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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 15 NARD Update

The Legislature adjourned for a four-day weekend on Thursday. Senators will continue to utilize mornings for floor debate of priority bills when they reconvene next Tuesday. Afternoon committee hearings are scheduled to continue next week and will run through February 29th. Following the conclusion of committee hearings, senators are scheduled to begin full-day debate on March 4th.

The deadline for senators and committees to declare their priority bills for the session was Thursday, February 15th. Bills tracked by NARD that received a priority designation included LB 1368, which Sen. Ibach declared as her personal priority bill for this session. 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. A summary of LB 1368 can be found under committee hearings on page four.

Sen. Moser also declared LB 1335 his personal priority bill for the session. LB 1335 changes provisions of and provides duties and exemptions from the Nongame and Endangered Species Conservation Act. The bill is scheduled for committee hearing next Wednesday and a summary of the measure can be found on page 17 of this update.

The Speaker will designate an additional twenty two speaker priority bills by February 20th. Additionally, Speaker Arch announced his intent to have a consent calendar package this session, however the criteria for eligibility is still pending.

Select File

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.

The Legislature advanced LB 218 to Final Reading on a voice vote on February 14th. Senators also advanced the associated appropriation bill LB 218A on a voice vote after adopting AM 2505 on a 28-0 vote. The amendment, AM 2505, reduces the appropriation in FY2024-25 from \$5,294,000 to \$3 million. Sen. Ibach requested the amendment that reduces the appropriation due to ongoing budget constraints.

Previously, on February 7th the Legislature advanced LB 218 to Select File on a 33-0-3 vote after adopting AM 2195 on a 34-0 vote. The amendment updates the date of the appropriation from FY23-24 to FY24-25. Senators also advanced the associated appropriation bill, LB 218A, on a 31-0-5 vote.

The Natural Resources Committee reported the bill to General File on March 2, 2023, following an 8-0 committee vote. The bill originally proposed to increase the annual funding from \$3 million to \$6 million

per year for management of vegetation within the banks or flood plain of a natural stream. Such funds shall only be used to pay for activities and equipment as part of vegetation management programs that have as their primary objective improving conveyance of streamflow in natural streams.

Current law also requires that priority shall be given to grant applicants whose proposed programs are consistent with vegetation management goals, priorities, plans and policies of the Riparian Vegetation Management Task Force.

The Agriculture Committee accepted testimony on the bill on February 7th, 2023.

Sen. Ibach opened by providing the Committee with an overview of past riparian vegetation management efforts by the legislature, including the change LB 805 (2022) made in expanding management efforts to include the floodplain. She outlined how funding for vegetation management was cut in lean years and now remains underfunded, especially given the expansion of efforts to include the floodplain.

Proponents

John Thorburn, General Manager Tri-Basin NRD, testified in support on behalf of NARD. John also serves as the NRD representative on the Nebraska Invasive Species Council and the secretary for the Platte River Resilience Fund.

Thorburn provided background to the committee on the history of the program. Fifteen years ago, Tom Carlson, introduced LB 458 that created a structure for riparian weed management areas and provided state funds to help us fight invasive phragmites and other plants that, if left unchecked, would have clogged the channels of our state's rivers.

Nebraska's proactive stance toward controlling invasive riparian plants has paid many dividends over the years since LB 458 was enacted. The most tangible and economically valuable benefit of our work has been to increase the capacity of river channels to convey water. This was evident in several flooding events, most notably in 2019 when, in spite of extreme storms that caused sustained high flows, there was little substantial damage due to flooding along the main channels of the upper Platte and Republican Rivers.

This stood in stark contrast to floods in 2010 and 2011, when much lower flows caused the Platte to leave its banks in South-Central Nebraska for several days. It is clear to me after these events that riparian vegetation management not only benefits wildlife and natural ecosystems, it protects lives and property.

The funding provided under LB 218 will help NRDs and our weed management partners in the Platte and Republican River basins sustain our long-term efforts to protect and improve the health of our riparian ecosystems for the benefit of all Nebraskans.

Thorburn addressed committee questions about safety of chemicals, noting that chemicals are special use for aquatic habitat, and that the label is the law. He also addressed committee questions about landowner access, noting that publication and notification is always provided to landowners in advance.

Katy Torpy testified in support on behalf of the Nature Conservancy and Platte Valley Weed Council. Torpy outlined the habitat advantages of riparian vegetation management.

Jon Cannon testified in support on behalf of NACO. His testimony highlighted the partnerships that are in place between the counties and multiple local partners to leverage resources.

Todd Boller testified in support on behalf of Filmore County Weed Control. Boller highlighted the partnerships and support from local NRDs. He provided the committee with examples of success from prior efforts, noting that in past years state funding of \$5 million was leveraged to secure an additional \$25

million. Prior efforts have increased conveyance of the Republican River from 300 cfs a decade ago to 1100 cfs today.

Mike Reed testified in support on behalf of the Nebraska Weed Control Association. Reed echoed stories of success, but expressed to the committee that we need to maintain a state of management to stay ahead of the war on weeds.

Andrew Dunkley, Nebraska Farm Bureau, testified in support on behalf of the Ag Leaders Working Group. His testimony reiterated that provided by prior proponents.

John Hansen testified in support on behalf of Nebraska Farmers Union and too reiterated support provided by prior proponents.

Opponents

There were no opponents and no neutral testimony.

LB 147 - Change procedures for property tax refunds. Kauth.

The Legislature advanced LB 147 to Final Reading on a voice vote on February 14th.

Previously, on February 6th the Legislature advanced LB 147 to Select File on a 31-2-12 vote.

The Revenue Committee reported the bill to General File on February 7, 2023, following an 8-0 committee vote. The bill proposes to change notice requirements with political subdivisions when refunds are due to property taxpayers.

Current law allows the county to waive notice to political subdivisions if their share of the refund is less than \$200. Under the proposal, any political subdivision whose share of the refund is \$1,000 or less, the governing body of the political subdivision may waive this notice requirement by notifying the county treasurer.

The bill also allows electronic communication of such notices.

The Revenue Committee accepted testimony on the bill on February 1st, 2023.

Sen. Kauth opened outlining the bill that modernizes the notice process by allowing political subdivisions to waive notice of refunds of \$1,000 or less and allows county treasurers to provide notice electronically. Currently, when an entry of a non-appealable order, an unprotested determination of a county assessor, an un-appealed decision of a county board of equalization or other final action requires a political subdivision to refund taxes to a taxpayer, the county treasurer must give notice of the refund to the political subdivision of its respective share of the refund. If the refund is less than \$200, the county board can waive the notice.

Proponents

Proponents included representatives from the Nebraska Association of County Officials.

There was no opposition or neutral testimony. Sen. Kauth waived closing.

Committee Hearings

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

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 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 program would provide an annual per-acre incentive for any farmer who verifies through documentation that commercial fertilizer rates were reduced by the lesser of 25 pounds/acre for nitrogen or 15% by incorporating a qualifying product in the farmer's nutrient plans.

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 adopt and promulgate rules and regulations that adopt a standard for labeled products to qualify for the nitrogen reduction incentive program and may adopt and promulgate rules and regulations to carry out the Nitrogen Reduction Incentive Act.

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 December 31, 2029.

The Agriculture Committee held the hearing on LB 1368 on February 13th.

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 and concern 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 committee reported no action on the measure.

LB 859 - Change conflict of interest provisions for certain political subdivision officers. Linehan.

The bill proposes to expand a section of the conflict-of-interest statutes to all political subdivisions rather than just cities, villages and school districts. These conflict statutes outline when a person must abstain from voting if it may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated.

The conflict-of-interest statements would have to be filed with the person in charge of keeping public records for that political subdivision who shall enter the statement on the public records.

This section of statutes also allows for an exception as follows:

1. To the extent that the individual's participation is legally required for the action or decision to be made, or
2. If the potential conflict of interest is based on a business association and (A) such business association is an association of such political subdivisions, (B) the political subdivision is a member of such association, and (C) the business association exists only as the result of such person holding elective office.

The Government Committee held the hearing on LB 859 on February 14th.

Sen. Linehan waived both opening and closing on the bill. There was no in-person testimony provided.

Position comments submitted for the record included nine proponents and eight opponents.

The committee reported no action on the measure.

LB 951 - Adopt the Public Officials on Private Boards Open Meetings Act. Linehan

The bill proposes to make private boards subject to the Open Meetings Act when they include a majority of public officials are on such board.

Under the proposal, the following definitions are used:

Covered entity means any private or quasi-public entity, whether operated on a for-profit or nonprofit basis. It does not include a public body already subject to the Open Meetings Act.

Governing board means the board of directors, supervisory committee, or other governing body of a covered entity:

- (1) That sets policy for, makes decisions for, or supervises a covered entity; and
- (2) Of which a majority of the members are public officials.

The governing board does not include a subcommittee or subunit of a governing board unless a quorum of the members of the governing board is present or unless such subcommittee or subunit is making policy or taking formal action on behalf of the governing board.

Public official is defined as any elected or appointed official of the state or a political subdivision or any government employee or official in an upper level of management, including, but not limited to, school superintendents.

The Government Committee held the hearing on LB 951 on February 15th.

Sen. Linehan opening by outlining the need to expand accountability for government, noting if a group of high level government officials are going to have a meeting for policy discussions, than it needs to be open to the public. Sen. Linehan discussed the measure is only intended to apply to meetings where policies are made. Citizens have the right to know when high level officers are making policy decisions.

Proponents

Josh Henningsen testified in support on behalf of himself. He noted he serves on the Papio NRD board, which has a delegate on the NARD board. He noted that during the NRD Legislative Conference he didn't get a list of bills in advance to review before delegates went to vote at the meeting. He noted that he requested additional information on who serves on the NARD Legislative Committee and how those people are selected are giving the recommendations. He noted he was told that NARD was not a public entity and didn't receive additional requested information. He noted that this bill would provide additional transparency for all the stakeholders involved.

Carter Thiele, Lincoln Independent Business Association, testified in support and noted government transparency is their top priority and discussed the benefits of public having the right to be informed. However, provisions of the bill allowing public ability to speak at these private meetings goes a step too far – noting they support the bill with reconsideration of allowing the public to speak.

Opponents

Deb VanMatre, NARD Board Member and Central Platte NRD Board Member, testified in opposition to LB 951 on behalf of the Nebraska Association of Resources Districts and League of Nebraska Municipalities. VanMatre is the Mayor of Gibbon and serve as President of the League.

Our two associations share the constitutional concerns previously outlined by John Spatz, Executive Director of the Nebraska Association of School Boards.

The bill poses many problems for nonprofit organizations and associations like the League and the Nebraska Association of Resources Districts. It would require every meeting of our governing boards to essentially be subject to provisions like those of the Open Meetings Act which governs political subdivisions and public agencies. LB 951 would allow members of the public to attend our meetings and conferences without registering or paying for the event.

Like the Open Meetings Act, LB 951 defines a meeting as all regular, special, or called meetings, formal or informal for the purposes of briefing, discussion of business, formation of tentative policy or the taking of any action of the governing board or covered entity.

The League and Nebraska Association of Resources Districts hold several regular conferences, training meetings, and events throughout the year. Our associations must enter into contracts with hotels, charter buses, and/or vendors. We also must provide the number of people attending the event. A registration fee is associated with the event to cover the cost related to the meeting.

If we must open these events for the public to attend, it would be almost impossible to plan and anticipate how many people would attend, and what extra charges would be incurred. I am not sure if our private sector partners with whom we contract would allow a "public conference or meeting." It would be very difficult for them to set up and prepare for such a meeting, especially in light of security concerns and related issues.

At most conferences and events sponsored by the League and Nebraska Association of Resources Districts, a board meeting is held either before or after the event, resulting in a quorum of our respective boards attending the entire event. Our board meetings are noticed and conducted pursuant to the provisions of the Nebraska Nonprofit Corporation Act in Chapter 21, Article 19.

At all of these meetings, participants are informed of any policy changes and/or proposals by state and federal agencies. We also share information about policy issues faced by other members of our associations to keep our board members and their employees informed about important policy and regulatory developments.

She respectfully asked the Government Committee not to advance LB 951 to General File.

John Spatz, Nebraska Association of School Boards, testified in opposition. He noted that NASB doesn't make policy and doesn't levy a tax, but this would make them subject to the open meetings act. He also noted concerns with the violation fine of \$10,000. He gave an example of two farm brothers who serve on different public boards and if they had a farm meeting would they need to publish it as an open meeting or be subject to the fine? He noted NASB wants to incentivize people to run for their local school board, and if private businesses could be subject to the open meetings act, people may not want to run for office.

Jack Moles, Nebraska Rural Communities School Association, testified in opposition noting that requiring private entities would insert state government control into many private boards. Community foundations, sport groups, or church councils that are private could now all potentially be subject to state control and open meetings.

Jon Cannon, Nebraska Association of County Officials, testified in opposition discussing that while this is well intended, it is overly broad. Reiterated this would subject church councils or other private bodies to the open meetings act. Also reiterated potential constitutional issues. Cannon expressed that NACO doesn't make policy for 93 counties, instead they make policy that represents 93 counties.

Tim Texel, Homeowners Association, testified in opposition and outlined that his HOA with 3 directors would now be subject to open meetings act under provisions of the bill.

Additional testimony in opposition was provided by the Nebraska School Administrators, Nebraska Rural Electric Association, and the Nebraska Community College Association. Their testimony all echoed concerns outlined by previously testifiers.

Neutral – There was no neutral testimony.

In closing Sen. Linehan discussed that the idea that the Nebraska school association is meeting and deciding what positions to support without any public involvement is not right. Additionally, she discussed dislike over the idea of not knowing who is funding these associations, noting we need to know who and how these associations are being funded and we need more visibility on how the associations are conducting business.

Position comments submitted for the record included four opponents.

The committee reported no action on the measure.

LB 1184 - Adopt the Reverse Osmosis System Tax Credit Act. Bostar.

The bill proposes to adopt the Reverse Osmosis System Tax Credit Act to provide a tax credit for installation of reverse osmosis systems for one or more of the listed chemicals. The bill also requires a real-time nitrogen management plan to be implemented by January 1, 2025.

Tax Credit

The credit would be for individuals that install systems at a primary residence for chemical that are above:

- 1) Ten parts per million for nitrate nitrogen;
- 2) Four parts per trillion for perfluorooctanoic acid or perfluorooctanesulfonic acid;
- 3) One on the Hazard Index for perfluorononanoic acid, perfluorohexanesulfonic acid, hexafluoropropylene oxide dimer acid and its ammonium salt, or perfluorobutanesulfonic acid

The refundable tax credit would be equal to fifty percent of the cost incurred by the taxpayer during the taxable year for installation of the reverse osmosis system, up to a maximum of one thousand dollars.

The Department of Revenue may adopt and promulgate rules and regulations to carry out the Reverse Osmosis System Tax Credit Act.

Nitrogen Management Plan

The bill also calls for a real-time nitrogen management plan to be in place by August 31, 2024, with full implementation by January 1, 2025.

The plan would have to be put together by the Department of Natural Resources and the Department of Environment and Energy. The plan will consider how state agencies, natural resources districts, farmers, and irrigators can obtain the necessary data to reduce fertilizer use and reuse nitrates contained in groundwater through the irrigation systems that will thereby lower input costs and reduce nitrate levels statewide.

Such plan will consider how state agencies, natural resources districts, farmers, and irrigators can obtain the necessary data to reduce fertilizer use and reuse nitrates contained in groundwater through irrigation systems that will thereby lower input costs and reduce nitrate levels statewide.

The bill proposes \$10 million for FY 2024-25 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 Revenue Committee held the hearing on LB 1184 on February 15th.

Sen. Bostar opened on the bill discussing NDEE's water quality report. He discussed the risks associated with ingesting nitrate from drinking water. He also mentioned uranium and its risks noting that it has been found in high concentrations in certain areas of the state. He answered questions related to the fiscal note.

Proponents

Dean Edson presented testimony in support of LB 1184 on behalf of NARD. We would like to thank Senator Bostar for introducing this bill. We need to do more to improve and protect water quality in Nebraska.

The NRDs have been working with producers to properly apply fertilizer to reduce nitrate contamination. This problem did not occur overnight and will not get resolved quickly. However, there are more things we can do to get to that goal.

The testimony included an attached copy of all 23 NRDs annual water quality sampling. (This is on Page 19 of this update). In general, here is a summary:

- NRDs collect on average 12,051 nitrate samples annually.
- NRDs monitor on average 10,666 wells annually.
- All NRDs use this data to make management decisions, update groundwater rules and regulations, and submit to the Clearinghouse.
- All NRDs share data collected with NRD board members, Nebraska Department of Environment and Energy (NDEE)/Clearinghouse, and landowners/public.
- Percentages of nitrate samples collected from different wells (total wells sampled in parenthesis):
 - 63% Irrigation Wells (6,744)
 - 18% Domestic Wells (1,922)
 - 17% Dedicated Monitoring Well (1,788)
- 1% Livestock wells (118)
- 1% other wells (94)

One thing to note is the average number of nitrate samples collected is more than the average number of wells a district sample on an annual basis because wells may get sampled more than once per year.

The districts have established groundwater monitoring networks to ensure wells are sampled on a reoccurring basis.

The requirement for a real-time nitrogen management plan to be in place by August 31, 2024, with full implementation by January 1, 2025, might be unrealistic. It will take some time to develop a well-thought-out comprehensive plan as these products are expensive and rely on the ability to send data.

The technology is just coming into play on real-time sensing. The Twin Platte NRD has invested significant financial resources into cost-sharing with producers on these products. They are currently going through a process for calibration to assure the sensing is accurate. Several other districts have also implemented these sensors for groundwater quantity use.

We are also working with interested parties to get broadband and internet access to all areas of the state. That is a key component to make the remote real-time sensing work.

The NRDs are willing to work with the Legislature and other interested parties to move forward on this but consider allowing more time to get a plan put together that is accurate and dependable.

Julie Bushell, CEO of Ethos Connected, testified in support. She noted that the NRDs have a progressive mindset with water management and this bill will help with water quality. She discussed their software and how it can play a role in nitrate reduction in groundwater.

Jackson Stansell, Sentinel Fertigation, testified in support. He noted Nebraska has an extensive groundwater nitrate issue and the bill addresses the challenges that we currently face, but also takes a step forward in addressing the problem. Stansell discussed Sentinel Fertigation's software and how it can provide a win-win solution for farmers, the environment and society.

Al Davis testified in support on behalf of the Nebraska Sierra Club and Nebraska Independent Cattlemen. He discussed research articles pointing toward high pediatric cancer rates and other health impacts to Nebraskans who have impacted drinking water. He noted this is a great first step but also a very large Band-Aid and that eventually the State will be forced to address the real problem citing CAFOs that are causing environmental harm.

Kenneth Winston, Nebraska Power and Light, testified in support. He noted their organization supports those that are most vulnerable and outlined some of the health impacts from contaminated drinking water. He acknowledged that the NRDs and Legislature have been working on this issue for quite some time. He also noted their support for Sen. Ibach's nitrogen management bill.

John Hansen, Nebraska Farmers Union, testified in support. He noted the NFU 2022 conference focused on water quality and it was very sobering to see some of the negative impacts of nitrate in water. He noted that the monitoring and additional technology is needed.

Rebecca Wells testified on her own behalf. She noted that maps for nitrates and pediatric cancer in Nebraska overlay. She noted that birth defects are the biggest cause of infant mortality in Nebraska and that nitrate causes birth defects. She highlighted that CAFOs and row crops are both contributors to increased nitrates in our water.

Opponents – There was no opposition and no neutral testimony provided.

Position comments submitted for the record included nine proponents and two neutral.

The committee reported no action on the measure.

LB 1258 – To change procedures under Livestock Permits. Cavanaugh, M.

The bill proposes that the Department of Environment and Energy shall not issue a permit to a livestock waste control facility if such facility is located where the department has determined that groundwater may become contaminated by such facility or if such operation is located within one hundred feet of a domestic water well not owned by the operation.

The department may issue a permit to an existing livestock waste control facility located within one hundred feet of a well owned by the operation based upon an evaluation of (i) well depth to groundwater, (ii) known flow direction of groundwater, (iii) the groundwater management plan and other information from the local natural resources districts pertinent to the application, and (iv) any other criteria satisfying the department that groundwater quality will not be adversely affected.

The Department may issue a new or modified National Pollutant Discharge Elimination System permit, issue a new or modified construction and operating permit, issue a modified operating permit, or grant a modified construction approval to an existing animal feeding operation if:

(i) The existing animal feeding operation modifies its operation and expands its approved livestock waste control facility;

- (ii) the existing animal feeding operation's livestock waste control facility is located more than two miles from a designated cold water class A stream segment and is in the same cold water class A stream watershed as the animal feeding operation; and
- (iii) the existing animal feeding operation or livestock waste control facility is located less than two miles, but more than one mile, from a cold-water class A stream and the department determines, based on scientific information provided in the application or other available scientific information, that the proposed expansion does not pose a potential threat to the stream.

If an existing animal feeding operation or a livestock waste control facility is located within a groundwater management area, monitoring wells shall be installed to monitor possible nitrate contamination of groundwater.

Any livestock waste control facility or animal feeding operation having a permit or a construction approval is required to have routine inspections of production areas, irrigation distribution systems, and land application areas as follows:

- (i) Weekly inspections at the production area of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the facilities;
- (ii) daily inspection at the production area of water lines, including drinking water or cooling water lines;
- (iii) daily monitoring and recording of any precipitation events;
- (iv) weekly inspections at the production area of the manure, litter, and process wastewater impoundments, with such inspection record documenting the level in liquid impoundments as indicated by the depth marker;
- (v) inspection prior to each operation of the irrigation distribution system and the water source protection equipment to ensure that the system and equipment operate as intended, with such system being monitored while in use to ensure the system operates as intended;
- (vi) inspection at least once a year to determine the sludge and sediment accumulation level in liquid impoundments; and
- (vii) inspection at least once every six months of appropriately placed monitoring wells.

Facilities would be required to maintain records of the inspections for a period of five years.

The owner or operator of a large, concentrated animal feeding operation that includes a livestock waste control facility shall maintain production area and land application area records for a period of five years. A complete copy of the nutrient management plan, including the test methods used to sample and analyze manure, litter, process wastewater, monitor well results, inspection records, and soil shall be submitted no later than December 1 each year to the Department of Environment and Energy and the local natural resources district.

The Natural Resources Committee held the hearing on LB 1258 on February 15th.

Opening on the bill, Sen. Cavanaugh emphasized the bill's aim to strengthen NDEE's oversight of livestock waste and water quality while highlighting insufficient monitoring of nitrate levels in groundwater and Nebraska's high pediatric cancer rate. Currently there is limited access to data for researching health impacts related to nitrate contamination, particularly in areas with higher rates of birth defects.

This bill requires the monitoring data to be shared with the NRDs for groundwater oversight. Sen. Cavanaugh acknowledged NDEE's understaffing and inability to fully enforce their own regulations. The bill aims to protect private wells and public water systems and address sources of groundwater contamination.

Questions were raised about the effectiveness of current regulations and the need for stronger enforcement mechanisms. The bill proposes additional monitoring of wells to address longstanding issues of nitrate over-saturation in groundwater. Discussions also centered on the feasibility of updating rules and regulations to improve enforcement.

Concerns were expressed about the extensive monitoring requirements outlined in the bill, with considerations for alternative approaches and potential interim studies. Clarification was provided that the bill does not intend to shut down livestock facilities but rather aims to address various sources of nitrate contamination in groundwater.

Proponents

Edison McDonald as proponent on behalf of GC Resolve noting they collaborate with family farmers to safeguard their farms. They express support for protecting family farmers and natural resources, appreciating the efforts made with this bill. Recommendations to improve the bill include: increase county government notice for additional input time, implement enhanced nutrient management plans, eliminate the livestock-friendly definition, restructure the matrix of the point system, develop a runoff and erosion model, increase setbacks, introduce a requirement for decommission fees, and establish disaster recovery funds in case of emergencies.

Jess Lammers testified in support emphasizing addition of extra nitrogen monitoring sites. Lammers points out that when constructing a CAFO, the nitrate levels must be determined beforehand, establishing a baseline. With monitoring wells in place, it becomes possible to identify if a facility is impacting groundwater. Lammers argues that if nitrate levels are found to be high, owners should be held responsible for addressing and cleaning up the issue, emphasizing the difficulty of cleaning up nitrate contamination once it has entered the water.

Rachel Gibson, representing the League of Women Voters, testified in support noting two primary objectives: educating the public and encouraging civic engagement, particularly among Nebraskans affected by environmental issues. She advocates for clean drinking water accessibility for all Nebraskans, stressing the importance of implementing protective measures. Gibson expresses concern over the increasing scarcity of clean drinking water in Nebraska, citing the state's elevated pediatric cancer rates. Gibson emphasized the importance of monitoring well requirements to proactively address groundwater contamination, especially considering that 88% of Nebraskans rely on groundwater for drinking.

Al Davis, Nebraska Sierra Club, testified in support noting they view the bill as an important initial step in addressing the nitrate issue. Davis emphasized the alarming scientific evidence indicating the detrimental impact on infants. He highlighted the significance of monitoring wells in assessing long-term aquifer impacts. This bill also gives NDEE teeth to enforce their own regulations. Davis warned of the possibility of legal challenges, citing Iowa as an example, and stresses the costliness of cleaning up the water table compared to protecting groundwater. Recognizing the complexity of the issue, he acknowledged that having measures in place, as seen in MEAD, doesn't guarantee enforcement.

Nancy Meyer testified in support emphasizing the necessity of robust standards for CAFO permitting and operation. Having resided in a rural area for 24 years, she described the peaceful and clean environment disrupted by the arrival of a chicken CAFO five years ago. Meyer highlighted the lack of adequate notice, with residents given only four days for the public meeting regarding permit approval. She believes that with more time for public input, limitations could have been imposed on the permit, preventing potential issues. She stressed the importance of strict, consistent enforcement of these standards, advocating for authorities to be able to increase but not decrease limits, ensuring consistency statewide. Meyer noted a lack of enforcement once facilities are built, with fines often going unpaid. She concluded that the bill falls short and calls for additional restrictions.

Kenneth Winston, Nebraska Interfaith Power and Light, testified in support expressing support for initiatives aimed at safeguarding groundwater and drinking water from contamination. Of particular concern are the health impacts on women and young children. Winston believes that implementing monitoring wells and nutrient management measures are positive steps toward protecting the health of children and mothers. He endorsed incentives for reducing nitrogen fertilizer usage and promoting the adoption of reverse osmosis systems.

Rebecca Wells, a midwife by background, testified in support highlighting the high rates of pediatric cancer and birth defects in Nebraska, with birth defects being the leading cause of infant mortality in the state. Wells stressed the significance of the bill, noting its emphasis on fertilizers and related incentives but pointing out the lack of similar incentives for livestock producers. Additionally, she underscored the importance of monitoring groundwater as part of efforts to safeguard public health and the environment.

Opponents – There was no opposition testimony.

The Nebraska Association of Resources Districts submitted a letter of opposition to LB 1258

While we appreciate Senator Cavanaugh's proactive approach and the measures proposed in LB 1258, we are opposed to the bill in its current form. However, we remain open to further discussions and collaboration to develop legislation that effectively addresses groundwater concerns while ensuring the viability of Nebraska's livestock industry.

Many of the proposed changes in LB 1258 are already addressed in Title 130 Livestock Waste Control Regulations. As NRDs, we are cautious about overregulating livestock producers to the point where it becomes economically burdensome for them to sustain their operations.

The inspections provided in the bill may be too cumbersome and expensive. The weekly inspections at the production area of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the facilities is probably too much. The same issue is with the weekly inspection of production area of the manure, litter, and process wastewater impoundments.

In addition, daily inspections at the production area of water lines, including drinking water or cooling water lines, may not be necessary.

These weekly and daily inspections raise the cost to the agency, which may not be cost-effective. The Fiscal note of \$277,130 in the current year for additional staff and increasing annually in out years is reflective of that. Making inspections less frequent could reduce these costs. Finally, there may be other things that the funds could be spent on to accomplish water quality protection programs for Nebraskan's.

However, there are specific changes that NRDs would like to see made to Title 130 to better address groundwater quality concerns. Originally, Title 130 was designed to safeguard surface water, not groundwater. With the data collected through groundwater monitoring, we now have a clearer understanding of how livestock facilities impact groundwater quality.

There are many provisions in the bill that mirror conditions that the Nebraska Dept. of Environment and Energy can currently place on permits. However, currently they are not mandatory. Although it is good to discuss this issue within the committee and at this hearing, it might not be a good idea to put them all in statute. There needs to be some flexibility.

Neutral – There was no neutral testimony.

Position comments submitted for the record included 13 proponents, three opponents, and one neutral.

The committee reported no action on the measure.

Committee Hearings Scheduled Next Week

A complete outline of rules for hearings and submitting position comments also be found at: [Nebraska Legislature - Public Input Options](#)

If you are not testifying in person at a public hearing on a bill or resolution and would like to submit written comments to be included in the official hearing record as an exhibit, you will find a link to submit your comments online on the chamber viewer page for each bill or resolution. Online submitted comments for the public hearing record as an exhibit may be submitted once a bill has been scheduled for public hearing up until 8:00 a.m. CST on the day of the public hearing. Comments must be verified through a confirmation returned from the email address provided by the submitter. Verification must be completed prior to the 8:00 a.m. deadline.

In order to facilitate public input on legislation, a feature was added to the Nebraska Legislature's website for submission of written comments on pending legislation on the Legislature's website at any stage of the process. (To access this feature, search for the bill you wish to submit a statement on and click the corresponding button near the top of the bill page.) This feature will appear once a bill has been scheduled for a public hearing.

Wednesday, February 21st

Appropriations, Room 1003 - 1:30 PM

LB 1080 - Appropriate Federal Funds to the Department of Natural Resources. Holdcroft.

The bill proposes \$10 million to the Department of Natural Resources for the purpose of providing state aid for a grant to an entity within a county with a population exceeding one hundred thousand inhabitants formed pursuant to the Interlocal Cooperation Act for the purpose of funding a portion of the cost of a wastewater system.

The Federal Funds appropriated in the bill are from the unexpended and unencumbered appropriation balances of the Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021.

The bill also includes an emergency clause.

LB 1205 - To appropriate Federal Funds to the Department of Natural Resources for wastewater; and to declare an emergency. Hughes.

The bill appropriates \$20 million from Federal Funds for FY2023-24 to the Department of Natural Resources for the purpose of providing state aid for a grant to a city of the first class located in a county with less than 20,000 inhabitants which is in a metropolitan statistical area, with more than 300,000 inhabitants for the purpose of funding a portion of the cost of a wastewater system.

The Federal Funds appropriated in this section are from the unexpended and unencumbered appropriation balances of the Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund.

The bill also includes the emergency clause.

LB 1244 - Appropriate Federal Funds to the Department of Natural Resources. McDonnell.

The bill proposes to appropriate \$34,080,000 from Federal Funds for FY2023-24 to the Department of Natural Resources for the purpose of providing state aid to a natural resources district which contains a city of the metropolitan class for vital flood control projects in the geographic area served by the natural resources district in which the city of the metropolitan class is located.

The Federal Funds appropriated in this section are from the funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund.

LB 1287 - Appropriate Federal Funds to the Department of Environment and Energy for drinking water infrastructure. Ballard.

The bill appropriates \$750,000 from Federal Funds for FY2024-25 to the Department of Environment and Energy to provide grants to villages and cities of the second class for the purpose of upgrading drinking water infrastructure.

The Federal Funds appropriated in this section are from the balances of the Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund.

Natural Resources, Room 1525 - 1:30 PM

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

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.

Thursday, February 22nd

Government, Room 1507 - 1:30 PM

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

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:

- (1) 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;

(2) Maintain a roster of all individuals who are a part of the Wildland Incident Response Assistance Team; and

(3) 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.

Friday, February 23rd

Government, Room 1507 - 1:30 PM

LB 1277 - To change provisions relating to emergency proclamations made by the Governor. Wayne.

The bill allows the Governor to issue an emergency proclamation for multiple counties when requested by any political subdivision of the state that supplies electricity, natural gas, water, or sewer service.

The request would be for any disaster, emergency, or civil defense emergency. The request may be made directly to the Governor without first requesting such an emergency proclamation from a county or any other governmental entity.

LB 1184 Summary of Average Annual NRD Nitrate Samples Collected and Wells Monitored

NRD	Average number of nitrate samples collected annually	Average number of wells sampled annually	Average Number of wells sampled annually by source				
			Irrigation Wells	Domestic Wells	Livestock Wells	Dedicated Monitoring Wells	Other
Central Platte	240	240	200	40	0	0	0
Lewis & Clark	303	303	228	6	2	67	0
Little Blue	550	550	500	50	0	0	0
Lower Big Blue	375	375	310	20	0	45	0
Lower Elkhorn	930	930	700	100	10	120	0
Lower Loup	2530	2530	1401	935	58	130	6
Lower Niobrara	356	356	300	20	1	34	1 (lift station)
Lower Platte North	339	339	200	100	2	35	2
Lower Platte South	250	250	70	5	0	100	75
Lower Republican	120	120	105	Varies	0	15	0
Middle Niobrara	400	400	160	160	5	75	Walk in testing for homeowners
Middle Republican	150	150	120	10	20	0	0
Nemaha	140	140	68	60	0	12	0
North Platte	1400	877	140	20	0	717	0
Papio-Missouri	43	23	0	12	0	11	0
South Platte	250	167	79	53	0	27	8
TriBasin	254	254	180	34	0	40	0
Twin Platte	145	106	64	3	0	39	0
Upper Big Blue	855	286	223	36	0	25	2
Upper Elkhorn	900	749	686	0	0	63	0
Upper Loup	358	358	17	128	20	193	0
Upper Niobrara White	950	950	850	65	7	40	0
Upper Republican	213	213	143	70	0	0	0
TOTAL	12,051¹	10,666	6,744	1,922	118	1,788	94

¹ Number reflects nitrate samples collected which is more than the number of wells sampled due to some wells being sampled multiple times per year.

* Numbers in this survey only reflect the samples NRD staff collect, they do not reflect samples collected by a producer or homeowner and brought into the NRD office for analysis.

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 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	Final Reading	Multiple AM/MO - 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	Select File	AM 2060 - Adopted / AM 2343 - Withdrawn / MO 1182 - Prevalled
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	Select File	
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 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 ammended 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	AM 616, 617 - Pending
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 Vetoed 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	Committee	
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 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	Committee	
LB 925	Adopt the Firearm Industry Nondiscrimination Act	Aguilar		Monitor	Government	2/1/2024	Committee	
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	
LB 1199	Repeal provisions relating to certain administrative fees imposed by the Department of Natural Resources	Moser		Support	Natural Resources	2/1/2024	Committee	
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	
LB 1243	Adopt the Wildland Fire Response Act	McDonnell		Support	Government	2/22/2024	Committee	
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	
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 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	Committee	
LB 1357	Prohibit camping on certain property owned by political subdivisions	McDonnell		Support	Judiciary		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	Committee	
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	Committee	
LB 1406	Provide for an active-duty military permit for state park entry	Sanders		Support	Natural Resources	1/31/2024	Committee	
LB 1412	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	Committee	
LB 1413	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	Committee	
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	
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	Committee	

¹ NARD Policy Statement - We will work with the Legislature and Governor Pillemer 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.