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**

January 23, 2026

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: January 23 NARD Update

**NARD 2026 Legislative Conference** - The 2026 NARD Legislative Conference will be held January 27-28, at the Embassy Suites in Lincoln.

On Monday, January 26, committee meetings will be held. The Benefits Committee quarterly meeting will be from 9:30 a.m. to noon. At 1 p.m., the NRD Managers will meet to discuss legislation. The NARD Legislative and Executive Committees will meet after the managers' meeting to recommend positions for the delegates.

The general conference will be held on Tuesday and Wednesday, January 27-28. Highlights of the conference include:

- Governor Pillen will open the conference on Tuesday morning
- Discussion of 2026 Legislative Bills and Business Sessions
- Property Tax Panel Discussion
- Presentations on Groundwater Quality Management, Director Trainings, updates on Conservation Programs and Agency Updates
- Vendor Trade Show
- Senators' Reception Tuesday Night
- Senator Brandt, Chairman of the Natural Resources Committee, is the Tuesday lunch speaker
- Senator Clements, Chairman of the Appropriations Committee, is the Wednesday lunch speaker

NARD Delegates will meet during the conference to review and take a position of Monitor, Support, or Oppose on bills of interest to NRDs. A summary of bills of interest will be provided with conference registration packets. A draft agenda can be found online at:
mtg_schedule_2026_0.pdf

***LB 384 - Require a majority of the elected members of the governing bodies of participating political subdivisions to attend joint public hearings under the Property Tax Request Act. Storer.***

The Legislature advanced LB 384 to Select File this week on a 46-0 vote, after adopting AM 703 on a 44-0 vote, and FA 783 on a 39-1 vote.

AM 703 replaces the words "a majority of the elected members" with "one voting member" to require that at least one voting member of the governing body shall attend such joint public hearing. Additionally, FA 783 adds that the County Assessor of the county hosting the hearing shall attend the hearing.

The Revenue Committee advanced LB 384 to General File on March 20, 2025, with Committee Amendment AM 703.

This proposal deals with cities, counties and school districts when they seek to increase its property tax request by more than the allowable growth percentage. This does not apply to NRDs.

The law requires that each such political subdivision shall designate one representative to attend the joint public hearing on behalf of the political subdivision. If a political subdivision includes area in more than one county, the political subdivision shall be deemed to be within the county in which the political subdivision's principal headquarters are located.

The original proposal would require at least a majority of the elected members of the governing body to attend the joint public hearing, which is eliminated with AM 703.

*The Revenue Committee held the hearing for LB 384 on February 13, 2025.*

Sen. Storer introduced LB 384, a bill requiring a majority of the board to attend joint public hearings.

In recent years, pink postcards have provided clear information on property tax increases. LB 384 strengthens the truth-in-taxation law by ensuring that a majority of the board members – those responsible for voting – are present at the joint public hearing. This measure enhances transparency in local government.

By mandating attendance, the bill holds elected officials accountable and modernizes the process, ensuring decision-makers are directly engaged in these critical discussions.

The intent is to have elected officials present to hear directly from their constituents. Currently, they are not required to attend, allowing substitutes—such as a county clerk—to represent them instead. This bill ensures that those making the decisions are the ones listening to public concerns.

*Proponents*

Doug Kagan testified in support on behalf of Nebraska Taxpayers for Freedom. The intent of the Truth and Taxation law was to require elected officials to be present at public hearings. However, very few elected officials attend these hearings to face the public. Instead, they send representatives who are not required to answer questions. By requiring a majority of governing members to attend,

each official can provide their reasoning for tax increases while being directly accountable to the public.

Alan Seybert of Omaha testified in support on behalf of Nebraska Taxpayers for Freedom. He noted if a political subdivision wants to exceed its taxing authority, a majority of elected officials should be required to attend the hearing. All elected officials should be present.

Nicole Fox testified in support on behalf of the the Platte Institute. As a supporter of LB 644, which passed in 2021, I worked closely with Sen. Hansen to create a direct postcard notification for the public hearing process. We identified the four highest subdivisions responsible for the largest tax increases. The purpose of joint hearings is to prevent Nebraskans from having to take time off work to attend multiple hearings ensuring only one consolidated hearing is held. We believe this proposal is reasonable and continues to strengthen the ability of Nebraskans to engage directly with local officials responsible for tax decisions.

Carter Thiele testified in support on behalf of Lincoln Independent Business Association. He noted LB 644 was created with the understanding that local property tax increases significantly impact Nebraskans. The law was designed to provide transparency, justification for increases, and an opportunity for community feedback. However, the law's intent—to ensure resident feedback matters—is undermined when voting board members do not attend hearings. This proposal aligns with the Truth and Taxation law by requiring decision-makers to be present and engaged. It ensures governing members are willing to listen to their constituents. It allows residents who take the time to attend budget hearings to interact directly with elected officials making the decisions.

Ryan McIntosh testified in support on behalf of the National Federation of Independent Business. He noted when the Truth and Taxation law first passed in 2021, it required a joint public hearing for property tax increases that exceed allowable limits. However, some political subdivisions are failing to meet their obligations under this law, reducing its effectiveness. This proposal strengthens the requirement, ensuring compliance and accountability.

*Opponents*

Douglas Kindig, Mayor of La Vista, testified in opposition on behalf of United Cities, emphasizing that they speak with one voice. He argued that requiring a majority of the city council to attend a joint public hearing is both unnecessary and redundant, as it mandates the presence of officials who cannot take action at the meeting. The current law, which requires only one representative from a political subdivision to attend, is sufficient. Kindig reiterated that the budget process already includes three public hearings, ensuring transparency.

While the city actively publishes its budget agenda across multiple outlets, it cannot force residents to read or engage with it. Transparency is already being upheld at the local level, making the additional requirement for the full city council's attendance redundant. His opposition was not based on concerns about transparency but rather on the fact that transparency is already being achieved through existing processes.

Sen. Jacobson countered by highlighting that many residents avoid public hearings out of fear of being singled out. He suggested that joint hearings provide an opportunity for like-minded individuals to attend together, making participation more comfortable. Additionally, he argued that attending the hearing firsthand prevents misinterpretation or errors in relayed information, ensuring that people receive accurate details directly from officials.

Dave Welsch, a school board member for 33 years, testified in opposition. He took offense at the term "Truth in Taxation," arguing that it falsely implies school boards are not transparent. He

asserted that school boards are always truthful with the public and are required to maintain a quorum at budget hearings. Welsch encouraged residents to engage with school board members and governing bodies throughout the year rather than relying on a single hearing. He also criticized the pink postcard notification system, stating that it arrives too late in the process for meaningful input. He advocated for an earlier notification timeline to allow for more effective public engagement.

Kristy Abraham testified in opposition on behalf of the League of Nebraska Municipalities. She outlined three main concerns. First, she emphasized that residents should attend budget hearings, where their input can still influence decisions. Budget hearings are scheduled at a time when citizen comments can be considered, unlike the pink postcard hearings, which occur too late for adjustments. Second, she pointed out the logistical challenges of requiring full attendance at joint hearings. For example, in Madison County, 72 representatives from five cities, five school districts, and one community college would need to be present. Third, she questioned whether there would be consequences if a majority of a city council failed to attend a joint hearing, asking whether this would impact the city's budget approval process.

Beth Bazin Ferrell testified in opposition on behalf of Nebraska Association of County Officials. She reinforced previous concerns. She argued that it would be more effective for residents to attend budget hearings rather than joint hearings. She noted that most attendees of the pink postcard hearings come to dispute their property tax valuations rather than to discuss budgets or levies. She emphasized that public input should be incorporated earlier in the budget process and expressed support for LB 683, which aims to address these issues.

Colby Coash testified in opposition on behalf of the Nebraska Association of School Boards. He focused on process-related concerns. He stated that school board members participate in these hearings because they are required to, but they receive public feedback too late in the process to make meaningful adjustments. The current timeline does not allow for concerns to be addressed effectively. He also noted that budget hearings used to be included as agenda items in regular school board meetings but now require separate notices, adding to the administrative burden. His testimony echoed many of the concerns raised by previous speakers.

Courtney Wittstruck testified in opposition on behalf of the Nebraska Community College Association. She reiterated many of the previously stated concerns. She explained that four political subdivisions were selected for joint hearings because they received the highest property tax levies, but community colleges have since dropped from fourth to seventh on that list. She highlighted LB 495, a bill that would remove community colleges from this requirement and stated that further details would be provided when the bill is heard.

Wittstruck emphasized that political subdivisions have been collaborating with senators who support "Truth in Taxation" and suggested that budget hearing dates should be added to the notification process. She argued that residents should be directed to budget hearings instead of joint hearings so they can provide input earlier, allowing boards to adjust. Additionally, she pointed out that many citizens cannot attend budget hearings because they are typically held during the day, advocating for evening hearings to increase accessibility.

In closing, Sen. Storer recognized today's discussion brought forward a range of thoughtful questions. However, one clear takeaway is that there are steps we can take to make the pink postcards more effective.

Much of the opposition came from those directly being asked to attend these meetings, and the broader concerns raised were less about the requirement itself and more about whether the pink postcard notification process is truly effective.

As long as the Truth and Transparency Act remains in place, we must remain mindful of our responsibility to taxpayers. If the officials voting on the budget are unable to answer questions about the budgeting process or justify their request for an increase, they are not fully prepared to cast that vote.

Requiring elected officials to attend one additional meeting should not be considered an undue burden—it is a reasonable expectation in the interest of accountability and transparency.

## Committee Hearings

**Upcoming Committee Hearings -** Committee hearings began January 20th, and are scheduled to conclude by February 27th. Full-day floor debate will start on March 3rd, and will carry through until the Legislature adjourns sine die scheduled for April 17th.

**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

## The Following Bills Had Hearings This Week

***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 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 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 by outlining that the bill is a result of the termination of the Healthy Soils Task Force work. Sen. DeKay reviewed the purpose for the healthy soils 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 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.

The Committee reported no action on the measure.

***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.***

The bill makes several changes and references to the Department of Water, Energy, and Environment (DWEE).

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. Upon failure of the owner and the department to agree upon the amount of damages, the owner, in addition to any other available remedy, may file a petition.

*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.

The Committee reported no action on the measure.

***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 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 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 40 percent of program costs from the previous fiscal year, an increase from the current 20 percent requirement.

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.

*The Natural Resources Committee held the hearing for LB 761 on Wednesday, January 21, 2026.*

Sen. Brandt opened by outlining the bill noting the intent is to update and adjust fee structures to better align revenues with the cost of administering programs. Ensures fees for water well registrations, livestock permitting, hazardous waste, and NPDES, more accurately cover costs incurred by the department. Some of these fees have not been adjusted for decades.

Sen. Conrad questioned the timing of the fees being adjusted, questioning rather the increases are to cover costs or whether it is an attempt to fill a budget gap - Sen. Brandt noted a lot of this is due to years of not adjusting fees, and the merger provided a timely opportunity to review fees.

*Proponents*

Jesse Bradley, Director of DWEE, testified in support. Bradley provided an overview of fee adjustments for each of the four programs.

Well registrations fees were last increased in 2003. The proposed adjustment to $200 keeps Nebraska in line with fees of neighboring states. This increase would result in $415,000 additional annual revenue.

Livestock permitting fees have not changed in 20 years. Currently fees are set to meet 20% of program costs and the bill proposes to increase that to meet 40% of program costs. Even with the adjustment Nebraska would still be middle of pack in fees when compared to other states. The adjustment would generate $300,000 annually.

Related to hazardous waste generators, the bill makes two changes. First, it authorizes the authority to collect fees. Second it establishes process for regulations of fees to be established through a rule-making process. Neighboring states collect fees, but Nebraska does not. This would result in $325,000 revenue and reduce general fund obligations.

For the NPDES program, the state is delegated the federal program by the EPA, but this requires the state to provide matching funds. Currently, those match requirements are met through funds from the General Fund. Establishing a fee would align Nebraska with practices in other states and help ensure all federal funds remain accessible to the state. Fees would be established through a thorough rule-making process.

Bradley noted, in total the bill and fee adjustment will allow $1.7 million to be returned to the General Fund.

Sen. Hughes raised the question of why there hasn't been an established process for incrementally increasing fee levels – Bradley responded the merger presented a good opportunity to assess all fees relative to resources used administering. They also assessed what neighboring states are doing for similar fees.

*Opponents*

Lash Chaffin, League of Nebraska Municipalities, testified in opposition. Chaffin noted that there are at least two permits cities regularly receive under NPDES. Their worry is that the NPDES section is left very open and there is no clarity or cap on what fees could be established. He discussed they're open to guardrails on that type of fee.

*Neutral*

Sam Drinnin, Nebraska Cattleman, testified in a neutral capacity highlighting the inflation and increasing operation costs that producers must operate under. They appreciate the need for adequate agency resources but expressed concerns over the magnitude of fee adjustments and impact on producers. They want to ensure fee structure remains fair and does not put Nebraska producers at unfair competitive disadvantage. He noted one of the goals of the merger was greater administration efficiencies and requested transparency in how those cost savings are realized and how they impact department fee structures.

Seth Mitchell, Nebraska Pork Producers, testified on behalf of several Nebraska Ag groups. These programs are important as it is critically important to maintain state authority over federal regulation. They are not concerned over fee increases, but rather in the amount of the increase in a single step - increasing from 20-40% is extreme. The increase creates uncertainty about future cost increases. They support the essential programs but want to ensure reasonable and fair fee system. They are committed to working to explore alternatives to maintain state level control while avoiding undue burden to Nebraska producers.

Sen. Brandt reiterated in closing that they're trying to decrease reliance on the General Fund and redirect costs from everyone to permit holders.

Two opponent letters were submitted for the record. The Committee reported no action on the measure.

***LB 770 - Authorize fees for the collection of certain taxes of reclamation districts and county agricultural societies and change the distribution of the nameplate capacity tax. DeKay.***

The bill proposes that county treasurers can retain one percent of all nameplate capacity tax prior to distribution to local taxing entities.

*The Revenue Committee held the hearing for LB 770 on Wednesday, January 21, 2026.*

Sen. DeKay opened the hearing discussing the bill is an update bill following LB 50 last year which reinstated nameplate capacity tax to community colleges. This bill clarifies that counties continue

to receive commission prior to distribution to community colleges and other taxing entities. The bill is just putting current existing practices into statute.

*Proponents*

Jon Cannon, NACO, testified in support noting that the counties continue to provide administration for distribution of nameplate tax even though it's an excise tax, they currently collect 1%, this just puts it into statute.

*Neutral*

Courtney Wittstruck, Nebraska Community College Association, noted this aligns with the intent of what LB 50 achieved last year.

Sen. DeKay closed by reiterating this bill only puts current operating measures into statute.

No letters were submitted for the record. The Committee reported no action on the measure.

***LB 823 - Change provisions relating to burning permits and the statewide open burning ban. Wordekemper.***

The bill adds two requirements for the issuance of burn permits for the local fire chief of a local fire department. These include:

1) Whether the land-management burning is to be a prescribed burning or a controlled burning.
2) The approximate number of acres to be burned.

The bill adds the following definitions for burning:

a. Controlled burning means a nonbroadcast burn primarily to clean up or remove debris or vegetation from a debris pile, ditch, or other condition where the spread of fire is limited to a small area;
b. Land-management burning consists of controlled burning and prescribed burning; and
c. Prescribed burning means a form of controlled burning that includes planning for the systematic application of fire to manage vegetation on land utilized for grazing, pasture, forests, or grassland, control weeds, pests, insects, and disease, prevent wildland fires, manage watersheds, benefit wildlife, care for windbreaks, and conduct scientific research.

*The Natural Resources Committee held the hearing for LB 823 on Thursday, January 22, 2026.*

Sen. Wordekemper opened the hearing noting the bill modernizes statute definitions. Changes appear modest, but with new definitions and new permit requirements it will have a profound impact. The LR 235 interim study demonstrated that prescribed fire is not just a land management tool, but is the best available tool for managing grasslands and preventing wildfires. Current statute provides only one definition that encompasses everything from burning a small pile or ditch, to large land management burn. Control burning would be small burn piles and ditches - prescribed burning is different and entails a systematic approach that requires planning, weather monitoring, and experience. This bill ensures that everyone across the state is utilizing the same terminology, improves data collection, and will provide the state with a better understanding of the scale and use of burning.

The bill does not change the structure of maintaining local control for the burn permitting process. It does not add new fees and doesn't change when and how burns are permitted. Sen. Wordekemper noted the bill is a product of extensive collaboration and he thanked several partners including the NRDs.

During questioning, Sen. Wordekemper discussed that this measure may allow for future steps to assist with quantifying the scope of prescribed fire use across the state.

*Proponents*

Bill Hiatt, Central Platte NRD, testified in support noting their Fire Program began in 2004 due to landowner demand for help with burning their land. It assists landowners in planning, preparing, and implementing prescribed burns through different means: education and training, cost-share, advice, or contracting.

Fire is a natural and important process of rejuvenation, especially in grasslands. For too long, fire has been excluded from environments that need it to thrive. Prescribed burning brings that process back but under conditions that allow for targeted application. It is vital in our state's fight against woody encroachment and for healthy, resilient grasslands.

The changes made by this Bill may seem semantic but will have a big impact. In my 26 years of experience, the differences between controlled versus prescribed burning has consistently been a topic of misconceptions and confusion. Differentiating between the two in statute and on a plan will cut down on the time it takes to explain the process of prescribed fire and allow for clearer communication with fire departments and to the public.

While it is already standard practice for most, having acreage required in statute will also add an important detail that will allow local fire chiefs to get a fuller picture of the burn they are providing a permit for. On the data side, this small change will make for more efficient reporting, collection, and research. Overall, these small changes are a positive step to encouraging more reporting while also not changing any current burning practices and respecting the privacy of individuals.

Hiatt provided the committee with a thorough overview of the process a burn boss follows for developing a prescription for a prescribed fire. He highlighted the work the district does to support local landowners and local burn associations.

Brian Bruckner, Lower Elkhorn NRD, provided written testimony in support of the bill. The Lower Elkhorn Natural Resources Districts works to provide conservation assistance to landowners in northeast Nebraska and has used prescribed burns on some of our District owned and managed properties, to fight woody encroachment and non-native grass species with great success.

The changes proposed by this legislation will help to clarify issues that have, in the past, created misconceptions and confusion regarding the differences between controlled and prescribed burning. These changes will be helpful for local fire personnel who are responsible for reviewing and issuing burn permits. It also preserves the current system of local control as it pertains to the issuance of those permits, leaving that process in the hands of local fire departments.

An additional benefit of the enactment of this legislation would be the requirement to list the number of acres that would be impacted by a proposed burn. While this practice has already been a standard practice for some, making it a requirement will make it clear to a local fire chief on the number of acres of land that would be impacted, which could be a deciding variable on their decision whether to issue a permit. Requiring the number of acres will also be beneficial for future research and practice evaluation activities.

Ryan McIntosh, Nebraska State Firefighters Association, testified in support. They executed a survey of fire chiefs on the processes being followed for the issuance of burn permits. They received over 200 responses which demonstrated that permits are handled differently and the process for tracking varies across the state. Definitions provided by the bill will enable better data collection in the future. Fire chiefs maintain a log of permits issued, but those details are not collected or compiled. This would be the first step toward allowing that data to be aggregated and collected.

Ed Hubbs, Nebraska Audubon, testified in support. Fire is a natural part of grassland ecosystems. Prescribed fire provides environmental and fire protection benefits. Components of prescriptions for prescribed fire are well understood and recognized in state law.

Sen. Wordekemper closed reiterating this effort is just trying to get consistent definitions in place.

In addition to Lower Elkhorn NRD, seven proponents submitted letters in support. There was no opposition or neutral testimony.

The Committee reported no action on the measure.

## The Following Bills Have Hearings Scheduled Next Week

## Tuesday, January 27th

## Ag Committee, Room 1023 – 1:30 PM

***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 bill transitions authorities for the Noxious Weed Control Act, including the Noxious Weed and Invasive Plant Species Assistance Fund, from the Department of Agriculture to the Department of Water, Energy, and Environment.

The bill requires that the director shall administer a grant program from funds available in the Noxious Weed and Invasive Plant Species Assistance Fund. The bill increases intent language to increase annual appropriation from $3 million to $6 million.

Additionally, the measure also adds that the water resources cash fund shall not be used to pay for administrative expenses or any salaries for any state agency. Current law prohibits use of the funds for salaries or expenses of a political subdivision.

***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.***

The 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.

**Wednesday, January 28th**
**Natural Resources, Room 1023 – 1:30 PM**

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

The bill clarifies that a natural resources district 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 general 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.

**Revenue, Room 1524 – 1:30 PM**

***LB 814 - Change provisions relating to the valuation of agricultural land and horticultural land. Brandt.***

Beginning January 1, 2027, the bill proposes taxing agricultural land at 50% of market value rather than 75%.

**New Bills --** Introduction of legislative bills occurs in the first 10 working days of the session. This is the second session of the 109th Legislature, so there are carry-over bills from last year. Of the 240 carry-over bills, 66 bills are on General File, meaning lawmakers can take them up as soon as Speaker Arch schedules them. Six carry-over bills are also sitting on Select File and Final Reading.

The following are new bills of interest for the NRDs introduced this week. New bill introduction concluded on Day 10, Wednesday, January 21st, adding 544 bills and 12 Constitutional Amendments to the list to be considered this year.

***LB 1130 - Adopt the Community Improvement District Act. Jacobson.***

The bill proposes to adopt the Community Improvement District Act to allow cities and villages to construct, install, improve, equip, maintain, and repair public infrastructure.

Public infrastructure is defined under the bill as any publicly owned electric service lines and conduits, gas service lines and conduits, sanitary sewer lines, sanitary sewer system improvements, storm sewer lines, storm sewer system improvements, flood control improvements, water lines, water system improvements, emergency management warning system improvements, sidewalks, roads, streets, highways, pedestrian walkways, public spaces, public facilities, parks, playgrounds, recreational facilities, off-street motor vehicle parking facilities, public waterways, docks, wharfs, rail lines, flood control systems, flood control improvements, and related appurtenances, whether owned or to be owned by the community improvement district or another political subdivision;

Public waterways are defined under the bill as artificially created boat channels dedicated to public use and providing access to navigable rivers or streams.

Under the proposed bill, no community improvement district may own or hold land in excess of 10 acres, unless such land so owned and held by such community improvement district is actually used for a public purpose.

The payments for the projects would be from a property tax levy in the district. The maximum amount is left blank in the proposed 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 Torts Claim 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.

***LB 1145 - Change provisions relating to notice requirements for a meeting of a public body under the Open Meetings Act. Lonowski.***

Requires governing bodies of all political subdivisions to provide notice at least twice a year of the regular meeting schedule, location, and the method designated by the public body to provide reasonable advance notice of each meeting, such twice-yearly notice shall be in a legal newspaper of general circulation within the jurisdiction. Exempts a city of the second class or village, and a rural or suburban fire protection district. States failure to comply with such notice requirement shall not void any action of a public body. Strikes existing notice and publication requirements.

***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.***

The bill provides an opportunity to discuss creation of a new Committee of the Legislature – the Telecommunications and Technology Committee. This would also include merging the Ag and Natural Resources Committees of the Legislature. There was an interim study on this topic last fall. Included in the bill are several reference changes for reports submitted to the Ag, Natural Resources and Transportation Committee.

***LB 1183 - Change provisions relating to valuation of property. Lippincott.***

The bill proposes to drop the taxable values of real property in half.

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

The bill proposes that beginning January 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.

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.

***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.

***LR 317CA - Constitutional amendment to limit the annual growth in the amount of property taxes levied by political subdivisions. Brandt.***

Beginning January 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.

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.

| Bill, LR or CA | Description | Sponsor(s) | Priority | NARD POSITION | Committee | Hearing Date | Status | Amendments/Notes |
|---|---|---|---|---|---|---|---|---|
| LR 12CA | Constitutional amendment to impose a limit on ad valorem taxes for real property, provide a new method of valuing real property for tax purposes, provide certain exceptions, and eliminate conflicting constitutional provisions | Kauth | Andersen (2025) | Oppose | Revenue | 2/28/2025 | | MO 126, 127, 128, AM 1101 - Pending |
| LR 16CA | Constitutional amendment to require the Legislature to reimburse political subdivisions | Urban Affairs Committee | | Support | Government | 2/27/2025 | | |
| LR 18CA | Constitutional amendment to require the Legislature to reimburse political subdivisions | Government Committee | | Support | Government | 2/27/2025 | General File - Failed to advance (23-20) | AM 1727 - Withdrawn |
| LR 22CA | Constitutional amendment to provide the right to a clean and healthy natural environment and that the state and political subdivisions serve as trustee of the natural resources of Nebraska | Dungan | | Oppose | Natural Resources | 2/26/2025 | | |
| LR 27CA | Constitutional amendment to change legislative term limits to three consecutive terms | Hunt | Planning Committee (2025) | Support | Executive Board | 2/27/2025 | | |
| LB 86e | Appropriate funds to the Department of Natural Resources | Dorn | | Support | Appropriations | 3/18/2025 | | |
| LB 145 | Require the Director of Agriculture to administer a grant program relating to noxious weeds and restate intent regarding appropriations for vegetation management | Ibach | | Support | Agriculture | 1/28/2025 | | |
| LB 147 | Change provisions relating to approval and regulation of adding fluoride to the water supply of certain political subdivisions | Hansen | | Monitor | Health & Human Services | 3/12/2025 | | |
| LB 163 | Create the Office of Climate Action | Spivey | | Monitor | Natural Resources | 1/30/2025 | | |
| LB 242 | Change the Property Tax Growth Limitation Act and the School District Property Tax Relief Act and change provisions relating to budget limitations, municipal occupation taxes, and property tax statements | Riepe | | Monitor | Revenue | 3/5/2025 | | Provisions Amended into LB 647 via AM 994 - divided into AM 1202 - Adopted & Passed. |
| LB 309 | Adopt the Safe Battery Collection and Recycling Act | Hughes | | Monitor | Natural Resources | 2/12/2025 | | Provisions Amended into LB 36 via AM 635 - Adopted & Passed. |
| LB 384 | Require a majority of the elected members of the governing bodies of participating political subdivisions to attend joint public hearings under the Property Tax Request Act | Storer | | Monitor | Revenue | 2/13/2025 | Select File | AM 703, FA 783 - Adopted |
| LB 393 | Eliminate obsolete transfers relating to the Cash Reserve Fund | Clements | Appropriations (2025) | Monitor | Appropriations | 3/12/2025 | | |
| LB 403 | Create the Office of Grants and provide duties | Spivey | | Monitor | Government | 2/13/2025 | | |
| LB 424 | Limit increases in property tax bills | Andersen | | Monitor - See Policy Statement 2025-1 | Revenue | 2/27/2025 | | |
| LB 525 | Adopt the Agricultural Data Privacy Act | Jacobson, at the request of the Governor | | Oppose - See Policy Statement 2025-3 | Banking, Commerce and Insurance | 2/17/2026 | | AM 1710 - Filed (Hearing Scheduled Feb. 17) |
| LB 546e | Change provisions relating to proclamations for disasters, emergencies, and civil defense emergencies made by the Governor | Rountree | | Support | Government | 3/12/2025 | | |
| LB 565e | Provide and change requirements relating to agency guidance documents | Quick | | Monitor | Government | 2/12/2025 | | AM 239 - Pending |
| LB 575e | Change provisions relating to the Property Tax Request Act and property tax levy limits | Hallstrom | | Oppose - See Policy Statement 2025-1 | Revenue | 2/20/2025 | | |
| LB 579 | Prohibit charging a fee for public records requests by members of the Legislature | Cavanaugh, M. | | Monitor | Executive Board | 2/18/2025 | | |
| LB 596 | Change requirements for legal publications and notices required by law | Sanders | | Support | Government | 3/13/2025 | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| LB 607 | Adopt the Environmental Stewardship of Batteries Act, the Extended Producer Responsibility Data Collection Act, and the Minimum Recycled Content Act, and change provisions relating to the Integrated Solid Waste Management Act, the Environmental Protection Act, and the Waste Reduction and Recycling Incentive Fund | Bostar | | Monitor | Natural Resources | 2/27/2025 | | |
| LB 638e | Change provisions of the Nitrogen Reduction Incentive Act | Ibach | | Support - w/ Compensation for Admin. | Agriculture | 2/25/2025 | | |
| LB 673e | Change provisions relating to the Perkins County Canal Project and provide for a transfer from the Perkins County Canal Project Fund | Raybould | | Oppose | Appropriations | 3/18/2025 | | |
| LB 674e | Change provisions relating to the Perkins County Canal Project and provide for a transfer from the Perkins County Canal Project Fund | Raybould | | Oppose | Appropriations | 3/18/2025 | | |
| LB 683 | Change provisions relating to duties of county assessors regarding notification of real property assessments and eliminate and change provisions of the Property Tax Request Act | Raybould | | Monitor | Revenue | 3/20/2025 | | |
| LB 695 | Require the Lower Elkhorn Natural Resources District to construct a dam and provide for flood control measures | Dover | | Oppose | Natural Resources | 3/5/2025 | | MO 42 - Prevailed |
| 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 Resouces | 1/21/2026 | | FA388 Filed - Kauth |
| 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 | | | Natural Resouces | 1/21/2026 | | FA390 Filed - Kauth |
| LB 770 | Authorize fees for the collection of certain taxes of reclamation districts and county agricultural societies and change the distribution of the nameplate capacity tax | DeKay | | | Revenue | 1/21/2026 | | FA399 Filed - Kauth |
| LB 772 | Eliminate provisions allowing certain transfers of funds | Cavanaugh, M. | | | Appropriations | | | FA401 Filed - Kauth |
| 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 | | | Agriculture | 1/20/2026 | | FA423 Filed - Kauth |
| 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 | | | Agriculture | 1/27/2026 | | FA436, AM 1757 - Filed |
| LB 814 | Change provisions related to the valuation of agriculture land and horticulture land | Brandt | | | Revenue | 1/28/2026 | | FA443 Filed - Kauth |
| LB 823 | Change provisions relating to burning permits and the statewide open burning ban | Wordekemper | | | Natural Resources | 1/22/2026 | | FA452 Filed - Kauth |
| LB 827 | Provide for natural resources districts to create soil and water programs | DeKay | | | Natural Resources | 1/28/2026 | | FA456 Filed - Kauth |
| LB 898 | Change which political subdivisions may use virtual conferencing for meetings under the Open Meetings Act and change related requirements | Lonowski | | | Government | | | FA538 Filed - Kauth |
| LB 935 | Provide for the award of costs and attorney's fees in certain actions involving political subdivisions | Bosn | | | Judiciary | | | FA594 Filed - Kauth |
| LB 947 | Change fees under the Plant Protection and Plant Pest Act and the Pesticide Act, change, eliminate and and terminate certain funds | Agriculture Committee | | | Agriculture | 1/27/2026 | | FA603 Filed - Kauth |
| LB 964 | Adopt the Nebraska Public Property Disclosure Act | Bostar | | | Government | | | FA620 Filed - Kauth |
| LB 1028 | Provide requirements for nutrient management plans and the application of livestock waste or litter | Jaurez | | | Natural Resources | | | FA684 Filed - Kauth |
| 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 | Arch, at the Request of Governor | | | Government | | | FA707 Filed - Kauth |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **LB 1049** | **Require the Legislative Fiscal Analyst to prepare economic impact reports for regulatory actions** | **Ibach** | | | **Executive Board** | | | **FA708 Filed - Kauth** |
| **LB 1071** | **Provide, change, and eliminate provisions related to appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2027** | **Arch, at the Request of Governor** | | | **Appropriations** | | | **FA730 Filed - Kauth** |
| **LB 1072** | **Provide for and change transfers from the Cash Reserve Fund and provide, change, and eliminate provisions relating to fees, funds, fund transfers, agency powers and duties, and various statutory programs** | **Arch, at the Request of Governor** | | | **Appropriations** | | | **FA731 Filed - Kauth** |
| **LB 1081** | **Require state agencies and political subdivisions to purchase flags made in the United States** | **Meyer, G.** | | | **Government** | | | **FA740 Filed - Kauth** |
| **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** | | | **Judiciary** | **2/5/2026** | | **FA755 Filed - Kauth** |
| **LB 1130** | **Adopt the Community Improvement District Act** | **Jacobson** | | | **Urban Affairs** | | | **FA 790 Filed - Kauth** |
| **LB 1136** | **Require political subdivisions to identify authorized recipients of tort claims filed under the Political Subdivisions Tort Claims Act** | **Dungan** | | | **Judiciary** | | | **FA 796 Filed - Kauth** |
| **LB 1145** | **Change provisions relating to notice requirements for a meeting of a public body under the Open Meetings Act** | **Lonowski** | | | **Government** | | | **FA 805 Filed - Kauth** |
| **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** | | | **Executive Board** | | | **FA 839 Filed - Kauth** |
| **LB 1183** | **Change provisions relating to valuation of property** | **Lippincott** | | | **Revenue** | | | **FA 843 Filed - Kauth** |
| **LB 1215** | **Adopt the Political Subdivision Contracting Transparency Act** | **McKinney** | | | **Government** | | | **FA 875 Filed - Kauth** |
| **LB 1219** | **Limit the amount of property taxes that may be levied by a political subdivision** | **Brandt** | | | **Revenue** | | | **FA 879 Filed - Kauth** |
| **LB 1256** | **Redefine a term under the Emergency Management Act** | **Cavanaugh, J.** | | | **Government** | | | **FA 916 Filed - Kauth** |
| **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 (2026)** | | **Revenue** | | | **FA343 Filed - Andersen** |
| **LR 298CA** | **Constitutional amendment to create requirements for the use of the Nebraska Environmental Trust Fund** | **Brandt** | | | **Natural Resources** | | | |
| **LR 317CA** | **Constitutional amendment to limit the annual growth in the amount of property taxes levied by political subdivisions** | **Brandt** | | | **Revenue** | | | |

**NARD Policy Statement 2025-1 -** We will work with the Legislature and Governor Pillen on reasonable property tax reform measures. We support reforms that reduce property tax reliance and provide adequate funding for both rural and urban areas. We oppose restrictions on local budgets that harm the ability of local governments: 1) To implement programs and projects to meet federal and state mandated programs; 2) Make local annual adjustments to meet the needs of the local citizens; 3) Adequately fund both rural and urban needs; and 4) Provide local funding for efficient natural resources programs that protect water quality, water quantity, soil, property and the economy.

**NARD Policy Statement 2025-3** – We support with an amendment to exclude NRD data request for water quality and quantity management.