Nebraska's Natural Resources Districts
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8100 South 15th
Suite B
Lincoln, NE 68512

nard@nrdnet.org
(402) 471-7670

February 27, 2026

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 27 NARD Update

Nebraska Economic Forecasting Advisory Board Updates Forecast - The Board met on Friday, February 27th, to review receipts and update the state's revenue and budget projections for the current two-year budget cycle and increased the budget shortfall by another $155 million, totaling $626 million.

The new projections come as the Legislature's Appropriations Committee continues to work on the budget bills to backfill what was previously a $471 million budget shortfall.

Sen. Robert Clements of Elmwood, chair of the Appropriations Committee, was quoted in the media reporting the committee will have to revisit a lot of the items they passed over in earlier executive sessions and consider making cuts that were previously off the table.

This updated forecast comes just days before the Appropriations Committee is required to present their final budget proposal to the full body for debate. The update will also serve as the final economic forecast before the Legislature finalizes the state budget.

The committee must deliver its budget proposal to the floor by Day 40, which is March 9th. By rule, the Legislature must pass the budget before Day 50 of the 60 Day session.

Governor Action

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.

Governor Pillen signed LB 794, including provisions of LB 827, on Feb. 24, 2026. The measure will become law 90 days following the adjournment of the Legislature.

Previously, The Legislature gave final approval to LB 794 on February 19, 2026, on a 48-0-1 vote.

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.

Final Reading

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 passed LB 807 on Feb. 27, 2026, by a 39-9-1 vote. The bill now awaits action by Gov. Pillen.

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

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.

Committee Action

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

The Revenue Committee reported LB 1219 to General File on Feb. 24, 2026, on a 6-1-1 vote. Sen. Hansen declared the bill as his 2026 priority measure.

The bill proposes that beginning Jan. 1, 2027, the total amount of property taxes that may be levied by a political subdivision in any year shall not exceed the total amount levied in the prior year by more than the allowable growth percentage.

(a) Allowable growth percentage means a percentage equal to the sum of (i) two percent plus (ii) the political subdivision's real growth percentage;

(b) Real growth percentage means the percentage obtained by dividing (i) the political subdivision's real growth value by (ii) the political subdivision's total property valuation from the prior year; and

(c) Real growth value means the increase in a political subdivision's total property valuation from the prior year to the current year due to (i) improvements to real property as a result of new construction and additions to existing buildings, (ii) any other improvements to real property which increase the value of such property, (iii) annexation of real property by the political subdivision, (iv) a change in the use of real property, and (v) any increase in personal property valuation over the prior year.

The Revenue Committee held the hearing for LB 1219 and LR 317 CA jointly, on Thursday, Feb. 5, 2026.

Senator Brandt opened on the proposals, stating the measures are intended to put guardrails on property taxes. The CA would allow citizens to vote on the proposal. This is an affordability crisis for taxpayers. Senator Brandt said he prefers LB 1219 because it can be paired with other tax proposals to make a greater impact.

Proponents

Doug Kagan, Nebraska Taxpayer for Freedom, testified in support of the measures. He stated that Nebraska taxpayers deserve a tight and secure lid on their property taxes.

Allan Seybert, Nebraska Taxpayers for Freedom, testified in support, stating the measures would provide real property tax relief.

Bruce Rieker, Nebraska Farm Bureau, testified in support on behalf of several agriculture groups. He stated that in 16 counties, property taxes grew faster than real economic growth. He said a 2% cap would significantly reduce property tax growth, estimating it would result in $1.5 billion less in taxes than if no changes were made. He also noted property taxes would have increased by about $160 million last year under the cap, instead of roughly double that amount.

Opponents

Jack Moles, Nebraska Rural Community Schools Association (NRCSA), testified in opposition, stating these bills would fail to meet the needs of most political subdivisions, including public schools. He said his organization is not opposed to raising teachers' salaries but the bills do not provide a clear vision of the proposed 2% cap, and NRCSA cannot support them.

Steven Curtiss, City of Omaha finance director, testified in opposition, stating that the majority of Omaha's expenses are personnel. He said the city has already struggled to adequately fund law enforcement, including hiring new officers and purchasing equipment, due to budget constraints.

Meg Harris, City of LaVista Finance Director, testified in opposition, stating that TIF is essential to LaVista as it has created new opportunities that attract new visitors and tourism to Nebraska, which wouldn't exist without TIF.

Courtney Wittstruck, Nebraska Community College Association, testified in opposition, stating that the measure removes a financial safety net for community colleges.

Shane Rhian, Omaha Public Schools, testified in opposition, stating that the bill would provide very limited flexibility for schools to adopt transformations in their funding structures. These bills would restrict property tax revenues and reduce overall funding for public schools. He noted these bills would likely cause teachers to leave, as they are dealing with inflation on top of these caps. He said that the foundation aid didn't give them any funding in OPS, unlike other schools that did receive funding.

Larianne Polk, Educational Service Units (ESUs), testified in opposition, stating that they are concerned about how the ESU funding system responds to a reduction in capacity. She stated that these bills are concerning because there is no mechanism within these bills to repair any losses. She noted there is no guarantee that the dollars will be restored.

Jon Cannon, Nebraska Association of County Officials, testified in opposition, stating that reduced road funding would directly affect the agricultural sector. He said the state is not providing additional financial support while imposing caps on counties.

Christy Abraham, League of Nebraska Municipalities, testified in opposition, stating municipalities need more time to work and grow under the cap that was placed a year ago.

Gary Kubicek, Nebraska Association of School Boards, testified in opposition, noting these are one-size-fits-all bills. He said they would restrict the financial flexibility needed to maintain safe and effective learning environments and could conflict with existing legal frameworks for school districts.

Neutral

Craig Bohz, a farmer in Southeast Nebraska, testified in a neutral capacity. He told the committee that if the Legislature had capped spending at 2% in 1998, the state would not be facing the current situation. He said the state needs a hard cap on spending, needs to eliminate the TEEOSA formula, and needs to address valuations, noting that only about 1% of property sells each year yet those

sales set values for the other 99%. He also suggested limiting the number of school districts statewide to 50.

In closing, Senator Brandt discussed that Jefferson County only has two or three farms sold each year, and yet they revalue all 500 farms on those sales. Lancaster County ag valuations went up 42% last year. With producers underwater on corn by $0.40-$0.50 per bushel, it's a crime to see these increases. Senator Brandt told the committee if the measure comes out of committee, it would be his personal priority.

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

The Banking, Commerce and Insurance Committee reported LB 525 with Committee Amendment (AM 2221) to General File on Feb. 23, 2026, on an 8-0 committee vote.

The committee held a hearing on AM 1710 to LB 525 on February 17, 2026. AM 1710 was a re-write of the bill after negotiations with the parties involved. Ultimately the committee adopted AM 2221, a white copy amendment rewrite of AM 1710 which replaces the entirety of LB 525.

Senator Jacobson reported that there are more amendments coming, as not everything got included in the amendment. There are continuing discussions about exempting data collected by state agencies and local NRDs. In addition, discussions continue on language to prohibit an individuals data held by state agencies and local NRDs from Freedom of Information Act (FOIA) requests.

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.

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.

Committee Hearings Conclude This Week – The body will now shift to full-day floor debate when senators reconvene on Tuesday, March 3. The following bills had hearings this week:

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.

The Government Committee held the hearing for LB 1081 on Thursday, Feb. 26, 2026.

Sen. Meyer opened the hearing by suggesting this is a common sense bi-partisan measure. The primary reason for exempting small flags is due to schools and others who may be looking to educate with small flags may not be aware of the requirements. The American flag act was introduced in the US Senate with similar requirements for the federal government. Sen. Meyer discussed this would have a ripple impact and benefit the American economy. Flags crafted in America are constructed with better materials and are more durable, which would save purchasers money in the long run. Sen. Meyer clarified the intent is for the requirement to be replacing flags as needed and not to require the immediate replacement of existing flags.

There was no additional testimony.

Written testimony was submitted for the record by nine proponents. The Committee reported no action on the measure.

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.

The Government Committee held the hearing for LB 1215 on Thursday, Feb. 26, 2026.

Sen. McKinney opened the hearing suggesting the intent is to establish a clear and consistent baseline for how contract postings and payments are made. He discussed political subdivisions are operating under a fragmented system - some provide feedback to unsuccessful bidders, and some do not. This bill provides payment predictability for contractors and subcontractors. The bill provides procurement visibility by creating a single facing location for contracts over $50k. The bill also creates post award debriefs. This bill does not invalidate contracts and does not create penalties. Sen. McKinney highlighted the bill modernizes political subdivisions contracting process and creates competition to save money. Sen. McKinney discussed that the fiscal note is off, as the bill does not create a new regulatory system and he is willing to work on the bill to clarify that.

Proponents

April Hibbler, US Small Business Administration and Nebraska Opportunity Exchange, testified that she has consulted with 1,000 small businesses and more than 700 of them have expressed interest in government contracts. She has heard about inconsistent posting for contracts and delayed subcontractor payments. Hibbler discussed that the fiscal note needs clarified, as the bill does not result in a requirement for any new software or new staffing. Other states like Texas, Iowa, and Missouri have implemented similar measures.

David Akpan, Small Business Owner, testified that contractors are completing projects and waiting 60, 90, and sometimes in excess of 100 days to get paid. These small businesses and contractors cannot afford to wait for payment.

Opponents

Beth Bazyn Ferrell, NACO, testified that they appreciate the goals of the bill and recognize that there are many variations in the bidding processes. Currently, counties are subject to the County Purchasing Act. The County Purchasing Act requirements do not align with LB 1215. They would

recommend rather than the bill providing a specific dollar amount, language that allows whatever dollar amount that entity has established to trigger competitive bidding would be preferred. Currently, there are eleven different elements that counties consider when evaluating bids. Ferrell discussed that items considered and discussed when reviewing bids are already subject to public records requests.

In closing, Sen. McKinney discussed that contractors find it difficult to navigate procurement processes and the goal of this bill is to address that.

Written testimony was submitted for the record by six proponents and one opponent. The Committee reported no immediate action on the measure.

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.

The Government Committee held the hearing for LB 1256 on Thursday, Feb. 26, 2026.

Sen. Cavanaugh opened by highlighting the intent is to make sure public works employees are considered emergency workers under the law. Managing and mitigating the impact of floods is an emergency activity. This bill gives clarification that workers engaging in these activities are emergency workers.

Sen. Cavanaugh was asked what is the benefit of categorizing these as emergency activities? He discussed that when there are budget constraints this can free up certain monies when there are emergencies.

Proponents

Scott Dombeck, 251 Public Employees, testified that this aligns the Emergency Management Act with how emergency response actually works. Public workers routinely operate under emergency conditions, working to protect facilities during flood events, which is not routine maintenance and is an emergency response that protects communities. The bill clarifies that these functions of public workers are providing emergency services that protect communities.

There was no opposition or neutral testimony.

In closing, Sen. Cavanaugh suggested this measure aims to ensure workers who were previously excluded are now recognized as providing emergency services. He suggested the effort is simply to recognize how important the work of these emergency responders is. He added that this may impact the powers and authorities granted to the workers, but he would need to look into that more.

Written testimony was provided for the record by four proponents and one neutral. The Committee reported no action on the measure.