertainty for reimbursement-based grants. He noted that applicants must secure matching funds and compete statewide, and without funding certainty, projects become financially risky. He argued that even if all NET funds were redirected to property tax relief, the impact on individual tax bills would be minimal.

Russ Souchek, Nebraska Wildlife Federation, shared firsthand examples of NET's effectiveness as a conservation tool. He warned that repeated fund sweeps create a precedent that could ultimately gut the Trust, override voter intent, and destabilize long-term conservation efforts.

Carmen Miller, Ducks Unlimited – Great Plains Region, emphasized Nebraska's leadership in committing lottery funding to conservation and encouraged protecting that commitment.

Al Davis, Sierra Club, spoke in support of preserving NET funding as originally structured by voters.

Katie Lampke, Conservation Biologist, testified in support of protecting the Trust to ensure continued conservation and environmental benefits statewide.

Opponents

There was no opposition testimony.

Neutral

Shelly Kelly, a rancher from Broken Bow and Executive Director of the Sandhills Task Force, testified in a neutral capacity while expressing strong support for preserving the NET program. She stated that it is not appropriate to restrict who may apply for funding, noting that applications are carefully reviewed and monitored through an established process. She encouraged the removal of any restrictive list limiting eligible applicants.

Kelly highlighted the work supported through NET funding, including management of eastern red cedar encroachment, restoration of degraded streams and wetlands, protection of grasslands, and placement of approximately 13 interns annually through an internship and apprenticeship program. Her organization employs four full-time staff members, and approximately 30% of its budget is derived from NET grants. She explained that the loss of NET funding would not only eliminate direct financial support but also jeopardize leveraged funding from other sources, which could ultimately force the organization to cease operations.

In closing, Sen. Brandt said it is worth noting that many of the online opponents ultimately expressed support for LR 298CA but raised questions about eligibility and who may apply for funds. We recognize the concern raised by the neutral testifier regarding applicant qualifications, and that is an issue he is actively working to clarify.

Brandt also reviewed several recipients of Nebraska Environmental Trust funding and highlighted the significant matching dollars those grants have leveraged. NET funding consistently brings additional private and partner investment into Nebraska, multiplying its impact across the state. The Nebraska Environmental Trust is widely regarded as a model program and is truly the envy of the Midwest. LR 298CA ensures we protect that legacy and honor the intent of Nebraska voters.

Written testimony was submitted by 110 proponents, 10 opponents, and two neutral. The Committee reported no immediate action on the measure.

Committee Hearings Conclude Next Week

Hearings and Procedure: The following are procedures for providing hearing testimony:

In Person Public Hearing – individuals attending a public hearing in person will have an opportunity to present verbal testimony to the committee and be subject to questioning by the committee members. In-person testimony is generally limited to at least 3 minutes although the chair of each committee has discretion to modify that time limit. People verbally testifying will be listed as a testifier on the committee statement as has been the practice, and have their position included within the official committee hearing record.

Written Testimony Public Hearing – individuals can submit testimony for the public hearing record as an exhibit once a bill has been scheduled for public hearing and up until 8:00 a.m. CST on the day of the public hearing. Comments must be verified through a confirmation returned from the email address provided by the submitter. Verification must be completed prior to the 8:00 a.m. deadline.

A copy of the rules governing public hearings, testimony and position comments can be found at**:** Nebraska Legislature - Public Input Options

Thursday, February 26th

Government, Room 1507 - 1:30 PM

LB 1081 - Require state agencies and political subdivisions to purchase flags made in the United States. Meyer, G.

The bill proposes that beginning January 1, 2027, a state agency or political subdivision shall not use public funds to purchase a flag of the United States or the State of Nebraska unless the flag has been one hundred percent manufactured in the United States from articles, materials, or supplies that have been grown or one hundred percent produced or manufactured in the United States.

This would not apply to the purchase of a hand-held flag or a flag with dimensions of less than eight inches wide and six inches high.

LB 1215 - Adopt the Political Subdivision Contracting Transparency Act. McKinney.

The bill creates the Political Subdivision Contracting Transparency Act.

Under the proposal, a contracting agency shall remit full payment to a prime contractor no later than 30 days after receipt of an accepted invoice. The prime contractor shall remit full payment to all subcontractors no later than seven days after receiving payment from the contracting agency.

Contracting agency is defined in the bill as any political subdivision engaged in procurement of goods, services, or construction.

The bill also outlines that upon request of any unsuccessful bidder, the contracting agency has to provide a written or virtual post award debrief within 10 business days after receipt of such request. The debrief shall include, at minimum: (a) Evaluation criteria; (b) Strengths and weaknesses of the bid; (c) Aggregate scoring information; and (d) Any compliance deficiencies affecting award determination.

The debrief does not require disclosure of proprietary or confidential information submitted by any other bidder. Also, a contracting agency may withhold a debrief only in cases involving active litigation or state or federal security restrictions.

The bill also proposes that the Department of Administrative Services shall establish a single, public-facing, searchable, online procurement calendar listing each solicitation of $50,000 or more issued by any contracting agency. Each contracting agency shall post every solicitation at least 14 days prior to the bid due date.

Finally, the bill requires the Department of Economic Development, in consultation with the Urban Affairs Committee of the Legislature, to develop a uniform small-business procurement readiness checklist for use by contracting agencies. The checklist shall include: (a) Required registrations; (b) Insurance and bonding requirements; (c) Compliance documentation; (d) Bid-submission requirements; (e) Project-readiness indicators; and (f) Availability of a mobilization micro-advance.

The bill requires the checklist to be made publicly available.

LB 1256 - Redefine a term under the Emergency Management Act. Cavanaugh, J.

The bill adds flood management, snow and ice removal, to the definition of Emergency Management.