



# Nebraska's Natural Resources Districts

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Protecting Lives • Protecting Property • Protecting the Future

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January 19, 2024

TO: NARD Board, NRD Managers and Conservation Partners  
FROM: Dean E. Edson, NARD Executive Director  
RE: January 19 NARD Update

**NARD 2024 Legislative Conference Next Week** - The 2024 NARD Legislative Conference will be held next week January 23-24, at the Embassy Suites in Lincoln.

On Monday, January 22, committee meetings will be held. The Benefits Committee quarterly meeting will be from 9:30 a.m. to noon. At 1 p.m., the NRD Managers will meet to discuss legislation. The NARD Legislative and Executive Committees will meet after the managers meeting to recommend positions for the delegates.

The general conference will be held on Tuesday and Wednesday, January 23-24. Highlights of the conference include:

- Governor Pillen will open the conference Tuesday morning
- Discussion of 2024 Legislative Bills and Business Sessions
- Effective Community Engagement
- Presentations on Groundwater Quality Management, Director Trainings, updates on Conservation Programs and Agency Updates
- Vendor Trade Show
- Senators Reception Tuesday Night
- Senator Bostelman, Chairman of the Natural Resources Committee, is the Tuesday lunch speaker
- Senator Clements, Chairman of the Appropriations Committee, is the Wednesday lunch speaker

NARD Delegates will meet during the conference to review and take a position of Monitor, Support, or Oppose on bills of interest to NRDs. A summary of bills of interest will be provided with conference registration packets. A detailed agenda can be found online at: [2024 leg\\_conf.pdf \(nrdnet.org\)](#)

## **Governor Pillen's State of the State Address**

Following a short filibuster by several Omaha senators, Governor Pillen gave his State of the State address on Thursday, January 18<sup>th</sup>. He highlighted his proposals to assist workforce development, support local businesses and reduce property tax bills by 40% this year.

Additionally, the Governor highlighted the need to expand protections for our water. He expressed the need looking ahead to strengthen our water laws and to invest in incentives for ag producers to use less water to raise more. He outlined how better measurement tools, greater use of technology and more innovation will enable us to use less water while irrigating more crops. He expressed that Nebraska cannot allow foreign interest the ability to take our water.

The following are some highlights of his proposals. Additional details can be found in the bill summaries in this update.

- New hard cap restrictions for local governments.
- Roll back property tax levies when valuations increase.
- Increase the state sales tax by 1 cent, raising it to 6.5 cents.
- Remove sales tax exemptions for several other goods and services.
- Eliminate 48, or 20%, of state-authorized boards and commissions.
- Transfer \$274 million from more than 500 state agency cash funds to support property tax cuts.
- Combine the state's Tourism Commission and the Department of Economic Development into one agency.

### **Rules Debate**

**Secret Ballot** -- Senators rejected a rule change offered by Senator Steve Erdman to eliminate secret ballots for leadership elections and require all such votes to be open and part of the record.

**New Bills – The following bills were introduced this week. Bill introduction has ended.**

#### **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.

**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 1241 - Change provisions relating to property tax levy limits. von Gillern.**

The bill places limits on taxing growth in valuations.

Under the bill, in addition to the existing levy limits, if the total taxable valuation of property in a political subdivision exceeds the total taxable valuation from the prior year, then such political subdivision shall be subject to an additional levy limit calculated as follows:

The percentage increase in the political subdivision's total taxable valuation shall be determined; and then the political subdivision's levy rate from the prior year shall then be decreased by the same percentage.

The decreased levy rate shall be the maximum levy rate that such political subdivision may impose in the current year.

**LB 1242 - State intent to appropriate funds to the Board of Regents of the University of Nebraska. McDonnell.**

The bill appropriates \$350,000 from General Fund in FY 24-25 to the board of regents of University of Nebraska for the purposes of studying the ability of using roof-collected rainwater as a safe and sustainable source of drinking water.

The bill states it is the intent of the Legislature that this research initiative investigates the effectiveness of various filtration and purification methods in removing chemical and biological contaminants from rainwater, with the goal of providing a reliable alternative water source for household use.

**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.

**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 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.

**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 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.

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

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.

**LB 1357 - Prohibit camping on certain property owned by political subdivisions. McDonnell.**

The bill proposes that it shall be unlawful to knowingly camp on property owned or controlled by a political subdivision not designated as a campsite by the political subdivision when notice has been provided that the property has not been designated as a campsite.

Under the bill, camping means temporary lodging out of doors and presupposes the occupancy of a shelter designed or used for such purposes as a sleeping bag or tent or other structure.

The political subdivision would have to provide either:

- (a) Actual communication to the person; or
- (b) Post in a manner prescribed by law or reasonably likely to come to the attention of persons attempting to camp on such property.

The violation proposed would be a Class III misdemeanor. Also, the violator may be ordered to pay any amount as determined by the court which may be necessary to reimburse the political subdivision for the expense of repairing any damage to such property resulting from such violation.

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

The bill provides that it is the intent of the Legislature that any increase in the salary of any governing body of any political subdivision which is in excess of the increase in the cost of living since the last increase in salary of such governing body plus one percent be approved by the registered voters of such political subdivision at a statewide general election before the increase can be included in the budget of the political subdivision.

The bill also provides that no governing body shall increase such salaries more than once every two fiscal years.

The bill directs the Government, Military and Veterans Affairs Committee to prepare legislation to amend the necessary statutes affecting salaries of governing bodies, budgeting, tax levies, and elections for the various political subdivisions in order to implement the act.

**LB 1366 - Change provisions relating to the use of eminent domain. Cavanaugh, J.**

The bill proposes that a political subdivision of this state shall not take property through the use of eminent domain under sections outside of the boundaries of such political subdivision unless a majority vote of the governing body of the county, city, or village where the property is located approves such taking.

The bill also proposes that a private entity shall not take property through the use of eminent domain:

- (a) For use of pipelines unless all pipeline routes are approved by the Public Service Commission; or
- (b) Unless a majority vote of the governing body of the county, city, or village where the property is located.

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

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.

**LB 1406 - Provide for an active-duty military permit for state park entry. Sanders.**

An active-duty military permit may be purchased by any individual who is active-duty military and shall be valid through December 31 in the year for which the permit is issued. The fee for the veteran permit is five dollars, regardless of residence.

To qualify for an active-duty military permit, the individual shall present: (a) Such individual's military identification card; or (b) A copy of such individual's DD Form 214.

### **Governor Pillen's Bills**

Following the State of the State address this week, Senators introduced bills at the request of the Governor. Following is a summary of those bills, including the budget proposals as they relate to natural resources programs. A table summarizing the Governor's proposed budget programs follows on page ?.

**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.**

The bill proposes 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 are proposed:

#### **DEPARTMENT OF NATURAL RESOURCES**

Program No. 334 - Soil and Water Conservation – The bill proposes a General Fund decrease of \$127,396 in FY 23-24 and a \$2,445 decrease in FY 2024-25.

Program No. 314 - Critical Infrastructure Facilities Fund - The bill proposes a Cash Fund increase of \$50,000,000 in FY 23-24. The bill includes language providing \$50,000,000 for a grant to a city of the primary class that utilizes more than thirty million gallons per day of water to be used for the design, construction, and implementation of additional water supply projects.

Program No. 319 – Water Projects - The bill proposes to decrease JEDI Cash Funds by \$10,000,000 in FY 23-24 and \$25,000,000 in FY 24-25. Additionally, the bill proposes to decrease Federal Funds appropriated to provide a grant to a city of the primary class that utilizes more than thirty million gallons per day of water to be used for the design, construction, and implementation of additional water supply projects by \$50,000,000 in FY 23-24, this is offset by equivalent increase for this purpose in Critical Infrastructure Facilities Fund.

Water Sustainability Fund - The bill proposes to decrease 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 proposes a General Fund decrease of \$804,136 in FY 23-24 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.

A table summarizing proposed appropriation changes follows this summary.



**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.**

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 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.

The bill proposes language authorizing the Critical Infrastructure Facilities Fund to be used to provide a grant to a city of the primary class that utilizes more than thirty thousand gallons of water per day to be used for the design, construction, and implementation of additional water supply projects.

**LB 1414 - Adopt the Property Tax Growth Limitation Act and change provisions relating to budget limitations. Linehan, At the request of the Governor.**

The bill proposes the Property Tax Growth Limitation Act, to mandate that a political subdivision's property tax request for any year shall not exceed its property tax request from the prior year, with a few exceptions.

The bill applies to any county, city, village, learning community, sanitary and improvement district, natural resources district, and educational service unit.

**Real Growth Exception**

The political subdivisions listed in the bill may exceed the property tax request authority by a percentage equal to the political subdivision's real growth percentage.

Real growth percentage means the percentage obtained by dividing (a) the political subdivision's real growth value by (b) the political subdivision's total real property valuation from the prior year.

Real growth value means the increase in a political subdivision's real property valuation 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, and (d) a change in the use of real property.

**Carry Forward Real Growth**

A political subdivision may choose not to increase its property tax request for a particular year by the full real growth percentage. In such cases, the unused percentage amount may be carried forward to future years and may be used in future years to increase the political subdivision's property tax request by more than the real growth. In no case shall the percentage carried forward exceed five percent.

**Other Exceptions**

- 1) By the amount needed to pay the principal and interest on approved bonds.
- 2) To pay for repairs to infrastructure damaged by a natural disaster, which is declared a disaster or emergency pursuant to the Emergency Management Act.

**Voter Override**

The additional amount could be approved by the voters as follows:

- 1) By the voters at a levy override election under section 77-3444 held prior to the effective date of this act.
- 2) After the effective date of the act, the voter override election could go on the ballot in one of two ways:

(a) Upon the recommendation of the governing body of such political subdivision, or

(b) Upon the receipt by the county clerk or election commissioner of a petition requesting such issue to be placed on the ballot which is signed by at least five percent of the legal voters of the political subdivision.

The election could only be held at the next regularly scheduled election.

### **State Aid**

Under the bill, additional state aid is provided to schools, municipalities and counties in exchange for direct property tax relief, but a dollar amount is not specified. A companion bill, LB 1415, outlines the additional state aid.

### **LB 1415 - Adopt the Property Tax Relief Act and change the Nebraska Property Tax Incentive Act. Doves, At the request of the Governor.**

The purpose of the Property Tax Relief Act is to provide state funding directly to school districts, counties, cities, and villages in exchange for direct property tax relief. Part of the funding for the new aid programs would come from eliminating the existing property tax credit programs.

### **School District Property Tax Relief Cash Fund**

For the FY 2024-25, the additional aid shall be \$980,600,000. For the FY 2025-26 and each fiscal year thereafter, the amount available for disbursement increased by 3%.

The aid would be distributed on the ratio of the real property valuation in the school to the real property valuation in the state.

### **County Property Tax Relief Cash Fund**

For the FY 2024-25, the additional aid shall be \$437,200,000. For the FY 2025-26 and each fiscal year thereafter, the amount shall increase each year by \$15 million.

The aid would be distributed on the ratio of the real property valuation in the county to the real property valuation in the state.

### **Municipal Property Tax Relief Cash Fund**

For FY 2024-25, the additional aid shall be \$297,100,000. For FY 2025-26 and each fiscal year thereafter, the amount shall increase each year by \$10 million.

The aid would be distributed on the ratio of the real property valuation in the municipality to the real property valuation of all municipalities.

**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 bill eliminates various boards and commissions and creates a couple of new boards to assume multiple duties.

Effective July 1, 2025, the bill creates the Board of Abstracters and Appraisers to assume the duties of the following, which are terminated:

- (a) The Abstracters Board of Examiners;
- (b) The Real Property Appraiser Board; and
- (c) The duties of the board of appraisers

Effective July 1, 2025, the Capitol and Hall of Fame Commission is created to assume the duties of the following, which are terminated:

- (a) The Nebraska Capitol Commission;
- (b) The Nebraska State Capitol Environs Commission;
- (c) The Nebraska Hall of Fame Commission; and
- (d) The Governor's Residence Advisory Commission.

The Commission for K-12 Education is created to take over the duties of:

- (a) Assist the State Board of Education in teacher education and certification matters;
- (b) Take over the duties of the Nebraska Elementary and Secondary School Finance Authority;
- (c) Take over the duties of the Educational Service Unit Coordinating Council; and
- (d) Take over the duties of the State Council on Educational Opportunity for Military Children and the Interstate Compact on Educational Opportunity for Military Children.

The following are eliminated effective July 1, 2025, and duties merged to the Environmental Quality Council include:

- (a) The Advisory Council on Public Water Supply; and
- (b) The Private Onsite Wastewater Treatment System Advisory Committee.

Some of the other boards /commissions eliminated effective July 1, 2025, include, but are not limited to:

- The Nebraska Hemp Commission
- The Nebraska Potato Development Committee
- The Climate Assessment Response Committee
- The Nebraska Aquaculture Board
- The Rural Broadband Task Force

**Hearings Begin Next Week**

The Legislature will begin hearings on new bills next week. Hearings will follow the same process that was utilized last year for submitting of testimony and is summarized below.

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. Comments are allowed once a bill*

*has been scheduled for public hearing and must be submitted and verified prior to 12:00 p.m. CST on the last workday prior to the public hearing to be included in the official hearing record. (NOTE: If the hearing is on a Monday, these have to be submitted by noon Friday).*

*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.*

*Persons submitting comments online will have the option to request the comments be included in the official public hearing record as an exhibit if the comments are submitted and verified prior to 12:00 p.m. CST on the last workday prior to the public hearing.*

*If you have a position comment for the public hearing record on a gubernatorial appointment, an agency budget hearing, or an amendment scheduled for public hearing, go to the "Committees" heading on the left side of the home page. From there you will go to "Hearing Schedules" and select the specific hearing to find a link to submit online comments.*

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

**Wednesday, January 24<sup>th</sup>**

**Natural Resources, Room 1525 - 1:30 PM**

**LB 868 - Extend the sunset date for reimbursement for remedial action under the Petroleum Release Remedial Action Cash Fund. Bostelman.**

The bill extends the sunset for reimbursement of costs under the Petroleum Release Remedial Action Act from reported by June 30, 2024 to June 30, 2028.

**LB 880 - Change requirements relating to the Land Acquisition and Source Water Loan Fund. Hughes.**

The bill eliminates provisions requiring the Director to consult with the Director of Public Health when developing an intended use plan or when conducting activities permitted under section 1425(k) of the Safe Drinking Water Act.

**Budget Summary is on the next page**

		Governor Proposed Budget Bills		Proposed Budget Change From FY 22-23 Baseline	
		FY 23-24	FY 24-25	FY 23-24	FY 24-25
<b>Agency 84 - Department Environmental &amp; Energy</b>					
Program 513, 586, 587, 588 - NDEE	General Fund	\$ 7,917,648	\$ 7,524,976	\$ 3,019,746	\$ 2,627,074
	Cash Fund	\$ 38,981,241	\$ 39,381,720	\$ 576,563	\$ 977,042
	Federal Fund est.	\$ 20,135,763	\$ 20,534,936	\$ 414,753	\$ 813,926
	Program Total	\$ 67,034,652	\$ 67,441,632	\$ 4,366,800	\$ 4,773,780
	Salary Limit	\$ 18,555,241	\$ 19,506,302	\$ 1,810,176	\$ 2,761,237
*Includes \$1,000,000 General Funds for a water quality study					
Program 523 - Wastewater Loan Fund	Cash Fund	\$ 1,000,000	\$ 1,200,000	\$ 400,000	\$ 600,000
	Federal Fund est.	\$ 8,109,000	\$ 8,109,000	\$ 1,169,000	\$ 1,169,000
	Program Total	\$ 9,109,000	\$ 9,309,000	\$ 1,569,000	\$ 1,769,000
Grants to small communities shall not be commingled with funds deposited in the Wastewater Treatment Facilities Construction Loan Fund					
Program 528 - Drinking Water Facilities Loan Fund	Cash Fund	\$ 650,000	\$ 700,000	\$ 650,000	\$ 700,000
	Federal Fund est.	\$ 12,010,000	\$ 12,010,000	\$ 3,510,000	\$ 3,510,000
	Program Total	\$ 12,660,000	\$ 12,710,000	\$ 4,160,000	\$ 4,210,000
<b>Agency 33 - Game &amp; Parks Commission</b>					
Program 162 - Environmental Trust	Cash Fund	\$ 21,289,823	\$ 21,555,153	\$ 102,509	\$ 367,839
	Program Total	\$ 21,289,823	\$ 21,555,153	\$ 102,509	\$ 367,839
	Salary Limit	\$ 315,713	\$ 328,424	\$ 13,324	\$ 26,035
Program 330 - Habitat Development	Cash Fund	\$ 8,347,768	\$ 8,455,157	\$ 724,900	\$ 832,289
	Federal Fund est.	\$ 3,908,764	\$ 3,916,492	\$ 8,091	\$ 15,819
	Program Total	\$ 12,256,532	\$ 12,371,649	\$ 732,991	\$ 848,108
	Salary Limit	\$ 1,933,269	\$ 2,021,714	\$ 292,475	\$ 380,920
Program 336 - Wildlife Conservation	General Fund	\$ 2,002,937	\$ 2,075,490	\$ 119,639	\$ 192,192
	Cash Fund	\$ 29,443,436	\$ 30,391,937	\$ (3,215,762)	\$ (2,267,261)
	Federal Fund est.	\$ 4,292,558	\$ 4,350,150	\$ 59,955	\$ 117,547
	Program Total	\$ 35,738,931	\$ 36,817,577	\$ (3,036,168)	\$ (1,957,522)
	Salary Limit	\$ 17,766,887	\$ 18,569,142	\$ 1,077,709	\$ 1,879,964
Program 338 - Niobrara Council	General Fund	\$ 52,500	\$ 52,500	\$ 2,500	\$ 2,500
	Cash Fund	\$ 1,000	\$ 1,000	\$ -	\$ -
	Federal Fund est.	\$ 125,000	\$ 125,000	\$ -	\$ -
	Program Total	\$ 178,500	\$ 178,500	\$ 2,500	\$ 2,500
The unexpended Cash Fund appropriation balance existing on June 30, 2023, is reappropriated.					
Program 550 - Planning & Trails Coordination	General Fund	\$ 531,059	\$ 556,616	\$ 26,526	\$ 52,083
	Cash Fund	\$ 1,347,719	\$ 1,389,548	\$ (8,143,481)	\$ (8,101,652)
	Federal Fund est.	\$ 114,376	\$ 117,448	\$ 3,204	\$ 6,276
	Program Total	\$ 1,993,154	\$ 2,063,612	\$ (8,113,751)	\$ (8,043,293)
	Salary Limit	\$ 1,117,251	\$ 1,170,477	\$ 113,266	\$ 166,492
Boundary fences along Cowboy Trail limited to \$64,000 CF each FY. Unexpended CF balance existing June 30, 2023 is reappropriated up to \$8.3 M to fund MOPCA trail.					
<b>Agency 29 - Department of Natural Resources</b>					
Program 303 - Small Watersheds	Cash Fund	\$ -	\$ -	\$ -	\$ -
	Program Total	\$ -	\$ -	\$ -	\$ -
Program 304 - Nebraska Soil & Water Conservation Fund	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.					
*Program 306 - Water Well Decommissioning	Cash Fund	\$ 70,000	\$ 70,000	\$ -	\$ -
	Program Total	\$ 70,000	\$ 70,000	\$ -	\$ -
The unexpended Cash 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.					
Program 309 - Natural Resources Water Quality Fund	Cash Fund	\$ 1,187,500	\$ 1,187,500	\$ -	\$ -
	Program Total	\$ 1,187,500	\$ 1,187,500	\$ -	\$ -
The unexpended Cash Fund appropriation balance existing on June 30, 2021, is reappropriated.					
Program 313 - Water Sustainability Fund	Cash Fund	\$ 10,865,033	\$ 10,865,033	\$ -	\$ -
	General Fund Transfer	\$ 11,000,000	\$ 11,000,000	\$ -	\$ -
The unexpended Cash Fund appropriation balance existing on June 30, 2021, is reappropriated.					
Program 314 - Critical Infrastructure Facilities -- The unexpended Cash Fund appropriation balance existing on June 30, 2023, is reappropriated					
Program 319 - Water Projects	Cash Fund	\$ 87,800,000	\$ 87,800,000	\$ 87,800,000	\$ 87,800,000
	Program Total	\$ 87,800,000	\$ 87,800,000	\$ -	\$ 87,800,000
\$62,800,000 Cash Funds from the Perkins County Canal Project Fund for FY 23-24 & 24-25. \$25,000,000 Cash Funds from the JEDI Fund for FY 23-24 & 24-25.					
Perkins County Canal Project Fund		\$ 574,500,000	\$ -	\$ 574,500,000	\$ -
Water Resources Cash Fund	General Fund	\$ -	\$ -	\$ (3,300,000)	\$ (3,300,000)
	LB 814 Fund Transfer*	\$ 7,000,000	\$ 7,000,000	\$ 3,700,000	\$ 3,700,000
*Transfer to Water Resources Cash Fund from the Nebraska Environmental Trust Fund					
**Program 334 - Soil & Water Conservation (General Operations)	General Fund	\$ 11,793,956	\$ 12,257,791	\$ 732,417	\$ 1,196,252
	Cash Fund	\$ 8,795,326	\$ 8,801,907	\$ (49,469,818)	\$ (49,463,237)
	Federal Fund est.*	\$ 2,074,784	\$ 2,077,647	\$ 1,202,752	\$ 1,205,615
	Program Total	\$ 22,664,066	\$ 23,137,345	\$ (47,534,379)	\$ (47,061,100)
	Salary Limit	\$ 7,879,036	\$ 8,251,662	\$ 560,674	\$ 933,300
*\$1.2 Million in ARPA for enhanced data collection.					
<b>Agency 51 - University of Nebraska</b>					
Robert B. Daugherty Water for Food Global Institute	General Fund	\$ 500,000	\$ 500,000	\$ -	\$ -
	Nebraska Forest Service	\$ 2,804,862	\$ 2,804,862	\$ -	\$ -
<b>Agency 11 - Attorney General</b>					
Program 496 Interstate Water	General Fund	\$ 300,000	\$ 300,000	\$ -	\$ -
	Cash Fund	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
	Program Total	\$ 500,000	\$ 500,000	\$ 200,000	\$ -

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	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	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	General File	Multiple AM/MO - Filed
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	lbach		Support	Agriculture	2/7/2023	General File	
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		Monitor	Government	3/24/2023	Committee	
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	AM 503, 603, 1368 - Pending
LB 304	Require political subdivisions to disclose membership dues and lobbying fees	Linehan		Monitor	Government	2/9/2023	General 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	
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	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			Agriculture	1/30/2024	Committee	
LB 831	Change provisions of the Noxious Weed Control Act and provide for control of restricted plants	Blood			Agriculture	1/30/2024	Committee	
LB 859	Change conflict of interest provisions for certain political subdivision officers	Linehan			Government		Committee	
LB 868	Extend the sunset date for reimbursement for remedial action under the Petroleum Release Remedial Action Cash Fund	Bostelman			Natural Resources	1/24/2024	Committee	
LB 872	Prohibit acceptance of central bank digital currency by state and local governments	Clements			Banking	2/5/2024	Committee	
LB 880	Change requirements relating to the Land Acquisition and Source Water Loan Fund	Hughes			Natural Resources	1/24/2024	Committee	
LB 925	Adopt the Firearm Industry Nondiscrimination Act	Aguilar			Government		Committee	
LB 951	Adopt the Public Officials on Private Boards Open Meetings Act	Linehan			Government		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			Government		Committee	
LB 1080	Appropriate Federal Funds to the Department of Natural Resources	Holdcroft			Appropriations		Committee	
LB 1131	Appropriate funds to the Department of Environment and Energy for grants for tribal-owned community drinking water and sewer systems	Raybould			Appropriations		Committee	

LB 1179	Appropriate funds to the Department of Natural Resources	Wishart			Appropriations		Committee	
LB 1184	Adopt the Reverse Osmosis System Tax Credit Act	Bostar			Revenue		Committee	
LB 1199	Repeal provisions relating to certain administrative fees imposed by the Department of Natural Resources	Moser			Natural Resources		Committee	
LB 1205	Appropriate Federal Funds to the Department of Natural Resources	Hughes			Appropriations		Committee	
LB 1241	Change provisions relating to property tax levy limits	von Gillern			Revenue		Committee	
LB 1242	State intent to appropriate funds to the Board of Regents of the University of Nebraska	McDonnell			Appropriations		Committee	
LB 1243	Adopt the Wildland Fire Response Act	McDonnell			Government		Committee	
LB 1244	Appropriate Federal Funds to the Department of Natural Resources	McDonnell			Appropriations		Committee	
LB 1258	Change requirements relating to certain permits and requirements relating to livestock waste control facilities and animal feeding operations	Cavanaugh, M.			Natural Resources		Committee	
LB 1277	Change provisions relating to emergency proclamations for disasters, emergencies, and civil defense emergencies made by the Governor	Wayne			Government		Committee	
LB 1287	Appropriate Federal Funds to the Department of Environment and Energy for drinking water infrastructure	Ballard			Appropriations		Committee	
LB 1335	Change provisions of and provide duties and exemptions from the Nongame and Endangered Species Conservation Act	Moser			Natural Resources		Committee	
LB 1357	Prohibit camping on certain property owned by political subdivisions	McDonnell			Judiciary		Committee	
LB 1358	Require approval of the registered voters to increase salaries of governing bodies of political subdivisions as prescribed	McDonnell			Government		Committee	
LB 1366	Change provisions relating to the use of eminent domain	Cavanaugh, J.			Judiciary		Committee	
LB 1368	Adopt the Nitrogen Reduction Incentive Act	Ibach			Agriculture		Committee	
LB 1406	Provide for an active-duty military permit for state park entry	Sanders			Natural Resources		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			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			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			Revenue		Committee	
LB 1415	Adopt the Property Tax Relief Act and change the Nebraska Property Tax Incentive Act	Dover, At the request of the Governor			Revenue		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			Government		Committee	