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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 5 NARD Update

Remaining days of the Session - The Nebraska Legislature completed the 56th day of the 60-day session on April 5, 2024. Only four working days are left in the session.

Three of those days are next week, Tuesday through Thursday. The last day is scheduled for Thursday, April 18th.

General File Debate

Property tax relief package debated – Senators did not reach a compromise on Governor Pillen’s property tax relief proposal this week but did advance the “shell version” of LB 388 to Select File to allow time to seek a compromise. The “shell version” does not make any substantive changes to sales taxes.

Before advancement, senators voted 33-6-10 to invoke cloture. Senator Erdman provided the required 33rd vote and had been an opponent of the package. After cloture, senators advanced the shell version to Select File on a 28-12-9 vote.

All bills must be advanced to Select File by April 5th to be further considered this session.

Part of the package is dependent on the Education Committee bill, LB 1331, which was advanced out of committee this week and advanced to Select File on a 45-0-3. The bill increases state aid to schools funded from the tax changes in LB 388.

If LB 388 would get adopted with the committee amendment, LB 1331 would increase foundation aid to all schools from \$1,500/student to \$3,000/student.

There are many opponents to the increase in sales tax and/or the expansion of the sales tax base to services and other goods.

The Revenue Committee released their property tax reform package on March 26, 2024, with AM 3203 to LB 388.

During debate, Senator Linehan announced there would be an amendment as some of the concepts the committee agreed to did not get included in the committee amendment. Sen. Linehan also asked senators that oppose the bill, to bring her some ideas of tax changes that they would support. The bill will not come up again until next Tuesday at the earliest. Senator Linehan has also mentioned that if there are not 33 votes for the bill, she will not request it be scheduled.

Several senators spoke against the sales tax increases and have filed motions to delay action on the bill.

The committee amendment, AM 3203, contains amended provisions of LB 1414 and proposes new property tax limits on counties, cities, and villages. It also proposes increasing sales tax and expanding the sales tax base to provide additional property tax relief. A summary of the changes follows.

Property Tax Limits

The committee amendment creates the Property Tax Growth Limitation Act which sets property tax limits on any county, city, or village. These entities are defined as political subdivisions for the purposes of the new limits put in place. Other political subdivisions are not included in the new limitations.

For fiscal years beginning on or after July 1, 2024, a political subdivision's (as defined in the Property Tax Growth Limitation Act) preliminary property tax request for any year shall not exceed its property tax request authority for such political subdivision in the prior fiscal year.

Growth percentage is defined in the bill as the percentage obtained by dividing (a) the political subdivision's growth value by (b) the political subdivision's total property valuation from the prior year.

Growth value is defined in the bill as the increase in a political subdivision's total property valuation, including any increase to the valuation of any tax increment financing project located in the political subdivision, from the prior year to the current year due to (a) improvements to real property as a result of new construction and additions to existing buildings, (b) any other improvements to real property which increase the value of such property, (c) annexation of real property by the political subdivision, (d) a change in the use of real property and (e) any increase in personal property valuation over the prior year.

In addition to the preliminary property tax request authority, the political subdivision's property tax request authority may be increased by:

- 1) The greater of three percent or the percentage change in the consumer price index over the most recently completed calendar year.
- 2) The amount of property taxes budgeted for approved bonds.
- 3) The amount of property taxes needed to respond to an emergency declared in the preceding year, as certified to the auditor.
- 4) The amount of unused property tax request authority, subject to the limitation provided in this act.
- 5) The amount of property taxes budgeted in support of a service relating to an imminent and significant threat to public safety or public health that (a) was not previously provided by the political subdivision and (b) is the subject of an agreement or a modification of an existing agreement executed after the operative date of this act.
- 6) An amount equal to a six percent increase in compensation for law enforcement officers, firefighters, or corrections officers, except that this subdivision shall not apply unless the political subdivision determines that it is understaffed with respect to law enforcement officers, firefighters, or corrections officers.
- 7) A political subdivision may increase its property tax request authority over the amount determined if such increase is approved by a majority of legal voters voting on the issue at an election.

Unused Budget Authority

A political subdivision (county, city, or village) may choose not to increase its total property taxes levied by the full amount of the property tax request authority allowed in a particular year. In such cases, the political subdivision may carry forward to future budget years the amount of unused property tax request authority, but accumulation of unused property tax request authority shall not exceed an aggregate of five percent of the total property tax request authority from the prior year.

Sales Tax Changes

A potential increase in the sales tax from 5.5% up to 6.5% as of January 1, 2025, dependent on the projected revenues of the state at the end of the fiscal year 2023-24.

If the actual General Fund net receipts for fiscal year 2023-24 exceed 3.5% of the most recent forecast of General Fund net receipts for such fiscal year provided by the Nebraska Economic Forecasting Advisory Board, the Tax Commissioner shall set the rate in accordance with the following:

- 1) If actual General Fund net receipts for fiscal year 2023-24 exceed the forecasted General Fund net receipts for such fiscal year by at least \$116.5 million but less than \$233 million, the rate shall be 6.25%.
- 2) If actual General Fund net receipts for fiscal year 2023-24 exceed the forecasted General Fund net receipts for such fiscal year by at least \$233 million but less than \$349.5 million, the rate shall be 6.0%.
- 3) If actual General Fund net receipts for fiscal year 2023-24 exceed the forecasted General Fund net receipts for such fiscal year by at least \$349.5 million but less than \$466 million, the rate shall be 5.75%.
- 4) If actual General Fund net receipts for fiscal year 2023-24 exceed the forecasted General Fund net receipts for such fiscal year by at least \$466, the rate shall be 5.5% percent.

The increase cannot exceed a one cent increase in the overall sales tax rate.

Broadening the Sales Tax Base

The amendment proposes to remove sales tax exemptions for soda, candy, pet services, storage and moving services, and dry cleaning.

The amendment also makes the following changes to other taxes:

1. It also removes an exemption for and setting the sales tax for Nebraska Lottery sales at twenty percent (20%). Games of Skill (electronic gambling devices) are currently subject to a twenty percent (20%) sales tax.
2. Increases taxes on Cigarettes to \$1 dollar per pack total, a \$0.36 increase from the current \$0.64.
3. Institutes a 100 percent tax on CBD and consumable hemp products.
4. Doubles both tiers of taxation on vaping.
5. Establishes a tax on companies doing business in Nebraska and whose gross advertising revenue exceeds one billion dollars (\$1,000,000,000.00); sets such tax at seven and one-half percent of the assessable base for that period. Additionally, it exempts television and radio broadcasters from the tax.

New Sales Tax Exemption

The amendment provides a sales tax exemption for the sale of electricity, natural gas, and propane for residential use. This exemption is limited to only the primary residence of an individual.

Where does the new tax go?

Estimates from the Governor's office indicated LB 388 would bring in an estimated \$650 million in new revenue. Couple with the estimated savings in the budget reduction, close to \$1 billion would be available for property tax relief.

However, the amendment does not spell out how the property tax relief would be distributed.

If LB 388 would get adopted with the committee amendment, the companion bill, LB 1331, would increase foundation aid to all schools from \$1,500/student to \$3,000/student.

The counties, cities and villages apparently will not receive offset state aid for the new caps. However, cities with optional sales taxes would receive new funds from the expanded sales tax base.

According to estimates from the Governor's office, the money, when coupled with existing caps on school property tax revenues, would cut school taxes by more than 45% statewide. Currently, levies range from less than 40 cents per \$100 of valuation up to about \$1.18, not counting bond issues. Under the proposed plan, the levies would range from about 20 cents up to about 75 cents.

LB 1300 - Adopt the Pacific Conflict Stress Test Act and the Foreign Adversary Contracting Prohibition Act. Bostar, at the request of the Governor.

On April 3rd, senators adopted the committee amendment, AM 3227, by a 41-0-8 vote and advanced the bill to Select File by a 41-0-8 vote.

The Government Committee advanced LB 1300 with AM 3227, that makes changes to the underlying bill, LB 1300, and also adds a number of other bills with committee amendments, including LB 2, LB 869, LB 887, LB 1048, LB 1243, and LB 1358. NARD is following LB 1243 and LB 1358.

The original bill proposes to prepare the state's supply chains and critical infrastructure for the risk of a Pacific conflict. The legislation directs the Department of Administrative Services and the State Treasurer to audit procurement supply chains and state-managed funds in order to assess the risk of disruption in the event of a Pacific conflict, and to create a contingency plan to mitigate the risk of supply chain disruption.

The bill would create the Committee on Pacific Conflict to assess current vulnerabilities in Nebraska in the event of a Pacific conflict, and to develop a plan to address outstanding risks. It would also prohibit companies from countries of concern from bidding upon any state or local procurement contracts for any information, surveillance, LiDAR (light detection and ranging), communications technologies, networks, or related services.

The committee amendment makes changes to the original substance of LB 1300 to include restrictions on circulation of the resulting report, with criminal penalties for unauthorized dissemination, and the substitution of a briefing for the written report originally to be provided to the Committee created under the bill.

It also adds a number of other bills with committee amendments, including LB 2, LB 869, LB 887, LB 1048, LB 1243, and LB 1358 as follows:

LB 2 - Create the Commission on Asian American Affairs. Sanders.

This bill proposes the creation of a Commission on Asian American Affairs. The bill describes the basic purpose of the Commission and authorizes it to receive and administer funds from state, federal, and other sources. The Commission would have the power to select and pay an executive director, for whom an office would be provided under the bill.

LB 869 - Change provisions relating to services of the county veterans service committees. Bostar.

This bill proposes changing the mission of county veterans service committees. Instead of being limited to aid for veterans who served during a period of war or a period of actual hostilities, its mission would be expanded to encompass aid to all veterans, regardless of the existence or non-existence of a war during their term of service.

LB 887 - Adopt the Nebraska Nonprofit Security Grant Program Act. Brewer.

This bill would create a grant program to facilitate the development and improvement of security measures at Nebraska nonprofit organizations.

LB 1048 - Require certain chemical facilities to comply with a federal chemical security program. Bostar.

This bill proposes requiring certain chemical facilities in Nebraska to participate in a federal program relating to cybersecurity and infrastructure security. The bill defines “chemical facility” and “federal standards” by reference to federal regulation, and defines “federal agency” so as to refer to the Cybersecurity and Infrastructure Security Agency of the United States Department of Homeland Security.

The bill includes legislative findings relating to the necessity of security measures for chemical facilities. The Nebraska Emergency Management Agency and the Nebraska Department of Environment and Energy would be directed to publish the mandated requirements on their agency websites.

LB 1243 - Adopt the Wildland Fire Response Act. McDonnell.

The amendment includes the amended version as advanced by the Government Committee to General File on February 23rd.

The bill creates the Wildland Incident Response Assistance Team within the office of the State Fire Marshal for the purposes of providing assistance or guidance to any individual or entity that is attempting to prevent, control, suppress, or otherwise mitigate a wildland fire.

Under the bill, the State Fire Marshal shall serve as the coordinator of the Wildland Incident Response Assistance Team and shall:

- Establish squads within the team and select a squad leader and squad members for each squad. The State Fire Marshal may consult with the State Forester when establishing a squad, selecting a squad leader, or selecting a squad member. The State Fire Marshal is limited to selecting squad leaders and squad members from employees of the State Fire Marshal and employees of the Nebraska Forest Service;
- Maintain a roster of all individuals who are a part of the Wildland Incident Response Assistance Team; and
- Establish standards for the operation, training, equipment, and administration of the Wildland Incident Response Assistance Team. It is the intent of the Legislature that such standards should comply with the standards established by the National Wildfire Coordinating Group or its successor.

A squad leader or squad member of the Wildland Incident Response Assistance Team shall have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to employment of such leader or member by the State Fire Marshal or the Nebraska Forest Service.

LB 1358 - Require approval of the registered voters to increase salaries of governing bodies of political subdivisions as prescribed. McDonnell.

The committee amendment incorporates the changes to the bill previously made when they advanced the bill from committee on March 14, 2024.

The original bill states legislative intent relating to salaries of governing bodies. It proposes requiring a vote of the residents of that political subdivision to adopt any pay increase in excess of the increase in cost of living since the last increase.

The committee amendment strikes all original sections of the bill and replaces them in their entirety.

It provides generally that that city council members in cities of the metropolitan and primary classes may not increase their salaries or the salary of the mayor in excess of inflation as calculated by the Consumer Price Index plus one percent. City councils would be able to raise such salaries in excess of this limit only with a public hearing, a two-thirds vote of the council, and approval of the voters in that city.

Salaries could not be raised any more frequently than once every two fiscal years. A similar limitation and process would also be mandated for metropolitan utility districts and counties. Finally, the amendment would provide maximum salary levels for directors of public power districts.

An amendment offered by Senator McDonnell, AM 3317, was adopted on General File to clarify that increases in salaries could be cumulative rather than the average percentage. This would allow for salary adjustments to be skipped in a given year and increased in out years.

Hearing notes for LB 1243 and LB 1358 follow.

The Government Committee held the hearing on LB 1243 on February 22nd.

Sen. McDonnell opened the hearing by outlining provisions of the bill and discussing the need based on the recent increase of wildland fire frequency and intensity. He noted that while participating in the Governors Summit and LR 156 discussions over the last year, the key takeaways were the need for deeper focus on support provided to firefighters while fighting the fires. Sen. McDonnell also outlined an amendment that would add one position to specifically oversee the Wildland Incident Response and Assistance Team (WIRAT).

Proponents

Scott Cordes, Nebraska State Fire Marshall, testified in support of the bill noting the current team is designed to help support local teams. WIRAT activation can be requested through NEMA. The team serves in a technical advisory role. The WIRAT team members are employed in other areas and deployment requires significant cost in over-time.

Pat Gould, Chadron Volunteer Fire Department, testified in support noting the WIRAT team was started in 2002. The team is needed to help coordinate resources when volunteers are working outside normal mutual aid districts. The needs extend beyond the ability of local fire chiefs to coordinate and schedule. The bill would help streamline the process of asking for federal resources.

Kenny Krause, Nebraska State Volunteer Firefighters Association, testified in support noting the value of wildland fire training provided by the Nebraska Forest Service. Krause provided examples of fires in his area that were more than the local resources could handle, noting the benefits and impact that WIRAT provides.

Wesley Hock, Volunteer Firefighter, testified in support noting success of working with the WIRAT team on fighting past fires.

Devin Luvegrand, Fairbury Rural Fire District, testified in support noting the importance of having adequate training and tools to combat wildland fire. This bill would solidify tools necessary to continue to ensure WIRAT can continue to be a resource.

Steve Oseka, Platte Valley Twin Loups Task Force, testified in support noting his task force team is a resource that can be called in by WIRAT. Their task force team consists of 17 departments combining to operate six trucks. WIRAT has knowledge and resources to support local resources and assist with incident command centers.

John Bomar, Nebraska State Volunteer Association Member, testified in support noting wildland fire issues are spreading to new parts of the state.

Jerry Stilmock testified in support on behalf of the Nebraska State Volunteer Fire Fighters Association, the Nebraska Fire Chiefs Association and the Nebraska Association of Resources Districts. His testimony noted that the first responder summit last summer included extensive discussion about the value and impact of the WIRAT team. The team needs a coach or a captain to help facilitate coordination of the team and resources.

Opponents – There was no opposition testimony.

Neutral

John Erixson, Director of Nebraska Forest Service, testified in a neutral capacity on his own behalf. His testimony included a summary of the history of large wildfire seasons in Nebraska, noting fire seasons are getting closer together and spreading across the state. Members of the WIRAT team include NFS staff and these team members are highly trained operating under national standards and qualifications. Sometimes out of state assignments are required for classes and training.

Sen. McDonnell closed by noting the new person added under the amendment would be under the Nebraska State Fire Marshall.

Position comments were submitted for the record by seven proponents.

The Government Committee held the hearing on LB 1358 on Feb. 7.

Sen. McDonnell opened by noting this initiative aims to ensure salary adjustments are made transparently and with direct voter oversight. Following votes by the Douglas County Board and the Omaha City Council to increase salaries, he has received several complaints. Sen. McDonnell discussed that with the exception of the Public Service Commission, elected officials are not career politicians and they are expected to hold other jobs outside of their elected duties. He believes in comparability in salaries, but those should be done transparently.

Proponents

Rick Kubat, testified in support on behalf of the Metropolitan Utilities District, CNPPID, OPPD, NPPD, and Nebraska Rural Electric Association. The current framework remains stagnant, and utility board salaries require legislative action. These are not taken up and compensation was last adjusted in 2000. When adjusted for inflation, the current compensation is roughly 58% less than what was provided in the early 2000s.

Opponents

Beth Bazyn-Ferrel, NACO, testified in opposition noting that county officials are already subject to several salary adjustment limitations. Counties set salary resolutions prior to January 15th so everyone knows what the salary will be for following term. Already a process through which voters have input through the election of county board members. NACO has done a salary study and provided salary recommendations to county officials.

Neutral

Lynn Rex, League of Nebraska Municipalities, testified in neutral capacity and thanked Sen. McDonnell for ongoing negotiations that agree to exclude 1st class cities and villages.

In closing, Sen. McDonnell discussed that he wants to ensure boards are compensated fairly but also provide transparency.

Position comments submitted for the record included one proponent and one opponent.

LB 1317 - State findings relating to property taxes. Linehan. Revenue Committee Priority Bill.

Senators advanced LB 1317 to Select File on April 4, 2024, by a 37-0-12 vote after adopting several amendments.

The Revenue Committee advanced LB 1317 to General File on April 3, 2024, with committee amendment AM 3246. The committee amendment contains portions and provisions of 10 other tax related bills. The amendment was adopted by a 34-0-15 vote.

Of interest to NRDs, it incorporates a modified version of LB 1184 provide the intent of the Legislature to appropriate \$1 million for fiscal year 2024-2025 from the General Fund to the Department of Environment and Energy to fund the installation of real time nitrate sensors in monitoring wells statewide to prioritize nitrate management and reduction.

The other bills included are:

- LB 863 to remove Federal Employment Retirement System retirement benefits from deductions allowed from Nebraska state income tax.
- LB 1043 creates requirements for nonprofit economic development corporations regarding developing properties in high-poverty areas. A modified version of AM 3026 modifies LB 1043 to reduce penalties for violations and includes a provision to allow the greater of the penalty or property taxes on the property.
- LB 1093 amends the definition of law enforcement officer within the Nebraska Revised Statutes, and amends the First Responder and Recruitment Retention Act to redefine and expand the definition of law enforcement officer under the Act, and to further define individuals in the firefighting field of employment who are eligible for tuition reimbursement under the Act, as well as further define requirements for those applying for tuition assistance. A modified version removes the federal provisions within the bill, and removes limited certified officers from those qualified.
- LB 1134 changes the period that interest starts on both refunds and additional taxes due as a result of a Tax Equalization and Review Commission decision on valuation on a property to start such interest thirty (30) days after the decision is issued. A modified version allows two commissioners from the Tax Equalization and Review Commission to constitute a quorum for purposes of hearing and determining appeals and hearings.
- LB 1217 adds property tax exemptions for nursing and assisted living facilities, as well student housing owned by a charitable organization, and require an annual renewal of such.
- LB 1218 adds definitions connected to electric and hybrid vehicles. The bill would also establish an excise tax that would begin on January 1, 2028, of three cents per kilowatt hour on the electric energy used to charge the battery of a motor vehicle at a commercial electric vehicle charging station. The bill would add to provisions and definitions connected to the Nebraska Power Review

Board regarding electric vehicles and the installation requirements of commercial electric vehicle charging stations. The bill would add a right of refusal process for constructing direct-current, fast-charging stations. The bill was amended to set the registration fee for plug-in hybrid electric vehicles at \$75.00.

- LB 1295 creates the Financial Institution Data Match Act, creating a system for matching tax debtors with their financial institutions to provide information to pursue recompense for those debts.
- LB 1374 creates the Good Life District Economic Development Act, creating a mechanism to allow municipalities to assist with good life districts.
- LB 1389 adds a personal property tax exemption for broadband equipment.
- LB 1397 adds a separate definition that excludes land used for commercial purposes from the definition of agricultural and horticultural land for purposes of valuing land by county assessors.

Other amendments added to the bill before advancing included:

AM 3135 by Senator Ibach: Adds the manufacturing of liquid fertilizer or any other chemical applied to agricultural crops, or the manufacturing of any liquid additive for a farm vehicle fuel to be eligible for tax credits.

AM 3314 by Senator Clements: Adds a reporting provision for counties on the amount of inheritance taxes paid in each county, including an amount paid by non-residents.

AM 1317 by Senator Linehan: Adopts the Gambling Winnings Setoff of Outstanding Debt Act to establish and maintain a procedure to set off against an obligor's casino winnings, parimutuel winnings, sports wagering winnings, or cash device winnings any debt.

Governor Action

On April 1, 2024, Governor Pillen signed the budget bills into law without any vetoes. The legislature gave final round approval to the budget bills on March 26th after successful cloture votes on both measures that ended filibusters. Senators voted 42-6 to pass LB 1412 and 37-8 on LB 1413. The bills reflect a 3.1% increase in state spending and leave approximately \$20 million to fund legislative proposals this year. Additionally, the measures included the transfer of about \$230 million from various cash funds to support property tax relief efforts.

Both measures contain the emergency clause and became effective immediately following action by the Governor to sign them into law.

Previously, on Select File, senators adopted an amendment offered by Senator Clements that made several changes to LB 1413. Relating to natural resources, it made a change to the scoring for the Water Sustainability Fund. Under the amendment, the commission shall, when ranking and scoring applications for funding, prioritize projects for drinking water improvements for any federally recognized Indian tribe whose drinking water is under a no-drink order from the United States Environmental Protection Agency.

The amendment was adopted by a 35-0-14 vote and the bill was advanced to Final Reading by a 42-3-4 vote.

When senators started debate on the budget bills on General File the filibusters began. Over 20 amendments and/or motions were filed to LB 1412, the first bill in the debate queue. On March 13, 2024, after eight hours of debate, Senators voted for cloture by a 38-4-4 vote. Following procedure, only the pending Committee Amendment (AM 2566) was considered and adopted on a 39-3-4 vote. The bill was then

advanced to Select File by a 39-4-3 vote. All other amendments and motions were either filed before cloture or were not considered after the cloture vote.

Senators began debate on LB 1413 late afternoon on March 13 and advanced the bill on March 14 by a 36-5-6 vote. Prior to advancement, Senator Jacobson was successful with an amendment to restore \$5 million to the State Visitors Fund that was slated to go to property tax relief efforts. After that, senators adopted the Committee Amendment (AM 2698) with the committee amendment on a 36-5-6 vote.

On March 7, 2024, the Appropriation Committee advanced the budget bills for General File.

The Appropriations Committee's final recommendation contains several changes from the preliminary budget, which have a net effect of increasing the amount of General Funds available above the minimum reserve for the biennium. The projected status went from a positive \$442.4 million per the Appropriations Committee preliminary budget to the current positive \$574.9 million per the Appropriations Committee recommendation.

Additionally, the Nebraska Economic Forecasting Board met on Feb. 29, 2024, and revised the estimate of net receipts for FY 2023-24 and FY 2024-25, which resulted in a net gain of \$50 million over the biennium.

The largest Appropriations Committee adjustments from the preliminary recommendation, which increase General Funds available above the minimum reserve, include:

- Lapsing \$10 million in additional General Funds reappropriated from FY 2022-23;
- New transfers into the General Fund from Cash Funds of \$198 million in FY 2023-24 and \$46.8 million in FY 2024-25; and
- A transfer of \$3 million from the Cash Reserve Fund to the General Fund.

The largest Appropriations Committee adjustments from the preliminary recommendation, which decrease General Funds available include:

- \$94.1 million increase in TEEOSA state aid in FY 2024-25 pursuant to the January recalculation; and
- \$14.7 million increase in appropriation in FY 2023-24 and \$15.4 million increase in appropriation in FY 2024-25 for the homestead exemption program.

A copy off the proposal can be found at:

https://nebraskalegislature.gov/pdf/reports/fiscal/2024_Committee_Recommendation_Report.pdf

Related to natural resources, refer to the following:

LB 1412e - Provide, change, and eliminate appropriations for operation of state government, postsecondary education, state aid, capital construction, and federal funds allocated to the State of Nebraska from the federal American Rescue Plan Act of 2021. Speaker Arch, At the request of the Governor.

The bill includes several changes to appropriations for FY 2023-24 and FY 2024-25 that were adopted last year. A spreadsheet is on the last page of this update with a summary of LB 1412 and LB 1413.

Related to natural resources, the following changes were included:

DEPARTMENT OF NATURAL RESOURCES

Program No. 334 - Soil and Water Conservation – The bill proposes a General Fund decrease of \$127,396 in FY 2023-24 and a \$2,445 decrease in FY 2024-25.

Program No. 319 – Water Projects - The bill decreased JEDI Cash Funds by \$1,000,000 in FY 2023-24 and \$20,000,000 in FY 2024-25.

Water Sustainability Fund - The bill decreased the General Fund transfer by \$8,481,000 in FY 2024-2025. Additionally, the reappropriation of the unexpended Cash Fund appropriation balance existing on June 30, 2023, is decreased by \$8,481,000. The bill specifies that none of the Cash Funds appropriated to this program shall be used for a rural drinking water project that serves rural water connections and at least four communities in two contiguous counties in order to convert to ground water sources and to provide for water system infrastructure and distribution.

DEPARTMENT OF ENVIRONMENT & ENERGY

Program 513 – Environmental Quality - The bill includes a General Fund decrease of \$804,136 in FY 2023-24 and a \$1,590,254 decrease in FY 2024-25.

Program No. 528 - Drinking Water Facilities Loan Fund - The unexpended reappropriation balance of the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, existing on June 30, 2023, less \$7,000,000 is reappropriated.

Nebraska Environmental Trust

Added \$5 million for FY 2024-25 due to increase lottery sales.

University of Nebraska

Added provisions of LB 1242 to appropriate \$350,000 from the General Fund for FY 2024-25 to the Board of Regents of the University of Nebraska for a study on the viability of using roof collected rainwater as a safe and sustainable source of drinking water.

A table summarizing proposed appropriation changes follows this summary.

LB 1413e - Transfer and provide for the transfer of funds and create and change the use and distribution of funds. Speaker Arch, At the request of the Governor.

The bill provides for transfers of funds for state operations and changes the uses of funds. The bill authorizes many of the provisions proposed in LB 1412. Related to Natural Resources the bill proposes the following changes.

The Jobs and Economic Development Initiative (JEDI) Fund language is changed allowing transfers from the fund to the Cash Reserve Fund or the Critical Infrastructure Facilities Fund at the direction of the Legislature.

Select File

LB 164 - Change provisions relating to the Economic Recovery Act, the Municipal Inland Port Authority Act, the Nebraska Rural Projects Act, grants awarded by the Department of Economic Development, and transfers of funds and investment earnings, provide for a museum at Fort Robinson State Park, and adopt the Child Care Capacity Building and Workforce Act. McKinney

A bill to make changes to the Inland Port Authority Act and other projects was advanced to Final Reading by a voice vote after adopting AM 3323, offered by Senator McKinney. The amendment was adopted by a 31-0-18 vote.

Related to natural resources the amendment makes several changes to the interest income from the Perkins County Canal Fund. These are as follows:

The bill amends the laws passed last year redirecting the interest from the Perkins County Canal fund.

That law read as follows:

- a) Any investment earnings from investment of money in the Perkins County Canal Project Fund shall be credited to such fund, except that for fiscal years 2023-24, 2024-25, and 2025-26, such investment earnings shall be credited to the Economic Recovery Contingency Fund.
- b) Any investment earnings from investment of money in the Nebraska Capital Construction Fund shall be credited to such fund, except that for fiscal years 2023-24, 2024-25, and 2025-26, any investment earnings from investment of money in the Nebraska Capital Construction Fund from transfers credited to such fund that are designated for the construction of a new state prison shall be credited as to the Economic Recovery Contingency Fund.

The changes proposed in LB 164, as modified with AM 3323, eliminates that existing language and replaces it with the following:

- 1) To the Economic Recovery Contingency Fund by October 1, 2024, and on or before June 30 of each year through June 30, 2026, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.
 - (a) The first \$13 million of any interest earned on or after July 1, 2024, and on or before June 30, 2026, on federal funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund;
 - (b) The first \$12 million of any interest earned on or after July 1, 2024, and on or before June 30, 2026, from the investment of money in the Perkins County Canal Project Fund; and
 - (c) The \$5 million dollars of any interest earned on or after July 1, 2024, and on or before June 30, 2026, from the investment of money in the Nebraska Capital Construction Fund from transfers credited to such fund that are designated for the construction of a new state prison.
- 2) To the Museum Construction and Maintenance Fund on or before June 30 of each year through June 30, 2026, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. The fund is directed to the Nebraska Game and Parks Commission to construct, develop, and manage a museum at Fort Robinson State Park.
 - (a) The next \$7 million dollars of any interest earned after the first \$12 million of interest earned on or after July 1, 2024, and on or before June 30, 2026, from the investment of money in the Perkins County Canal Project Fund.
- 3) To the Inland Port Authority Fund on or before June 30 of each year through June 30, 2026, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services:
 - (a) Any interest earned after the first \$13 million of interest earned on or after July 1, 2024, and on or before June 30, 2026, on federal funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund;
 - (b) Any interest earned after the first \$19 million of interest earned on or after July 1, 2024, and on or before June 30, 2026, from the investment of money in the Perkins County Canal Project Fund; and
 - (c) Any interest earned after the first \$5 five million of interest earned on or after July 1, 2024, and on or before June 30, 2026, from the investment of money in the Nebraska Capital Construction Fund from transfers credited to such fund that are designated for the construction of a new state prison.

Existing law that stays in place

Last year, there was also language to redirect interest from the Perkins County Canal fund. This language stays in place.

The Game and Parks Commission shall construct, develop, and manage a museum and visitor center honoring Chief Standing Bear. It is the intent of the Legislature to appropriate to the Game and Parks Commission for the Chief Standing Bear Museum and visitor center:

- (a) Not more than \$15 million for fiscal year 2025-26 from investment earnings from the Perkins County Canal Project Fund and credited to the Economic Recovery Contingency Fund for construction of the museum and visitor center;
- (b) \$750 thousand for fiscal year 2025-26 from investment earnings from the Perkins County Canal Project Fund and credited to the Economic Recovery Contingency Fund for exhibit fabrication and historical interpretation; and
- (c) \$250 thousand in fiscal year 2025-26 for staffing.

LB 1335 - To change provisions of and provide duties and exemptions from the Nongame and Endangered Species Conservation Act. Moser. Moser Priority.

Senators advanced LB 1335 to Final Reading on April 4, 2024, by a voice vote after defeating an amendment offered by Senator Blood to weaken the bill.

Senator Blood's amendment, AM 3167, would make rights-of-ways subject to the Nongame and Endangered Species Conservation Act. As proposed in the bill, they would be exempt from the act. The amendment was defeated by a 10-24-15 vote.

On March 20, 2024, Senators gave first round approval to LB 1335 by a 39-0-10 vote after adopting the committee amendment (AM 2947) by a 36-0-13 vote.

The Natural Resources Committee advanced LB 1335 to General File on March 13, 2024, with a committee amendment. The amendment (AM 2947) adds structural context and includes the tool of incidental take like federal regulations that allow it. It narrows the exempted party definitions to define that they only apply if an entity is directly connected with a Department of Transportation project.

The bill proposes that the Nongame and Endangered Species Conservation Act does not apply to any action of an exempted party in furtherance of its lawful duties associated with designing, constructing, reconstructing, repairing, operating, or maintaining transportation infrastructure.

Exempted party is defined in the bill as any state agency, political subdivision, or any agent, employee, consultant, or contractor of any state agency or political subdivision.

Transportation infrastructure includes any:

- (a) Road, street, highway, or any right-of-way of a road, street, or highway;
- (b) Interdependent or interrelated contractor use site;
- (c) Actions permitted by a state agency or political subdivision within any road, street, highway, or right-of-way of any road, street, or highway controlled by the state agency or political subdivision;
- (d) Pedestrian or bicycle trail, lane, or bridge;
- (e) Technology with the primary purpose of benefiting the traveling public; and
- (f) Broadband infrastructure placed by the Department of Transportation.

The Nongame and Endangered Species Conservation Act would apply to any initial action of any exempted party that creates new transportation infrastructure on areas not previously dedicated to the exempted party's lawful duties or any subsequent action that increases the area of existing transportation infrastructure.

The Natural Resources Committee held the hearing on LB 1335 on Feb. 21.

Opening on the bill, Sen. Moser indicated this is his priority bill. Sen. Moser noted this bill was brought to him by the Nebraska DOT. He noted the bill balances environmental stewardship and the importance of transportation infrastructure that the state needs. The current law is currently more restrictive than the federal law and has fewer tools for balancing the opposing sides. He gave the example of an 80-foot right-of-way times a mile is about 10 acres. If you have to offset that by a two-to-one ratio you would need 20 acres to balance the environmental impact of the infrastructure. Thus, 20 acres would be a conservation easement in perpetuity.

Proponents

Khalil Jaber, Deputy Director of Engineering for Nebraska DOT, testified in support. He noted we need to address the Nongame and Endangered Species Conservation Act (NESCA) to better address transportation infrastructure. He said it is the stricter NESCA language that impacts project delivery and NDOT feels this bill balances their commitment to the environment and the safety of the traveling public. He noted the bill will help NDOT meet their fiscal responsibility to the taxpayer. He said the bill allows existing infrastructure and roadway corridors to be used for their primary purpose. He noted that if not changed, the current law will continue to drive costs up for roadway infrastructure.

He answered questions from senators including why is the bill a priority now if it's been a law since 1975? Jaber indicated it is because the list of species is always changing and depending on the species on the list it can be significant costs to do the consultations for the species. They do approximately 400 projects a year and the species can change depending on the part of the state. They are hearing about Monarch Butterflies that might be listed next year and then they will have to deal with that. Jaber noted that by bringing the political subdivisions into the mix, we want to exempt them so if they are applying for funds they can improve their infrastructure without the hurdle. They still have to qualify under the federal requirements.

Katie Wilson, Executive Director with the Association of General Contractors of America - Nebraska Chapter, testified in support. This bill strikes the right balance between infrastructure and the environment that makes our state great. The project will still be subject to review initially but will not require further review when the road is upgraded, added to, etc.

Lash Chaffin, League of Nebraska Municipalities, testified in support. He noted the public is very frustrated that road projects take so long – years from inception to completion. He noted that there are numerous environmental laws that the city, state and federal governments have to comply with and anything that can be done to make these laws more streamlined to reduce project time is valuable.

Elaine Menzel, Nebraska Association of County Officials, testified in support. She noted that this could potentially make things easier for counties with infrastructure projects.

Thomas Schafer, Assistant Director of Transportation for the City of Lincoln, testified in support. He noted this bill promises a more streamlined, cost-effective manner to complete projects. This bill strikes a balance between transportation and conservation of our resources. Every project, we have to fill out paperwork to prove that we aren't impacting a species.

Opponents

Kristal Stoner, Audubon Great Plains, testified in opposition. She noted it has always been a debate – what is more valuable, the road or the species? She noted she found only two projects where this has come into play

– the Columbus Bypass where there were orchids in the right-of-way and the Heartland Expressway where there were foxes. She added that if DOT destroys habitat, they should have to put it back to how it was. She doesn't believe this bill achieves the goal the DOT is trying to achieve.

John Cougher, The Nature Conservancy of Nebraska, testified in opposition. It's important to the state's economy to keep threatened species from moving onto to the endangered list. The rights-of-way provide habitat for species and classifying them as manmade isn't going to improve the situation.

Cindy Veys, citizen and former NDOT environmental section employee, testified in opposition noting no state agency should be exempt from this law, instead they should be leaders in accommodating it.

Kimberly Stuhr, Nebraska Wildlife Federation, testified in opposition and outlined the success of the current Nebraska Endangered Species Act. She noted the need to protect endangered and at-risk species and state agencies should be held to the same standards as others. Saving the state money now may cost more in recovery and rehab costs.

Kai Adams testified in opposition as an individual and discussed the environment is important and we can't destroy it to save money.

Neutral

Al Davis, Nebraska Sierra Club, testified in a neutral capacity. He discussed that is his understanding that this does not attempt to circumvent federal law but would still require an assessment and that is their reason for neutral testimony. He suggested more specific language be included to clearly determine what is required and what is omitted from permits. Additionally, he asked for clarification as the bill is silent on private roads and what protections are available for private roads.

Tim McCoy, Director NGPC, testified in a neutral capacity noting that his agency and other state agencies work together as partners to move projects forward efficiently under NESCA. These changes will only apply to state listed species, which includes 16 of the total 32 listed species. McCoy raised questions about independent sites and requested the committee give further consideration to exempted parties. He requested the committee add language that requires applicants to attempt to minimize impacts to species and complete restoration efforts to benefit the species in the long run. Additionally, they would like language requiring a mandatory to consult so they could work with the involved parties to identify and minimize impacts.

Position comments were submitted for the record by seven proponents and six opponents.

Sen. Moser closed by discussing that he'd continue to work with all parties and agencies to reach a consensus. However, he does not believe the state act should be a more cumbersome process than what the federal act requires.

Sen. Moser has declared the bill his personal priority bill.

LB 1368 - To adopt the Nitrogen Reduction Incentive Act. Ibach. Ibach Priority.

After a couple of amendments were adopted, senators advanced LB 1368 to Final Reading by a voice vote on April 4, 2024.

Senator Ibach filed AM 3281 to strike the original amendments and replace it with new language. The amendment was adopted by a 42-0-7 vote.

Senator Moser amendment, AM 3357, incorporated provisions of LB 1199 to eliminate fees charged by the Department of Natural Resources. This amendment was adopted by a 36-0-13 vote. The Natural Resources Committee had advanced LB 1199 to General File on February 27, 2024, by an 8-0 vote.

The major change to the bill under AM 3281 is a reduction in funding for the bill. The original amendments adopted included \$5 million from the General Fund. The new amendment eliminates that funding and replaces it with a transfer of \$1 million from the Water Resources Cash Fund to the Nitrogen Reduction Incentive Cash Fund as soon as administratively possible after the effective date of this act, but before June 30, 2025, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

Senators gave first round approval to LB 1368 by a 35-0-14 vote after adopting an amendment, AM 3002, offered by Senator Ibach by a 34-0-15 vote. This was replaced with AM 3281 on Select File.

The Agriculture Committee reported the advancement of LB 1368 to General File on Feb. 21, following a 7-0 committee vote. The bill proposes to create the Nitrogen Reduction Incentive Act to encourage farmers to adopt efficient and sustainable practices to help Nebraska protect land and water resources and position our farmers to compete.

The amendment (AM 3281) strikes the original provisions of the bill and replaces it with broader options for reductions in fertilizer use.

The changes from the original version are the following:

- The program shall provide an annual per-acre incentive for any farmer who verifies through documentation that commercial fertilizer rates were reduced by the lesser of 40 pounds per acre for nitrogen or 15 percent by incorporating a qualifying product in the farmer's nutrient plans. The original bill required the lesser of 25 pounds/acre for nitrogen or 15% by incorporating a qualifying product in the farmer's nutrient plans.
- Makes it permissible for the Department of Natural Resources to develop rules and regulations, rather than mandatory.
- Directs the Department of Natural Resources to apply for all grants from state, federal, and private sources that are applicable to the purposes of the Nitrogen Reduction Incentive Act.

The rest of the bill remains the same.

The bill requires that a commercial fertilizer rate reduction from historic baseline use shall be completed to qualify for the program. The purposes of the program are to:

- (a) Provide incentive payments to farmers; and
- (b) Encourage farmers to (i) reduce the use of commercial fertilizer and (ii) incorporate innovative technology into farming practices, including the proper use of biological nitrogen products.

The department shall not award more than \$5 million in incentive payments in total per year under the nitrogen reduction incentive program.

The program would be administered by the Department of Natural Resources.

The department shall:

- (a) Collaborate with natural resources districts to add any new technology to the program as it becomes available. Such technology shall replace nitrogen fertilizer use and maintain farm productivity;
- (b) Identify geographically beneficial target areas while keeping the program open to all farmers in the state;

- (c) Consult with farmers and commercial entities in the agriculture industry to determine a per-acre payment rate tied to the commercial rate reduction but not less than \$10 per acre; and
- (d) Review the per-acre payment rate based on inflation or emerging technology in renewing years.

The nitrogen reduction incentive program would terminate on Dec. 31, 2029.

Senator Moser's amendment, AM 3357, incorporated provisions of LB 1199 which is summarized below.

LB 1199 - Repeal provisions relating to certain administrative fees imposed by the Department of Natural Resources. Moser.

The bill repeals Section 33-105 relating to the following fees imposed by the Department of Natural Resources.

- (1) For filing, recording, and examining each application for a storage reservoir, for the first 5,000 acre-feet or fraction thereof, \$25, and for each additional 5,000 acre-feet or fraction thereof, \$10;
- (2) For filing, recording, and examining each application for, or application for modification of permits to include, intentional or incidental underground water storage and recovery, \$500;
- (3) For filing, recording, and examining each application for water for irrigation from a natural stream, for the first 1,000 acres proposed for irrigation or fraction thereof, \$200, and for each additional 1,000 acres or fraction thereof, \$100;
- (4) For filing, recording, and examining each application for water for irrigation from a storage reservoir, for the first 1,000 acres proposed for irrigation or fraction thereof, \$50, and for each additional 1,000 acres or fraction thereof, \$25;
- (5) For filing, recording, and examining each application for water for power purposes, for each theoretical 50 horsepower or fraction thereof, \$5;
- (6) For filing, recording, and examining each application for withdrawal of ground water for industrial purposes, for the first 4,000 acre-feet or fraction thereof, \$1,500, and for each additional 1,000 acre-feet or fraction thereof, \$750;
- (7) For filing an application to amend a permit for withdrawal of ground water for industrial purposes, \$500;
- (8) For filing any petition, affidavit, other paper, or application for which no fee has been fixed, \$10;
- (9) For recording any deed or document pertaining to land covered in whole or in part by a water appropriation or any instrument other than an application, \$10; and
- (10) For certificate and seal, \$1.

These fees are currently remitted to the General Fund.

Hearing summaries for LB 1368 and LB 1199 follow.

The Agriculture Committee held the hearing on LB 1368 on Feb. 13.

Sen. Ibach opened the hearing by thanking those supporting the bill, including several ag groups and NARD. Sen. Ibach outlined provisions of the bill and noted the intent is to encourage farmers to adopt efficient and sustainable practices that will enable them to compete globally and win the race to adopt innovative products. This is the start of a bigger discussion in the months ahead. The sunset is included as this is intended to be

an incentive starter, further recognizing that \$5 million is just a start. Sen. Ibach suggested exploring other funding sources including WSF, corn checkoff, NET, and other funding options, but we want to move quickly. By being proactive, farmers can be in the driver seat of this important issue. Sen. Ibach asked the committee to consider making the measure a committee priority bill.

Sen. Hughes asked if the focus will be on areas with higher nitrates or how the funds would be distributed? Sen. Ibach noted it'd be up to NeDNR to decide, but the goal is to open it up to all farmers across the state.

Sen. Reipe discussed his concern over the health risks from nitrates and asked if switches from crop rotation to corn on corn has made an impact? Sen. Ibach discussed that addressing soil health is a big piece to addressing the problem and research shows that biologicals and soil health can reduce the amount of synthetic nitrogen needed. Sen. Reipe also expressed a desire to see additional education incorporated.

Proponents

Lyndon Vogt, General Manager Central Platte NRD, testified in support on behalf of NARD. Nebraska has more irrigated acres than any other state in the nation. Irrigation allows us to have a very stable crop yield on nearly 9 million acres. Applying extra fertilizer and water have been considered cheap insurance to guard against yield loss. The downside of that thought process is the increasing nitrate levels in the soil and waters of the state.

Many NRDs have worked with UNL and other professionals to educate producers on proper timing, placement and amounts of nitrogen applied to improve yields and profitability, while also reducing the risk of contamination. CPNRD, in conjunction with UNL, has the longest on-farm research project addressing nitrogen rates in the nation. This relationship has lasted over 44 years and is still going strong.

The NRDs need assistance in getting the majority of producers to adopt new practices and products while lowering their actual nitrogen applied. There are two options when implementing change, incentives or regulations. In my opinion regulations are much more expensive than incentives, and once implemented regulations rarely end. Financial incentives will be imperative to getting producers to change their current practices and help protect our water quality.

There are biological products that can assist in reducing nitrogen rates, as long as the products are used correctly, and the amount of nitrogen applied is reduced by the suggested amount.

There is also new sensor-based imagery via satellites that has become available in the last few years that recognizes when the crop is lacking nitrogen so the crop can be spoon fed during the growing season. This reduces over application and leaching of nitrogen. The CPNRD began cost sharing on sensor-based technology for nutrient applications last year. The majority of producers participating in this program are more profitable per acre as a result of reduced N application and stable yields. On average, profitability increased over \$27 per acre and nitrogen applied decreased by over 40 pounds per acre. In some cases, nitrogen applications decreased over 90 pounds per acre with no yield loss. This technology replaces an algorithm that results in a different amount of needed nitrogen by every entity selling nitrogen and making recommendations to producers.

CPNRD has required crop reports in our high nitrate areas since 1987. These reports include soil and water samples to account for all nitrogen sources available and all results are fed into the UNL algorithm to show producers what the UNL recommended amount of nitrogen is to produce the desired crop yield. If a producer is profitable, it is very difficult to convince them they can be more profitable by making small changes even though on farm research shows that most producers over apply nitrogen.

It is time for the State of Nebraska to recognize the high nitrate issues we face in the heavily irrigated areas of the state and begin to assist the NRDs and producers in addressing this issue with the latest technologies and financial assistance to implement these programs.

If this bill moves forward the NRDs will work diligently with NeDNR in creating new incentive-based nitrogen management programs with a focus on the higher nitrate areas of the state.

Hank Robinson, Aksarben Foundation & Full Value Ag, testified in support and discussed that sustainability can mean many things, but it usually comes down to carbon intensity, nitrogen management, and water management. Robinson outlined that 1.8 billion bushels of corn were produced in the state last year and anything farmers can do to reduce reliance on nitrogen also improves carbon intensity. Companies and agribusiness benefit through use of biologicals and timing split applications. Additionally, broadly adopted practices drive down carbon-intensity scores, allowing elevators and co-ops to use them in market negotiations. The sunset is fine as following the incentives, eventually the market will drive these practices. The bill mitigates risk for producers as they shift to new practices. Robinson discussed that he is open to working with anybody to see if they can expand the reach beyond 500,000 acres. This effort would drive price support in contracts for lower carbon products.

Sen. Holdcroft asked for examples of synthetic vs biological nitrogen sources? Robinson discussed that 40% of the production of anhydrous contributes to the footprint of corn. Biologicals are naturally occurring allowing microbes to fix nitrogen from atmosphere. Various delivery methods exist for biologicals, the most common in Nebraska being seed coating.

Sen. Hughes asked what other funding sources may be available? Robinson discussed that one way to incentivize producers may be a property tax refund for adopting practices.

Claudia Stevenson, League of Women Voters of Nebraska, testified in support. Her testimony highlighted that Nebraska has the highest rate of pediatric cancer and high nitrate is the cause based on research. Too much fertilizer is applied to crops in Nebraska. Reducing fertilizer use without hurting yield is required. Golf courses should also be considered.

Katie Torpy, The Nature Conservancy, testified in support outlining the environmental and health concerns related to nitrogen pollution. This bill would help mitigate risk as farmers are transitioning and incentives are required due to an engrained culture. There is a need to support private landowners and producers with technical and financial assistance. If looking at NET for funding, they would request its supplementary and urged that the application process for funds needs be respected.

Al Davis, Nebraska Sierra Club and Independent Cattlemen of Nebraska, testified in support also outlining concerns over nitrogen pollution. This is a great pilot project to address the issue, but the concern is if incentives would produce concrete results. NRDs are the perfect candidate to administer this type of program in partnership with extension. Echoed that NET funding application process should be followed.

Ken Winston testified in support outlining that groundwater is something to be proud of and Nebraska is the envy of other states in how we protect it. Tools have been provided through the years to NRDs but more needs to be done. Recommendations to make sure technology is vetted. Make sure there are additional incentives for people stopping fertilizer and expanding education.

John Hansen, Nebraska Farmers Union, testified in support discussing this is a step in right direction to address nitrate pollution. Despite working on this issue for over 40 years we are continuing to overapply. Utilizing a pilot project to educate and incentivize is the best process for getting conservation implemented in ag. This is a good time to augment federal sources of funds.

Sen. Halloran used questioning with Hansen to highlight how he feels there is a conflict with NRDs that restrict pumping of water to save the aquifer. Noting that restricting water pumping is a conflict in policy because one of the best ways to get rid of nitrate is to pump it and use it, and now that ability is being restricted by NRDs.

Craig Derickson, retired USDA employee, testified in support and discussed that the demand for resources has not peaked and the goal of sustainable and regenerative agriculture should be to allow future generations to meet their own needs. There is growing interest in cost-effective practices that improve water quality including no-till and cover crops. Currently requests for money for cost-share generally exceeds what is available by 3 or 4 times.

Opponents – There was no opposition testimony.

Neutral

Edison McDonald, GC Resolve, testified in a neutral capacity and outlined the health and environmental threats from nitrogen pollution. Appreciate Sen. Ibach’s intent, but improvements could ensure the issue is addressed properly. The bill should target areas and require coordination with NRCS and NDEE. The inclusion of biological products presents concerns over future unknown impacts of those products.

In closing, Sen. Ibach reiterated this is the start of a very important conversation that will impact Nebraska for many years. Ibach addressed Sen. Huges question about cost of products, noting currently it cost around \$325 ton for anhydrous and biologicals are sold by the acre and average \$22 per acre, many farmers use both. Sen. Ibach discussed that if we don’t step up and address the issue, we lose control of who will. Sen. Ibach noted she has visited with several NRDs and they’re doing an incredible job of monitoring and understanding how we can impact our groundwater.

Sen. Hansen asked if the is goal reduction in nitrogen in groundwater and if Sen. Ibach would be in favor of regulating nitrogen use? Sen. Ibach responded that the goal has to be to reduce nitrogen, and this is a proactive step to a long-term solution. Sen. Ibach also noted she doesn’t ever want to have to monitor how farmers and ranchers manage their operation, rather we become successful by giving them the ability to manage with best practices. Products and innovation will become the norm and farmers will use it.

Position comments submitted for the record included 10 proponents and two opponents.

The Natural Resources Committee held the hearing on LB 1199 on February 2nd.

Sen. Moser opened on the bill noting that the bill removes fees within the Department of Natural Resources, which will speed-up and streamline administration accounting costs and lower citizen costs to conduct business with the department. He said the fees are insignificant and do not impact the department’s budget or operating costs. The Nebraska Department of Natural Resources requested Sen. Moser bring the bill.

Proponents

Tom Riley, NeDNR Director, testified in support noting the majority of the fees are \$1, \$5, \$10 and \$25 and the department must have a physical check. Riley said to process the check it costs three times what is collected with the fee. Eliminating these fees will also facilitate for electronic filing, which will be more efficient and reduce administrative accounting costs.

Opponents - There was no opponent and no neutral testimony.

One position comment in support was submitted for the record by NARD.

Committee Action

LB 1417 - Create, eliminate, terminate, and provide, change, eliminate, and transfer powers, duties, and membership of boards, commissions, committees, councils, task forces, panels, authorities, and departments and change and eliminate funds. Brewer, At the request of the Governor.

The Government Committee advanced LB 1417 to General File with a committee amendment on April 4, 2024, by an 8-0 vote. The committee amendment, AM 3346, removes 21 boards, commissions, committees, and councils from the original bill. Another 27 would be eliminated, and three would be consolidated into another commission.

Changes relating to the following entities were removed from the bill entirely:

1. Board of Abstracters and Appraisers
2. Real Property Appraiser Board
3. Nebraska Capitol Commission
4. Nebraska State Capitol Environs Commission
5. Nebraska Hall of Fame Commission
6. Teacher Committee to Review Statement Assessment of Reporting Plan
7. Nebraska Elementary and Secondary School Finance Authority
8. Educational Service Unit Coordinating Council
9. Nebraska Hemp Commission
10. Board of Hearing Instrument Specialists
11. Foster Care Advisory Committee
12. Nebraska Coalition for Juvenile Justice
13. Propane Education and Research Council
14. Brain Injury Oversight Committee
15. Critical Incident Stress Management Council
16. Primary Care Investment Council
17. Professional Practices Commission
18. Veterans' Homes Board
19. Fire Safety Appeals Board
20. State Board of Examiners for Land Surveyors
21. Advisory Committee on Developmental Disabilities

The following entities would be consolidated into the Nebraska Children's Commission:

1. Children's Commission Advisory Group
2. Foster Care Reimbursement Rate Committee
3. Bridge to Independence Advisory Committee

Finally, the following entities would be terminated:

1. Governor's Residence Advisory Commission
2. Nebraska Potato Development Committee
3. Climate Assessment Response Committee.

The Government Committee held the hearing on LB 1417 on February 29th.

Opening on the bill, Sen. Brewer noted he brought the bill at the request of Gov. Pillen and it's a big bill over 100 pages changing dozens of boards and commissions. He said the bill has generated non-stop calls and emails and he has essentially kicked the hornet's nest. Sen. Brewer noted that Gov. Pillen is trying to be a good manager of taxpayer money and make government more efficient with these changes.

Proponents

Dave Lopez, Chief of Staff for Gov. Pillen, testified on behalf of Gov. Pillen in support. He noted the goal is to shrink and streamline government. The list of board and commissions requires governor appointment and then later approval by the legislature adding to the workload. Virtually none of these commissions and boards contain sunsets. There are 236 boards and commissions and 1,978 individual appointees that the governor's office could count and feels that is excessive. He noted they are seriously scrutinizing these and deciding which can be eliminated or combined into other parts of government. He noted they asked members of the cabinet to look at the boards and commissioners that are attached to their agencies and give the governor's office intentional feedback on which are still needed and which could be eliminated.

Lopez outlined AM 2739 which withdraws several boards that were initially included. The amendment is based on feedback received following the bill's introduction. What remains is powerful reduction in state government duplication. Current process prioritizes appointments for boards that are approaching quorum. Lopez noted the bill does not have a huge fiscal impact, but instead provides an efficiency improvement.

Jason Jackson, Director of the Department of Administrative Services, testified in support noting this is long overdue. There are 284 agency boards and commissions and this would eliminate 43 of those. He stated the bill follows organizational design principles being implemented by Nebraska state government to build on momentum of keeping the recent tradition of combining agencies with overlapping purposes.

Bo Botelho, Legal Counsel DHHS, testified in support noting the bill would aid in reducing government bureaucracy and size.

Opponents

Dozens of individuals representing various commissions and boards, provided testimonies expressing their opposition. The testimonies highlighted widespread concern and potential repercussions of the proposed changes.

Neutral

Additionally, several individuals representing various commissions and boards testified in a neutral capacity. Many of the neutral testifiers discussed how the amendment removed their board or commission from the measure and thanked introducers for the amendment.

Closing on the bill, Sen. Brewer noted that some commissions were removed from the bill with the amendment. He noted there were a lot of things in the initial bill that made people angry, so what they have done with the amendment is to look at committees and commissions that said they serve a purpose and want to continue to do what they're doing and exempted them.

Appropriation Bills Summary

		LB 814 (as Passed w/ Vetos)		LB 1412		AM 2566		AM 2566 Proposed Changes from LB 814										
3/7/2024		FY 23-24	FY 24-25	FY 23-24	FY 24-25	FY 23-24	FY 24-25	FY 23-24	FY 24-25									
Agency 84 - Department Environmental & Energy.																		
General Fund	\$	7,906,337	\$	7,448,556	\$	7,102,201	\$	5,858,302	\$	7,102,201	\$	5,858,302	\$	(804,136)	\$	(1,590,254)		
Cash Fund	\$	49,470,230	\$	40,095,891	\$	49,470,230	\$	40,095,126	\$	49,470,230	\$	40,092,126	\$	-	\$	(3,765)		
Federal Fund est.	\$	20,395,650	\$	20,856,132	\$	20,395,650	\$	20,767,658	\$	20,395,650	\$	20,767,658	\$	-	\$	(88,474)		
Program Total	\$	77,772,217	\$	68,400,579	\$	76,968,081	\$	66,718,086	\$	76,968,081	\$	66,718,086	\$	(804,136)	\$	(1,682,493)		
Salary Limit	\$	18,618,830	\$	19,649,335	\$	18,232,982	\$	18,838,772	\$	18,232,982	\$	18,838,772	\$	(385,848)	\$	(810,563)		
*Includes \$1,000,000 General Funds for a water quality study. Originally included \$7,000,000 General Funds to Cedar/Knox Rural Water that was line-item vetoed by Governor Pillein.																		
Cash Fund	\$	1,000,000	\$	1,200,000										\$	-	\$	-	
Federal Fund est.	\$	8,109,000	\$	8,109,000										\$	-	\$	-	
Program Total	\$	9,109,000	\$	9,309,000										\$	-	\$	-	
*Grants to small communities shall not be commingled with funds deposited in the Wastewater Treatment Facilities Construction Loan Fund																		
Cash Fund	\$	700,000	\$	800,000										\$	-	\$	-	
Federal Fund est.	\$	12,010,000	\$	12,010,000										\$	-	\$	-	
Program Total	\$	12,710,000	\$	12,810,000										\$	-	\$	-	
*The unexpended reappropriation balance existing on June 30, 2023, less \$7,000,000 is hereby reappropriated																		
Agency 33 - Game & Parks Commission.																		
Cash Fund	\$	21,309,636	\$	21,581,666					\$	5,000,000				\$	-	\$	5,000,000	
Program Total	\$	21,309,636	\$	21,581,666										\$	-	\$	-	
Salary Limit	\$	331,975	\$	349,379										\$	-	\$	-	
Program 162 - Environmental Trust																		
Cash Fund	\$	8,380,097	\$	8,488,682										\$	-	\$	-	
Federal Fund est.	\$	3,900,673	\$	3,900,673										\$	-	\$	-	
Program Total	\$	12,280,770	\$	12,389,355										\$	-	\$	-	
Salary Limit	\$	1,960,708	\$	2,048,234										\$	-	\$	-	
Program 330 - Habitat Development																		
General Fund	\$	1,988,073	\$	2,072,461										\$	-	\$	-	
Cash Fund	\$	34,694,853	\$	35,688,076										\$	-	\$	-	
Federal Fund est.	\$	4,251,677	\$	4,267,306										\$	-	\$	-	
Program Total	\$	40,934,603	\$	42,027,843										\$	-	\$	-	
Salary Limit	\$	17,977,438	\$	18,802,876										\$	-	\$	-	
*Includes \$5,000,000 Cash Funds each FY for wildlife damage reimbursement to landowners for damage caused by deer, antelope, or elk.																		
General Fund	\$	52,500	\$	52,500										\$	-	\$	-	
Cash Fund	\$	1,000	\$	1,000										\$	-	\$	-	
Federal Fund est.	\$	125,000	\$	125,000										\$	-	\$	-	
Program Total	\$	178,500	\$	178,500										\$	-	\$	-	
*The unexpended Cash Fund appropriation balance existing on June 30, 2023, is reappropriated.																		
General Fund	\$	536,090	\$	539,668										\$	-	\$	-	
Cash Fund	\$	1,364,781	\$	1,410,921										\$	-	\$	-	
Federal Fund est.	\$	111,172	\$	111,172										\$	-	\$	-	
Program Total	\$	2,012,043	\$	2,081,761										\$	-	\$	-	
Salary Limit	\$	1,134,918	\$	1,188,450										\$	-	\$	-	
*Development & maintenance of boundary fences along Cowboy Trail limited to \$64,000 CF each FY. Unexpended Cash Fund balance is reappropriated up to \$8.3 M to fund MOPCA trail.																		
Agency 29 - Department of Natural Resources																		
Cash Fund	\$	-	\$	-										\$	-	\$	-	
Program Total	\$	-	\$	-										\$	-	\$	-	
Program 303 - Small Watersheds																		
General Fund	\$	1,806,112	\$	1,806,112										\$	-	\$	-	
Cash Fund	\$	50,000	\$	50,000										\$	-	\$	-	
Program Total	\$	1,856,112	\$	1,856,112										\$	-	\$	-	
*The unexpended General Fund appropriation balance existing on June 30, 2023, is reappropriated.																		
Cash Fund	\$	70,000	\$	70,000										\$	-	\$	-	
Program Total	\$	70,000	\$	70,000										\$	-	\$	-	
*The unexpended General Fund appropriation balance existing on June 30, 2023, is reappropriated.																		
*Program 307 - Nebraska Resources Development Fund - The unexpended General Fund & Cash Fund appropriation balances existing on June 30, 2023, are reappropriated.																		
Cash Fund	\$	1,187,500	\$	1,187,500										\$	-	\$	-	
Program Total	\$	1,187,500	\$	1,187,500										\$	-	\$	-	
*The unexpended General Fund appropriation balance existing on June 30, 2023, is reappropriated.																		
Cash Fund	\$	10,865,033	\$	10,865,033										\$	-	\$	-	
General Fund Transfer	\$	11,000,000	\$	11,000,000			\$	2,519,000	\$	2,519,000				\$	-	\$	(8,481,000)	
*The unexpended General Fund appropriation balance existing on June 30, 2023, less \$8,481,000 is reappropriated - See LB 1412 Summary.																		
Cash Fund	\$	10,000,000	\$	-	\$	60,000,000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
General Fund Transfer	\$	10,000,000	\$	-	\$	60,000,000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Program 319 - Water Projects *																		
Cash Fund	\$	87,800,000	\$	87,800,000	\$	77,800,000	\$	62,800,000	\$	85,800,000	\$	67,800,000	\$	(1,000,000)	\$	(20,000,000)		
Federal Fund est.	\$	179,200,000	\$	-	\$	129,200,000	\$	-	\$	179,200,000	\$	-	\$	-	\$	-		
Program Total	\$	267,000,000	\$	87,800,000	\$	207,000,000	\$	62,800,000	\$	265,000,000	\$	67,800,000	\$	(1,000,000)	\$	(20,000,000)		
*\$62.8 million CF Perkins County Canal Project Fund FY23-24 & 24-25, \$24 million CF JEDI Fund FY 23-24 (includes \$6 million for feasibility and lake studies), \$5 million CF JEDI Fund in FY24-25. \$177.2 million FY 24-25 ARPA Funds Grant for Lincoln Water. \$2.0 million FY 23-24 ARPA Funds Grant for Norfolk.																		
Perkins County Canal Project Fund Cash Reserve Transfer	\$	574,500,000	\$	-										\$	-	\$	-	
Water Resources Cash Fund																		
General Fund	\$	-	\$	-										\$	-	\$	-	
*LB 814 Fund Transfer	\$	7,000,000	\$	7,000,000										\$	-	\$	-	
*Transfer from the Nebraska Environmental Trust Fund to Water Resources Cash Fund																		
General Fund	\$	11,837,784	\$	12,223,866	\$	11,710,388	\$	12,221,421	\$	11,710,388	\$	12,221,421	\$	(127,396)	\$	(2,445)		
Cash Fund	\$	8,483,790	\$	8,551,272										\$	-	\$	-	
Federal Fund est.*	\$	2,114,582	\$	2,144,722										\$	-	\$	-	
Program Total	\$	22,436,156	\$	22,919,860	\$	22,308,760	\$	22,917,415	\$	22,308,760	\$	22,917,415	\$	(127,396)	\$	(2,445)		
Salary Limit	\$	8,126,131	\$	8,503,142										\$	-	\$	-	
*\$1.2 million in ARPA for enhanced data collection.																		
Agency 51 - University of Nebraska.																		
General Fund	\$	500,000	\$	500,000										\$	-	\$	-	
Nebraska Forest Service	\$	2,804,862	\$	2,804,862										\$	-	\$	-	
*To support water and agricultural research and existing collaborative initiatives to implement best practices in water conservation.																		
Agency 11 - Attorney General.																		
General Fund	\$	300,000	\$	300,000										\$	-	\$	-	
Cash Fund	\$	200,000	\$	200,000										\$	-	\$	-	
Program Total	\$	500,000	\$	500,000										\$	-	\$	-	
*\$300,000 in General Funds for Program 496 in each FY was part of Line-Item veto by Governor Pillein.																		

Bill, LR or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments/Notes
LR 1CA	Constitutional amendment to require the Legislature to reimburse political subdivisions as prescribed	Blood	Blood (2023)	Support	Government	2/24/2023	General File	MO 120 - 126, AM 591 - Pending
LR 6CA	Constitutional amendment to prohibit governmental entities from imposing any taxes other than retail consumption taxes and excise taxes	Erdman		Oppose	Revenue	3/3/2023	Committee	
LR 7CA	Constitutional amendment to require the state to impose a consumption tax or an excise tax on all new goods and services and to provide a tax exemption for grocery items	Erdman		Oppose	Revenue	3/3/2023	Committee	
LB 7	Provide a statute of limitations for exposure to hazardous or toxic chemicals	Blood		Monitor	Judiciary	1/25/2023	Committee	
LB 40	Adopt the Riparian and Water Quality Practices Act	Blood		Oppose - as written.	Natural Resources	2/23/2023	Committee	AM 469 - Pending
LB 43e	Adopt the First Freedom Act and the Personal Privacy Protection Act, authorize tribal regalia to be worn by students, change provisions relating to withholding records from the public, provide requirements for interpretation of statutes, rules, and regulations, and prohibit state agencies from imposing certain requirements on charitable organizations	Sanders	Government (2024)		Government	2/9/2023	Passed 39-0-10	Approved by Governor Pillen on March 27, 2024.
LB 79	Adopt the Nebraska EPIC Option Consumption Tax Act	Erdman	Erdman (2023)	Oppose	Revenue	3/3/2023	Committee	MO 258 - 264, AM 314 - Pending
LB 121	Repeal the Trail Development Assistance Act	Bostelman		Monitor	Natural Resources	2/16/2023	Committee	
LB 125	Change provisions relating to the Surface Water Irrigation Infrastructure Fund	Bostelman		Support	Appropriations	3/14/2023	Committee	Provisions incorporated into LB 818 via AM 1172 - Adopted & Passed.
LB 147	Change procedures for property tax refunds	Kauth		Monitor	Revenue	2/1/2023	Passed 41-0-8	Approved by Governor Pillen on March 5, 2024.
LB 164	Change provisions relating to the Economic Recovery Act, the Municipal Inland Port Authority Act, the Nebraska Rural Projects Act, grants awarded by the Department of Economic Development, and transfers of funds and investment earnings, provide for a museum at Fort Robinson State Park, and adopt the Child Care Capacity Building and Workforce Act	McKinney	Urban Affairs (2024)		Urban Affairs	1/24/2023	Final Reading	AM 3323, 2105, 3104 - Adopted; AM 2075, 2175 - Withdrawn.
LB 205	Adopt the Government Neutrality in Contracting Act	von Gillern		Support	Government	2/10/2023	General File	AM 452 - 465 - Pending
LB 218	Change provisions relating to intent to appropriate money for management of vegetation within the banks or flood plain of a natural stream	Ibach		Support	Agriculture	2/7/2023	Final Reading	AM 2195 - Adopted
LB 241	Change provisions relating to transfers of water to another state	Briese		Monitor	Natural Resources	1/26/2023	Committee	
LB 281	Require the Department of Economic Development to provide grants for youth outdoor education camp facilities	Jacobson		Support	Natural Resources	2/15/2023	Committee	Provisions incorporated into LB 814 & LB 818 via AM 915 & AM 1172 - Adopted & Passed.
LB 287	Prohibit creation of joint public agencies under the Joint Public Agency Act	Brewer	Government (2024)	Monitor	Government	3/24/2023	Final Reading	AM 2060 - Adopted; AM's 2343, 3004 - Withdrawn; MO 1182 - Prevalled; AM's 2792, 2890, 2982 - Adopted. MO 1325 - Pending.
LB 292	Prohibit the use of eminent domain under the Jobs and Economic Development Initiative Act	Cavanaugh, M.		Monitor	Natural Resources	2/8/2023	Committee	
LB 302	Change provisions relating to conflicts of interest by certain officeholders and public employees	Linehan		Monitor	Government	2/15/2023	General File	Provisions of bill ammended into LB 287 via AM 2060 - Adopted.
LB 304	Require political subdivisions to disclose membership dues and lobbying fees	Linehan		Monitor	Government	2/9/2023	Passed 48-0-1	Approved by Governor Pillen on March 18, 2024.
LB 312	Change provisions relating to withholding money due to noncompliance with budget limits and annual audits for certain political subdivisions	Lowe		Monitor	Government	2/9/2023	General File	
LB 322	Prohibit creation of new joint public agencies with power or authority relating to tax	Linehan		Monitor	Revenue	3/9/2023	Committee	
LB 332	Prohibit creation of new joint public agencies with power or authority relating to education	Linehan		Monitor	Education	3/21/2023	Committee	
LB 361	State legislative intent to appropriate funds for the Precision Agriculture Infrastructure Grant Program	Dorn		Support	Appropriations	3/1/2023	Committee	Provisions incorporated into LB 814 via AM 915 - Adopted & Passed.
LB 388	Change provisions relating to sales taxes	Linehan	Revenue (2024)		Revenue	3/24/2023	General File	AM 3203, 3252, 3243, 3268 - Filed; Several MO's - Pending
LB 394	Change provisions relating to the determination of damages as a result of eminent domain	Erdman		Oppose	Judiciary	2/23/2023	Committee	
LB 396	Provide for streamflow augmentation projects and retention of water rights	Erdman		Oppose	Natural Resources	3/1/2023	Committee	See Attorney General Opinion 23-006
LB 400	Adopt the Nebraska Pheasant Restoration Act	Brewer		Monitor	Natural Resources	2/8/2023	Committee	
LB 401	State intent regarding appropriations to the Department of Natural Resources	Dorn		Support	Appropriations	3/14/2023	Committee	
LB 506	State intent to appropriate federal funds to the Department of Natural Resources and the Department of Environment and Energy	Bostar		Support	Appropriations	3/14/2023	Committee	Provisions Ammended into LB 818 via AM 915 - Adopted & Passed.

LB 513	Change proof of publication requirements for legal notices and requirements for published notice and virtual conferencing under the Open Meetings Act	Brewer		Support	Government	2/10/2023	General File	Provisions of bill amended into LB 287 via AM 2060 - Adopted
LB 534	Appropriate federal funds to the Department of Environment and Energy for community water systems	Slama		Support	Appropriations	3/13/2023	Committee	
LB 540	Change provisions relating to public lettings	Vargas		Monitor	Government	3/24/2023	Committee	
LB 560	State intent to seek federal funds under the Inflation Reduction Act of 2022	Blood		Support	Appropriations	3/6/2023	Committee	
LB 571	Appropriate funds to the Department of Environment and Energy to carry out the Water Well Standards and Contractors' Practice Act	Lippincott		Support	Appropriations	3/13/2023	Committee	
LB 576	Provide limitations on liability and nuisance related to land-management burning	Cavanaugh, J.		Support	Judiciary	3/3/2023	Committee	
LB 614	Appropriate funds to the Department of Agriculture	McDonnell		Support	Appropriations	2/22/2023	Committee	
LB 637	Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act	Albrecht		Monitor	Government	2/24/2023	General File	Provisions incorporated into LB 43 via AM 2812 - Aopted and Passed.
LB 651	Provide for appropriations relating to cybersecurity improvements for state agencies and political subdivisions	McDonnell		Support	Appropriations	3/16/2023	Committee	
LB 656	Change provisions relating to the Small Watersheds Flood Control Fund	McDonnell		Support	Natural Resources	3/1/2023	Committee	
LB 672	Appropriate funds to the Department of Environment and Energy	Hansen		Support	Appropriations	3/13/2023	Committee	
LB 723	Adopt the Public Water and Natural Resources Project Contracting Act	Bostelman, At the request of the Governor		Support	Natural Resources	2/2/2023	Committee	Amended into LB 565e via AM 1240 - Adopted & Passed.
LB 729	Change provisions relating to the Jobs and Economic Development Initiative Fund	McDonnell		Monitor	Natural Resources	2/23/2023	Committee	
LB 766	Appropriate Federal Funds to the Department of Environment and Energy for reverse osmosis systems	DeKay		Support	Appropriations	3/13/2023	Committee	AM 651 - Pending
LB 768	Transfer money from the Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund	DeKay	DeKay (2023)	Support	Appropriations	3/14/2023	Committee	Provisions incorporated into LB 814 via AM 915 - Adopted & Passed - Line-item Vetoeed by Gov. Pillen.
LB 817	Appropriate funds for capital construction	Arch, At the request of the Governor		Support	Appropriations	2/13/2023	Committee	Provisions incorporated into LB 814 via AM 915 - Adopted & Passed.
LB 819	Change provisions relating to the Cash Reserve Fund	Arch, At the request of the Governor		Support	Appropriations	2/13/2023	Committee	Provisions incorporated into LB 818 via AM 1172 - Adopted & Passed.
LB 828	Change provisions of the Nebraska Apiary Act and provide for the Pollinator Task Force, the Nebraska Apiary Registry, and immunity for certain damages relating to bees	Blood		Monitor	Agriculture	1/30/2024	Committee	
LB 831	Change provisions of the Noxious Weed Control Act and provide for control of restricted plants	Blood		Oppose	Agriculture	1/30/2024	Committee	AM 2113 - Filed
LB 859	Change conflict of interest provisions for certain political subdivision officers	Linehan		Monitor	Government	2/14/2024	Indefinitely Postponed	Portions of bill incorporated in LB 287 via am 2060 - Adopted.
LB 868	Extend the sunset date for reimbursement for remedial action under the Petroleum Release Remedial Action Cash Fund	Bostelman		Support	Natural Resources	1/24/2024	Committee	LB 868 was amended into LB 867 on an 8-0 vote of the committee. LB 867 includes six bills and is on Final Reading.
LB 872	Prohibit acceptance of central bank digital currency by state and local governments	Clements		Monitor	Banking	2/5/2024	Committee	
LB 880	Change requirements relating to the Land Acquisition and Source Water Loan Fund	Hughes		Monitor	Natural Resources	1/24/2024	Final Reading	
LB 925	Adopt the Firearm Industry Nondiscrimination Act	Aguilar		Monitor	Government	2/1/2024	General File	AM 2546 - Filed
LB 937	Adopt the Caregiver Tax Credit Act	Bostar			Revenue	1/25/2024	Select File	AM's 3206, 3116, 3260, 3205 - Adopted; 3132 - Divided; AM 3187 - Lost.
LB 951	Adopt the Public Officials on Private Boards Open Meetings Act	Linehan		Monitor	Government	2/15/2024	Committee	
LB 1018	Provide that positions of public employment shall not require a postsecondary degree and require equal consideration for non-degree-holders' wages and benefits	Holdcroft		Monitor	Government	2/2/2024	Committee	AM 2255 - Filed
LB 1080	Appropriate Federal Funds to the Department of Natural Resources	Holdcroft		Monitor	Appropriations	2/21/2024	Committee	
LB 1131	Appropriate funds to the Department of Environment and Energy for grants for tribal-owned community drinking water and sewer systems	Raybould		Monitor	Appropriations	2/2/2024	Committee	
LB 1179	Appropriate funds to the Department of Natural Resources	Wishart		Support	Appropriations	2/2/2024	Committee	
LB 1184	Adopt the Reverse Osmosis System Tax Credit Act	Bostar		Monitor	Revenue	2/15/2024	Committee	Provisions amended in LB 937 via AM 3206 and LB 1317 via AM 3246 - Adopted.
LB 1199	Repeal provisions relating to certain administrative fees imposed by the Department of Natural Resources	Moser		Support	Natural Resources	2/1/2024	General File	Provisions amended into LB 1368 via AM 3357 - Adopted.
LB 1205	Appropriate Federal Funds to the Department of Natural Resources	Hughes		Monitor	Appropriations	2/21/2024	Committee	
LB 1241	Change provisions relating to property tax levy limits	von Gillern		Oppose ¹ - See Policy Statement	Revenue	1/31/2024	Committee	AM 2135 - Filed

LB 1242	State intent to appropriate funds to the Board of Regents of the University of Nebraska	McDonnell		Monitor	Appropriations	2/1/2024	Committee	Provisions amended into LB 1412 via AM 2566.
LB 1243	Adopt the Wildland Fire Response Act	McDonnell		Support	Government	2/22/2024	General File	Provisions amended into LB 1300 via AM 3227 - Adopted.
LB 1244	Appropriate Federal Funds to the Department of Natural Resources	McDonnell		Support	Appropriations	2/21/2024	Committee	
LB 1258	Change requirements relating to certain permits and requirements relating to livestock waste control facilities and animal feeding operations	Cavanaugh, M.		Oppose	Natural Resources	2/15/2024	Committee	
LB 1260	Provide authority for public power and irrigation district directors to take action on certain agreements in which they have an interest	Jacobson		Support	Natural Resources	2/7/2024	Committee	Provisions incorporated into LB 1370 via AM 2863.
LB 1277	Change provisions relating to emergency proclamations for disasters, emergencies, and civil defense emergencies made by the Governor	Wayne		Support	Government	2/23/2024	Committee	
LB 1287	Appropriate Federal Funds to the Department of Environment and Energy for drinking water infrastructure	Ballard		Support	Appropriations	2/21/2024	Committee	
LB 1300	Adopt the Pacific Conflict Stress Test Act and the Foreign Adversary Contracting Prohibition Act	Bostar, At the request of the Governor	Ballard (2024)		Government	2/8/2024	Select File	AM's 3227 (contains provisions of LB's 1243 & 1358), 3317 - Adopted; AM 3339 - Not Germane; Multiple FA's - Pending.
LB 1317	State findings relating to property taxes	Linehan	Revenue (2024)		Revenue	2/1/2024	Select File	AM's 3079, 3135, 3314, 3246 (contains provisions of LB 1184) - Adopted; AM's 2672, 3300, 3358 - Withdrawn; AM 3362 - Pending.
LB 1335	Change provisions of and provide duties and exemptions from the Nongame and Endangered Species Conservation Act	Moser	Moser (2024)	Support	Natural Resources	2/21/2024	Final Reading	AM 2947 - Adopted; AM 3167 - Lost.
LB 1357	Prohibit camping on certain property owned by political subdivisions	McDonnell		Support	Judiciary	2/29/2024	Committee	
LB 1358	Require approval of the registered voters to increase salaries of governing bodies of political subdivisions as prescribed	McDonnell		Monitor	Government	2/7/2024	General File	Provisions amended into LB 1300 via AM 3227 - Adopted.
LB 1366	Change provisions relating to the use of eminent domain	Cavanaugh, J.		Monitor (Remove NRDs)	Judiciary	2/2/2024	Committee	
LB 1368	Adopt the Nitrogen Reduction Incentive Act	Ibach	Ibach (2024)	Support	Agriculture	2/13/2024	Final Reading	AM's 3002, 3281, 3357 - Adopted; AM's 3202, 2882 - Withdrawn.
LB 1370	Provide requirements for retirement of a dispatchable electric generation facility by an electric supplier	Bostelman	Natural Resources (2024)		Natural Resources	2/1/2024	Select File	AM 2863 - Adopted; AM's 3164, 3245 - Pending.
LB 1406	Provide for an active-duty military permit for state park entry	Sanders		Support	Natural Resources	1/31/2024	Committee	
LB 1412e	Provide, change, and eliminate appropriations for operation of state government, postsecondary education, state aid, capital construction, and federal funds allocated to the State of Nebraska from the federal American Rescue Plan Act of 2021	Speaker Arch, at the Request of the Governor		Monitor	Appropriations	1/30/2024	Passed 42-6-1	Approved by Governor Pillen on April 1, 2024.
LB 1413e	Transfer and provide for the transfer of funds and create and change the use and distribution of funds	Speaker Arch, at the Request of the Governor		Monitor	Appropriations	1/30/2024	Passed 37-8-4	Approved by Governor Pillen on April 1, 2024.
LB 1414	Adopt the Property Tax Growth Limitation Act and change provisions relating to budget limitations	Linehan, at the Request of the Governor		Oppose ¹ - See Policy Statement	Revenue	2/2/2024	Committee	Provisions amended into LB 388 via 3203.
LB 1415	Adopt the Property Tax Relief Act and change the Nebraska Property Tax Incentive Act	Dover, At the request of the Governor		Oppose ¹ - See Policy Statement	Revenue	2/2/2024	Committee	
LB 1417	Create, eliminate, terminate, and provide, change, eliminate, and transfer powers, duties, and membership of boards, commissions, committees, councils, task forces, panels, authorities, and departments and change and eliminate funds	Brewer, At the request of the Governor		Monitor	Government	2/29/2024	General File	AM 3346 - Pending.

¹NARD Policy Statement - 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.