



8100 South 15th
Suite B
Lincoln, NE 68512

nard@nrdnet.org
(402) 471-7670

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

NARD Elects 2024 Officers

The voting members of the Nebraska Association of Resources Districts (NARD) Board of Directors elected new officers during their board meeting March 11, 2024.

The NARD Board consists of representatives from each of Nebraska's 23 Natural Resources Districts (NRDs). The board meets five times throughout the year and helps guide the association and NRDs in decision making that protects lives, property and the future of Nebraska's natural resources. The NARD Risk Pool Board governs the health insurance program for NRD employees.

Marty Graff, NARD President (Ainsworth, Nebraska)

Marty Graff of the Middle Niobrara NRD was elected president of the NARD Board and NARD Risk Pool Board. Graff has served on the Middle Niobrara NRD Board 29 years and on the NARD boards since 2018. He farms with his wife, Brenda, and sons near Ainsworth. Off the farm, Graff serves on the East Woodlawn Cemetery Board (Johnstown, Nebraska) and is active in the Elks Club helping with youth baseball and wrestling.

Ryan Reuter, NARD Vice President (Minatare, Nebraska)

Ryan Reuter of the North Platte NRD was elected vice president of the NARD Board and NARD Risk Pool Board. Reuter, a sales manager with Betaseed and ACH Seeds, has served on the North Platte NRD and NARD boards since 2018. Reuter and his wife Amie have two daughters, Avery and Addison.

Mason Hoffman, NARD Secretary-Treasurer (Juniata, Nebraska)

Mason Hoffman of the Little Blue NRD was elected secretary-treasurer of the NARD Board and NARD Risk Pool Board. He farms outside of Hastings and has served on the Little Blue NRD Board since 2016 and on the NARD boards since 2021. Hoffman and his wife Michelle have three children, Mara, Natalie and Theodore (Tate).

Dr. Orval Gigstad, NARD Past President (Syracuse, Nebraska)

Dr. Orval Gigstad from the Nemaha NRD serves as past president of the NARD Board and NARD Risk Pool Board. He served as president from 2022-2024 and has been on the boards since 1996. Gigstad has served on the Nemaha NRD Board since 1993 and serves as chair of the National Association of Conservation Districts Northern Plains Region. A practicing veterinarian for more than 45 years, he operates the Arbor Valley Animal Clinic in Syracuse. Gigstad and his wife Carolyn have two children, Grady and Amber, and grandchildren, Quincy and Amelia.

In addition to the president, vice president, secretary-treasurer and past president, the NARD Board executive committee includes Terry Martin, Legislative Committee chair representing the Upper Republican NRD, and Bob Hilger, Information and Education Committee chair representing the Lower Platte North NRD.

Nebraska's Natural Resources Districts Managers Committee

On March 6, the NRD managers elected J. Scott Sobotka, general manager of the Lower Big Blue NRD, as chair of the Managers Committee; and Wade Ellwanger, general manager of the Lower Niobrara NRD, as vice-chair of the Managers Committee.

J. Scott Sobotka, Lower Big Blue NRD

J. Scott Sobotka was promoted to general manager of the Lower Big Blue NRD in January 2022. He has served the district for 22 years as a land resources specialist and most recently as assistant manager. Sobotka lives near Tobias with his wife Wendee and daughters Jaicee, Josiee and Jaylee.

Wade Ellwanger, Lower Niobrara NRD

Wade Ellwanger was promoted to general manager of the Lower Niobrara NRD in March 2023. Prior to his promotion, he served the district for six years as a water resources coordinator and assistant manager. He also has more than 20 years of production management experience in the ag industry. Ellwanger earned a Bachelor of Science degree from the University of Nebraska-Lincoln and is a Class IX graduate of the Nebraska Water Leaders Academy. He is a native of Butte, Nebraska, and has six children and six grandchildren.

The Managers Committee includes managers from all 23 Natural Resources Districts. The committee meets five times a year to coordinate NRD activities with state and federal agencies, conservation partners and other parties to protect Nebraska's natural resources.

National Association of Conservation Districts (NACD) Annual Meeting

The NACD Annual Meeting was hosted in San Diego, California, Feb. 10-14, 2024. Nebraskans attending the Annual Meeting included David Potter, Tom Green, and John Yoakum from LPSNRD; Orval Gigstad from NNRD; Tim Fowler from PMRNRD; Eric Gottschalk and Ryan Chapman from LPNNRD; Ariel Fiedler from LCNRD; and Megan Grimes from NARD.

NARD Public Relations Director Megan Grimes serves on the National Conservation Foundation (NCF) Envirothon Operating Committee. The Committee met Feb. 9-10, to discuss and plan upcoming NCF-Envirothon competitions in New York (2024); Alberta, Canada (2025); Mississippi (2026); and Maryland (2027). Envirothon is an environmental and natural resources conservation problem-solving, leadership experience and academic competition for high school students across the United States, Canada, China, and Singapore. Incorporating STEM principles, hands-on learning, and outdoor field experiences, the Envirothon fosters student learning in the areas of aquatic ecology, forestry, soils and land use, wildlife, and a current environmental issue.

Nebraska was recognized during the NACD Annual Meeting for 100% of districts paying dues to NACD. NARD Director Dr. Orval Gigstad accepted the award on behalf of the NRDs. Gigstad also serves as chair of the NACD Northern Plains Region.

Governor's Veto Stands

This week, state senators failed to over-ride a bill that would allow local governments to distribute hypodermic needles to reduce the spread of infectious diseases. Needing 30 to pass, the attempt to over-ride failed on a 27-20 vote. Governor Pillen cited concern about potential health risks associated with the proposal and criticized the bill's lack of age restrictions. The bill was passed on Final Reading by a 30-7-12 on Feb. 29, 2024.

NDEE Director Macy Retires

On March 11, 2024, Governor Jim Pillen announced the retirement of Jim Macy, director of the Nebraska Department of Environment and Energy (NDEE). His last day will be April 19.

Thad Fineran will serve as interim director of NDEE starting April 1. He is currently chief of staff to Major General Craig Strong, adjutant general for the Nebraska National Guard. Fineran will continue as interim director until Gov. Pillen makes a permanent appointment. A national recruitment firm has been enlisted to conduct the search for a new director.

Final Reading

LB 304 - Require political subdivisions to disclose membership dues and lobbying fees. Linehan.

The Legislature gave final approval to LB 304 on March 15, 2024, by a 48-0-1 vote. The bill now awaits action by Governor Pillen.

The Legislature advanced the LB 304 to Final Reading on March 4, 2024, by a voice vote.

It was advanced to Select File on February 8, 2024, by a 35-0-9 vote. Previously, the Government Committee advanced LB 304 to General File on April 17, 2023, with no committee amendments.

The bill would require that political subdivisions or any other unit of local government to disclose on its website the following:

- (a) Membership dues paid annually to any association or organization, identifying each such association or organization and the dues amounts paid; and
- (b) Fees paid to any individual lobbyist or lobbying firm other than any fees paid for lobbying services that may be included in the membership dues.

For any political subdivision that does not have a website, the information shall be made available upon request to any member of the public at the office of such political subdivision.

The Government Committee accepted testimony on the bill on February 9th, 2023.

In her opening, Senator Linehan noted that she wants to know who pays the dues for the education lobbyists. She also raised concerns about the national education associations and the stances they take on issues. She feels it would be important to know what Nebraska schools are funding various national policy issues.

Proponents

Laura Ebke, senior fellow at the Platte Institute, testified in support. All public entities need to be transparent about the dues they are paying, and to what entities, which instill confidence in the public on where local tax dollars are going. This information can be found with the Accountability and Disclosure Office, but you have to dig to find it and putting it on individual websites makes the information easier to find for the public.

Opponents

There was no opposition testimony.

Neutral

Frank Daley, executive director with the Accountability and Disclosure Office, testified in the neutral. He noted his office was unsure where this would land in statute – the Accountability and Disclosure Act or somewhere else in statute? The term “lobbying” in the Accountability and Disclosure Act only applies to lobbying in the legislature, so if the public wanted a broader sense of dues payments the language would need changed. The lobbyist registration is part of the Clerk of Legislature’s Office and not the Accountability and Disclosure Office. He recommended the committee may want to clarify what they want so it goes to the correct entity.

Three proponent letters were filed and no opponent letters.

Closing on the bill, Sen. Linehan noted she would work with the Accountability and Disclosure Office to clean up the language on the bill.

Select File

LB 287 - Prohibit creation of joint public agencies under the Joint Public Agency Act. Brewer. Government Committee Priority.

Senators advanced LB 287 to Final Reading by voice vote after adopting a couple of clarifying amendments.

Senator Linehan offered, and later withdrew, an amendment that would have adopted provisions of LB 951, the Public Officials on Private Boards Open Meetings Act.

The Legislature advanced LB 287 to Select File on February 5, 2024, by a 44-0-2 vote after adopting the committee amendment AM 2060 on 44-0-2 vote. AM 2060 removes all original sections from LB 287 and inserts provisions from six other bills LBs 47, 269, 302, 313, 513, and 514. LB 302 and 513 are bills tracked by NARD and summaries of each are included below.

Prior to advancement on General File, Sen. Clements offered an additional amendment, AM 2343, that would have incorporated provisions of LB 390. Following a successful 25-14-6 vote adopting AM 2343, a motion to reconsider was filed and several senators expressed opposition, noting that AM 2343 would lead to a filibuster of LB 287. Following a successful 41-5-0 vote on the reconsideration motion, Sen. Clements withdrew AM 2343.

Previously, the Government Committee advanced LB 287 to General File on January 30th on an 8-0 vote after adopting committee amendment AM 2060 on an 8-0 vote.

- **LB 302 - Change provisions relating to conflicts of interest by certain officeholders and public employees. Linehan.**

Provisions of LB 302 were incorporated into LB 287 via AM 2060. This bill as amended amends the Nebraska Political Accountability and Disclosure Act. It removes a number of references to "city or village" and "city, village, or school district" and replaces them with the broader, more inclusive term “political subdivisions.” The bill also provides that public employees whose annual salary and benefits exceed \$150,000 must prepare and submit a written statement disclosing certain conflicts of interest or potential conflicts. AM 2060 strikes all instances of "person holding an elective office" and changes them to "public official." The amendment also clarifies that a reference to "salary" refers to an "annual" sum.

Previously, the Government Committee reported LB 302 to General File on February 24, 2023, with AM 503 following an 8-0 committee vote.

The Government Committee accepted testimony on the original LB 302 on February 16th, 2023.

Opening on the bill, Sen. Linehan offered an amendment that would clarify that public employees would only need to report if their salaries and benefits are over \$150,000. Her testimony included concern about a number of things in the newspaper where it looks like there's a conflict, but there's no record keeping of it. She noted there used to be more robust press, with more papers, and now it's difficult for press to follow trails, so we need to be more robust in what people disclose. She noted that it's not that you can't have a conflict, you just have to disclose it.

Proponents

Frank Daley, Executive Director, Nebraska Accountability and Disclosure Commission, testified in support of the bill. He noted that conflict of interest provisions applies to most, but not all political subdivisions. Secondly, he noted that currently they only apply to a limited number of public employees. He suggested that the amendment should clarify if a city administrator, clerk, or police chief is an official or an employee.

Opponents - There were no opponents. There was one letter of opposition submitted for the record.

Neutral

Jon Cannon, Executive Director, NACO, testified in a neutral capacity. He noted that having a clear process is important and NACO is not opposed to transparency. He noted that one concern is the struggle to attract and retain employees and the potential this may have on that.

During closing, Sen. Linehan asked the committee to work closely with Frank Daley and work to treat everyone the same.

- **LB 513 - Change proof of publication requirements for legal notices and published notice and virtual conferencing requirements under the Open Meetings Act. Brewer.**

Provisions of LB 513 were incorporated into LB 287 via AM 2060.

Previously, the Government Committee advanced the bill to General File on February 16, 2023, following an 8-0 committee vote.

The bill as amended incorporates a statewide website, to be completed in 2024, as a repository for public notices. The repository is to be established by a majority of Nebraska's newspapers.

The bill also proposes a two-step solution for situations where a newspaper fails to publish a public notice in cases of refusal, neglect or inability of the newspaper to timely publish the notice.

- 1) **Until January 1, 2025**, the public body shall (A) post such notice on its website, if available, and (B) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.
- 2) **After January 1, 2025**, the public body shall (A) post such notice on its website, if available, (B) submit a post on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers, and (C) post in a conspicuous public place in such public body's jurisdiction.

The bill also provides two other changes for notices after January 1, 2025.

- I) (I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a

repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

- 2) (I) Posting to the newspaper's website, if available, and (II) a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper.

Finally, the bill allows for any advisory committees of risk management pools and any advisory committee of any state entity created in response to the Opioid Prevention and Treatment Act to hold no more than one-half of its meetings by virtual conferencing.

The Government Committee accepted testimony on the original LB 513 on February 10th, 2023.

Opening on the bill, Sen. Brewer said he brought the bill on behalf of the League of the Nebraska Municipalities. This bill expands on the progress of Sen. Flood's 2021 bill.

Proponents

NARD presented testimony to strongly support using the websites for additional posting of upcoming meetings. All 23 NRDs have websites and have been posting meeting notices and minutes on their sites for years.

Developing a state public notice web system will help get information out to the public for meeting notices. We also support the provision in LB 513 to require the local newspapers and the Press Association to work together so we only have one contact to post online. It should not be the responsibility of the political subdivision to post in both. This can be streamlined as proposed in the bill.

One of the problems we have run into over the past several years is the loss of local newspapers to run notices. This is a larger problem for rural areas.

An example is the Gothenburg Times, a weekly newspaper that had been in business for more than 100 years. It was the site for public notices for that community. Last spring, they made an announcement that they ceased operations immediately and there would not be any further publications. The website was taken down as well.

Not only did the political subdivisions lose out on the public notice for the next edition, but they also lost the local paper to publish notices permanently. Some had to cancel regularly scheduled meetings as the newspaper posting was not available and they would have been in violation of the Open Meetings Act. This could be an on-going problem.

There is also declining readership of a "hard copy" newspaper. The younger generation gets their news from other sources, not newspapers. This will lead to the problem outlined above of more papers shutting down. Right now, the only way we are reaching the younger generation about meeting notices is our websites and social media.

For example, recently the Lower Loup NRD had a proposed change to their water quality regulations. It cost the district just over \$30,000 to public notice the meeting in local weekly and daily newspapers circulated within the district. The district did have some complaints from some farmers that the meeting notice did not go out on Twitter.

We need to get ahead of this trend, so the public is informed of meetings.

Lynn Rex, League of Nebraska Municipalities, testified in support. The bill is a result of a negotiated agreement with Nebraska Press Association, NACO, NARD and the Nebraska Community Colleges. She spent her time reviewing the Open Meeting Act changes line by line with the committee. She outlined that the date of Jan. 1, 2024, allows the Nebraska Press Association a year to get their online platform up to host open meetings postings.

John Spatz, Nebraska Association of School Boards, testified in support. He gave a couple of real-world examples where these updates would help. If you have a meeting on Monday, you couldn't schedule the next special meeting for another week due to the timing of the newspaper. If the newspaper forgets to publish, you can't host your meeting, and this has happened to various school boards. He said their risk pool membership includes people from Scottsbluff, Chadron and Dundy County and that is a financial burden for them to drive to participate.

Elaine Menzel, Nebraska Association of County Officials, testified in support. We view 513 as a reasonable effort and appreciate the partnership with the press association to move forward with the alternatives proposed.

Robin Spady, Nebraska Municipal Power Pool and Nebraska Power Association, testified in support. She noted the bill would allow their interlocal group the Public Alliance for Community Energy (ACE) to be included in the virtual meeting process.

Kevin Edwards, Millard & Papillion Rural Fire District, testified in support. He noted the local newspaper did not print their meeting notice and they had to cancel and move their meeting, adding that alternatives would be helpful.

Opponents – There were no opponents.

Neutral

Dennis Derossett, Executive Director for the Nebraska Press Association, testified in the neutral. The Nebraska Press Association is one of the oldest associations now celebrating 150 years. He said the language they drafted was offered to deal with meeting notices of the public body and they wanted to accommodate a schedule for non-routine business items. The Press Association launched the statewide website in June 2021 and as of October 2022 all newspapers upload a public notice to their website after it appears in print. The statewide website is no cost to the government. Their intent with language is to advocate for transparency but also show our good faith intent to work with elected officials to find solutions to problems.

Four proponent letters were submitted for the record. Senator Brewer waived closing.

LB 867 - Provide for a voluntary hunting and fishing guide and outfitter database, a migratory waterfowl hunting season for veterans, active-duty military state park entry permits and change provisions relating to the Nebraska Power Review Board and the Petroleum Release Remedial Action Cash Fund. Bostelman. Natural Resources Committee Priority

This has become the Natural Resources Committee Priority bill that is loaded up with several other bills. The Legislature advanced the bill to Final Reading on March 15, 2024, by a voice vote.

The original bill provides authority for the Game and Parks Commission to establish and maintain a voluntary hunting and fishing guide and outfitter database on its website and to authorize a registration fee for applicants who wish to be included in the database. This is still part of the bill.

The committee also incorporated LB 868 into the bill, which extends the sunset date for reimbursement of costs under the Petroleum Release Remedial Action Act from reported by June 30, 2024, to June 30, 2028.

Other bills included are:

- LB 1001 was introduced by Senator Conrad and amends the Nebraska Game Law to direct the commission to prescribe a migratory waterfowl hunting season for members of the armed forces.
- LB 971 was introduced by Senator Lippencott, joined by 19 other senators as co-sponsors. The bill amends the Nebraska Game Law to create an opportunity for permits to be issued to Nebraska veterans for no fee to hunt on Veterans Day in the year it is obtained.
- LB 1406 was introduced by Senator Sanders and provides for creation of an annual motor vehicle park entry permit that can be purchased by any active-duty military member who is stationed in Nebraska for five dollars, with proper documents of service and proof that such the individual is stationed at a military base located in Nebraska for active-duty military service.
- LB 866, brought by Senator Bostelman, outlines the composition, duties, and compensation of the Power Review Board (PRB) and increases the number of terms a member of the PRB may serve from two terms to three terms, and updates composition of the board, and increases per diem compensation.

Below are the hearing notes for LB 868.

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

The Natural Resources Committee held the hearing on LB 868 on January 25th.

Sen. Bostelman opened the hearing by outlining how the funds are used and noted that the source of the funds come from petroleum users.

Proponents

Nebraska Petroleum Marketers and Convenience Store Association testified in support of the bill. Their testimony noted the fund serves as a better and cheaper alternative for everyone than trying to secure insurance. They addressed questions from the committee about prior efforts to raid the fund, noting that while they strongly oppose such efforts, in the past the fund has been raided. The testimony highlighted that there are 617 known leaking sites being addressed, 390 active investigation, 48 long term monitoring, 179 no responsible party sites, and it is estimated in the future that an additional 50-60 sites per year will be added. To date, 7,523 sites have been closed since the funds were established in 1983.

Robert Hallstrom testified in support on behalf of the Nebraska Bankers Association. Hallstrom discussed that bankers were involved in the original establishment of the fund, and it continues to serve as insurance for petroleum distributors. Additionally, lenders are financing some of these facilities and occasionally find themselves as a responsible party, and 3rd parties, including lenders, can also tap into the fund to ensure sites can be cleaned up.

Position statements were submitted for the record by one proponent, no opponents and one neutral.

General File

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

Senators advanced LB 880 to Select file on March 14, 2024, by a 39-2-8 vote.

The Natural Resources Committee reported LB 880 to General File on February 27th following an 8-0 Committee vote.

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.

The Natural Resources Committee held the hearing on LB 880 on January 25th.

Matthew Howe, legislative aid for Sen. Hughes, opened on the bill by noting it's a simple technical amendment that addresses obsolete references following the transition of drinking water act duties from DHHS to NDEE in 2021.

Proponents

Jim Macy, Director of NDEE, testified in support of the bill. His testimony echoed that of Mr. Howe.

Opponents – There was no opposition and no neutral testimony.

General File Amendments

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

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

This week, Senator Ibach filed an amendment (AM 2882) to LB 1368, which would strike the original provisions of the bill and replace it with broader options for reductions in fertilizer use.

The changes from the original version are the following:

- The program shall provide an annual per-acre incentive for any farmer who verifies through documentation that commercial fertilizer rates were reduced by the lesser of 40 pounds per acre for nitrogen or 15 percent by incorporating a qualifying product in the farmer's nutrient plans. The original bill required the lesser of 25 pounds/acre for nitrogen or 15% by incorporating a qualifying product in the farmer's nutrient plans.
- A \$5 million transfer from the Cash Reserve Fund to the Nitrogen Reduction Incentive Cash Fund as soon as administratively possible after the effective date of this act, but before June 30, 2025, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. There was not a dedicated source of funds in the original bill.
- Directs the Department of Natural Resources to apply for all grants from state, federal, and private sources that are applicable to the purposes of the Nitrogen Reduction Incentive Act.

The rest of the bill remains the same.

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

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

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

The program would be administered by the Department of Natural Resources. The department shall 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 Dec. 31, 2029.

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

Sen. Ibach opened the hearing by thanking those supporting the bill, including several ag groups and NARD. Sen. Ibach outlined provisions of the bill and noted the intent is to encourage farmers to adopt efficient and sustainable practices that will enable them to compete globally and win the race to adopt innovative products. This is the start of a bigger discussion in the months ahead. The sunset is included as this is intended to be an incentive starter, further recognizing that \$5 million is just a start. Sen. Ibach suggested exploring other funding sources including WSF, corn checkoff, NET, and other funding options, but we want to move quickly. By being proactive, farmers can be in the driver seat of this important issue. Sen. Ibach asked the committee to consider making the measure a committee priority bill.

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

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

Proponents

Lyndon Vogt, General Manager Central Platte NRD, testified in support on behalf of NARD. Nebraska has more irrigated acres than any other state in the nation. Irrigation allows us to have a very stable crop yield on nearly 9 million acres. Applying extra fertilizer and water have been considered cheap insurance to guard

against yield loss. The downside of that thought process is the increasing nitrate levels in the soil and waters of the state.

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

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

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

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

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

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

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

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

Sen. Holdcroft asked for examples of synthetic vs biological nitrogen sources? Robinson discussed that 40% of the production of anhydrous contributes to the footprint of corn. Biologicals are naturally occurring

allowing microbes to fix nitrogen from atmosphere. Various delivery methods exist for biologicals, the most common in Nebraska being seed coating.

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

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

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

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

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

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

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

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

Opponents – There was no opposition testimony.

Neutral

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

Budget Bills Debated and Advanced to Select File

Senators started debate on the budget bills this week, and the filibusters began. Over 20 amendments and/or motions were filed to LB 1412, the first bill in the debate queue. On March 13, 2024, after eight hours of debate, Senators voted for cloture by a 38-4-4 vote. Following procedure, only the pending Committee Amendment (AM 2566) was considered and adopted on a 39-3-4 vote. The bill was then advanced to Select File by a 39-4-3 vote. All other amendments and motions were either filed before cloture or were not considered after the cloture vote.

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

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

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

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

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

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

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

- \$94.1 million increase in TEEOSA state aid in FY 2024-25 pursuant to the January recalculation; and

- \$14.7 million increase in appropriation in FY 2023-24 and \$15.4 million increase in appropriation in FY 2024-25 for the homestead exemption program.

A copy off the proposal can be found at:

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

Related to natural resources, refer to the following:

LB 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 2023-24 and a \$2,445 decrease in FY 2024-25.

Program No. 319 – Water Projects - The bill proposes to decrease JEDI Cash Funds by \$1,000,000 in FY 23-24 and \$20,000,000 in FY 24-25.

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 2023-24 and a \$1,590,254 decrease in FY 2024-25.

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

A table summarizing proposed appropriation changes follows this summary.

Nebraska Environmental Trust

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

University of Nebraska

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

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

Committee Action

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

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

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

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

Transportation infrastructure includes any:

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

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

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

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

Proponents

Khalil Jaber, Deputy Director of Engineering for Nebraska DOT, testified in support. He noted we need to address the Nongame and Endangered Species Conservation Act (NESCA) to better address transportation infrastructure. He said it is the stricter NESCA language that impacts project delivery and NDOT feels this

bill balances their commitment to the environment and the safety of the traveling public. He noted the bill will help NDOT meet their fiscal responsibility to the taxpayer. He said the bill allows existing infrastructure and roadway corridors to be used for their primary purpose. He noted that if not changed, the current law will continue to drive costs up for roadway infrastructure.

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

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

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

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

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

Opponents

Kristal Stoner, Audubon Great Plains, testified in opposition. She noted it has always been a debate – what is more valuable, the road or the species? She noted she found only two projects where this has come into play – the Columbus Bypass where there were orchids in the right-of-way and the Heartland Expressway where there were foxes. She added that if DOT destroys habitat, they should have to put it back to how it was. She doesn't believe this bill achieves the goal the DOT is trying to achieve.

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

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

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

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

Neutral

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

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

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

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

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

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

The Government, Military and Veterans Affairs Committee reported the advancement of LB 1358 to General File with amendment AM2755 on March 14, following a 6-0-2 committee vote. The bill states legislative intent relating to salaries of governing bodies. It proposes requiring a vote of the residents of that political subdivision to adopt any pay increase in excess of the increase in cost of living since the last increase.

The committee amendment (AM2755) strikes all original sections of the bill and replaces them in their entirety. It provides generally that that city council members in cities of the metropolitan and primary classes may not increase their salaries or the salary of the mayor in excess of inflation as calculated by the Consumer Price Index plus one percent. City councils would be able to raise such salaries in excess of this limit only with a public hearing, a two-thirds vote of the council, and approval of the voters in that city. Salaries could not be raised any more frequently than once every two fiscal years. A similar limitation and process would also be mandated for metropolitan utility districts and counties. Finally, the amendment would provide maximum salary levels for directors of public power districts.

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

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

Proponents

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

Opponents

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

Neutral

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

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

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

3/7/2024		LB 814 (as Passed w/ Vetos)		LB 1412		AM 2566		AM 2566 P Proposed Changes from LB 814	
		FY 23-24	FY 24-25	FY 23-24	FY 24-25	FY 23-24	FY 24-25	FY 23-24	FY 24-25
Agency 84 - Department Environmental & Energy									
	General Fund	\$ 7,906,337	\$ 7,448,556	\$ 7,102,201	\$ 5,858,302	\$ 7,102,201	\$ 5,858,302	\$ (804,136)	\$ (1,590,254)
	Cash Fund	\$ 49,470,230	\$ 40,095,891	\$ 49,470,230	\$ 40,092,126	\$ 49,470,230	\$ 40,092,126	\$ -	\$ (3,765)
	Federal Fund est.	\$ 20,395,650	\$ 20,856,132	\$ 20,395,650	\$ 20,767,658	\$ 20,395,650	\$ 20,767,658	\$ -	\$ (88,474)
	Program Total	\$ 77,772,217	\$ 68,400,579	\$ 76,968,081	\$ 66,718,086	\$ 76,968,081	\$ 66,718,086	\$ (804,136)	\$ (1,682,493)
	Salary Limit	\$ 18,618,830	\$ 19,649,335	\$ 18,232,982	\$ 18,838,772	\$ 18,232,982	\$ 18,838,772	\$ (385,848)	\$ (810,563)
*Includes \$1,000,000 General Funds for a water quality study. Originally included \$7,000,000 General Funds to Cedar/Knox Rural Water that was line-item vetoed by Governor Pillen.									
	Cash Fund	\$ 1,000,000	\$ 1,200,000					\$ -	\$ -
	Federal Fund est.	\$ 8,109,000	\$ 8,109,000					\$ -	\$ -
	Program Total	\$ 9,109,000	\$ 9,309,000					\$ -	\$ -
*Grants to small communities shall not be commingled with funds deposited in the Wastewater Treatment Facilities Construction Loan Fund									
	Cash Fund	\$ 700,000	\$ 800,000					\$ -	\$ -
	Federal Fund est.	\$ 12,010,000	\$ 12,010,000					\$ -	\$ -
	Program Total	\$ 12,710,000	\$ 12,810,000					\$ -	\$ -
*The unexpended reappropriation balance existing on June 30, 2023, less \$7,000,000 is hereby reappropriated									
Agency 33 - Game & Parks Commission									
	Cash Fund	\$ 21,309,636	\$ 21,581,666				\$ 5,000,000	\$ -	\$ 5,000,000
	Program Total	\$ 21,309,636	\$ 21,581,666				\$ 5,000,000	\$ -	\$ 5,000,000
	Salary Limit	\$ 331,979	\$ 349,379					\$ -	\$ -
	Cash Fund	\$ 8,380,097	\$ 8,488,682					\$ -	\$ -
	Federal Fund est.	\$ 3,900,673	\$ 3,900,673					\$ -	\$ -
	Program Total	\$ 12,280,770	\$ 12,389,355					\$ -	\$ -
	Salary Limit	\$ 1,960,708	\$ 2,048,234					\$ -	\$ -
	General Fund	\$ 1,988,073	\$ 2,072,461					\$ -	\$ -
	Cash Fund	\$ 34,694,853	\$ 35,688,076					\$ -	\$ -
	Federal Fund est.	\$ 4,251,677	\$ 4,267,306					\$ -	\$ -
	Program Total	\$ 40,934,603	\$ 42,027,843					\$ -	\$ -
	Salary Limit	\$ 17,977,438	\$ 18,802,876					\$ -	\$ -
*Includes \$5,000,000 Cash Funds each FY for wildlife damage reimbursement to landowners for damage caused by deer, antelope, or elk.									
	General Fund	\$ 52,500	\$ 52,500					\$ -	\$ -
	Cash Fund	\$ 1,000	\$ 1,000					\$ -	\$ -
	Federal Fund est.	\$ 125,000	\$ 125,000					\$ -	\$ -
	Program Total	\$ 178,500	\$ 178,500					\$ -	\$ -
The unexpended Cash Fund appropriation balance existing on June 30, 2023, is reappropriated.									
	General Fund	\$ 536,090	\$ 559,668					\$ -	\$ -
	Cash Fund	\$ 1,364,781	\$ 1,410,921					\$ -	\$ -
	Federal Fund est.	\$ 111,172	\$ 111,172					\$ -	\$ -
	Program Total	\$ 2,012,043	\$ 2,081,761					\$ -	\$ -
	Salary Limit	\$ 1,134,918	\$ 1,188,450					\$ -	\$ -
*Development & maintenance of boundary fences along Cowboy Trail limited to \$64,000 CF each FY. Unexpended Cash Fund balance is reappropriated up to \$8.3 M to fund MOPCA trail.									
Agency 29 - Department of Natural Resources									
	Cash Fund	\$ -	\$ -					\$ -	\$ -
	Program Total	\$ -	\$ -					\$ -	\$ -
	General Fund	\$ 1,806,112	\$ 1,806,112					\$ -	\$ -
	Cash Fund	\$ 50,000	\$ 50,000					\$ -	\$ -
	Program Total	\$ 1,856,112	\$ 1,856,112					\$ -	\$ -
The unexpended General Fund appropriation balance existing on June 30, 2023, is reappropriated.									
	Cash Fund	\$ 70,000	\$ 70,000					\$ -	\$ -
	Program Total	\$ 70,000	\$ 70,000					\$ -	\$ -
The unexpended General Fund appropriation balance existing on June 30, 2023, is reappropriated.									
Program 307 - Nebraska Resources Development Fund - The unexpended General Fund & Cash Fund appropriation balances existing on June 30, 2023, are reappropriated.									
	Cash Fund	\$ 1,187,500	\$ 1,187,500					\$ -	\$ -
	Program Total	\$ 1,187,500	\$ 1,187,500					\$ -	\$ -
The unexpended General Fund appropriation balance existing on June 30, 2023, is reappropriated.									
	Cash Fund	\$ 10,865,033	\$ 10,865,033					\$ -	\$ -
	General Fund Transfer	\$ 11,000,000	\$ 11,000,000		\$ 2,519,000		\$ 2,519,000	\$ -	\$ (8,481,000)
The unexpended General Fund appropriation balance existing on June 30, 2023, less \$8,481,000 is reappropriated - See LB 1412 Summary.									
	Cash Fund	\$ 10,000,000	\$ -	\$ 60,000,000	\$ -	\$ -	\$ -	\$ -	\$ -
	General Fund Transfer	\$ 10,000,000	\$ -	\$ 60,000,000	\$ -	\$ -	\$ -	\$ -	\$ -
	Cash Fund	\$ 87,800,000	\$ 87,800,000	\$ 77,800,000	\$ 62,800,000	\$ 86,800,000	\$ 67,800,000	\$ (1,000,000)	\$ (20,000,000)
	Federal Fund	\$ 179,200,000	\$ -	\$ 129,200,000	\$ -	\$ 179,200,000	\$ -	\$ -	\$ -
	Program Total	\$ 267,000,000	\$ 87,800,000	\$ 207,000,000	\$ 62,800,000	\$ 266,000,000	\$ 67,800,000	\$ (1,000,000)	\$ (20,000,000)
*\$62.8 million CF Perkins County Canal Project Fund FY23-24 & 24-25, \$24 million CF JEDI Fund FY 23-24 (includes \$6 million for feasibility and lake studies), \$5 million CF JEDI Fund in FY24-25, \$177.2 million FY 24-25 ARPA Funds Grant for Lincoln Water, \$2.0 million FY 23-24 ARPA Funds Grant for Norfolk.									
	Cash Reserve Transfer	\$ 574,500,000	\$ -					\$ -	\$ -
	General Fund	\$ -	\$ -					\$ -	\$ -
	*LB 814 Fund Transfer	\$ 7,000,000	\$ 7,000,000					\$ -	\$ -
**Transfer from the Nebraska Environmental Trust Fund to Water Resources Cash Fund									
	General Fund	\$ 11,837,784	\$ 12,223,866	\$ 11,710,388	\$ 12,221,421	\$ 11,710,388	\$ 12,221,421	\$ (127,396)	\$ (2,445)
	Cash Fund	\$ 9,483,790	\$ 8,551,272					\$ -	\$ -
	Federal Fund est.*	\$ 2,114,582	\$ 2,144,722					\$ -	\$ -
	Program Total	\$ 22,436,156	\$ 22,919,860	\$ 22,308,766	\$ 22,917,415	\$ 22,308,766	\$ 22,917,415	\$ (127,396)	\$ (2,445)
	Salary Limit	\$ 8,126,131	\$ 8,503,142					\$ -	\$ -
*\$1.2 Million in ARPA for enhanced data collection.									
Agency 51 - University of Nebraska									
	General Fund	\$ 500,000	\$ 500,000					\$ -	\$ -
	Nebraska Forest Service	\$ 2,804,862	\$ 2,804,862					\$ -	\$ -
*To support water and agricultural research and existing collaborative initiatives to implement best practices in water conservation.									
Agency 11 - Attorney General									
	General Fund	\$ 300,000	\$ 300,000					\$ -	\$ -
	Cash Fund	\$ 200,000	\$ 200,000					\$ -	\$ -
	Program Total	\$ 500,000	\$ 500,000					\$ -	\$ -
*\$300,000 in General Funds for Program 496 in each FY was part of Line-item veto by Governor Pillen.									

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 43	Adopt the First Freedom Act and the Personal Privacy Protection Act, authorize tribal regalia to be worn by students, change provisions relating to withholding records from the public, provide requirements for interpretation of statutes, rules, and regulations, and prohibit state agencies from imposing certain requirements on charitable organizations	Sanders	Government (2024)		Government	2/9/2023	Final Reading	AM 2076, 2812 (contains provisions of LB 637) - adopted; AM 2701 - Lost; AM 2081, 2649 - Withdrawn; AM 2740 - Not Considered.
LB 79	Adopt the Nebraska EPIC Option Consumption Tax Act	Erdman	Erdman (2023)	Oppose	Revenue	3/3/2023	Committee	MO 258 - 264, AM 314 - Pending
LB 121	Repeal the Trail Development Assistance Act	Bostelman		Monitor	Natural Resources	2/16/2023	Committee	
LB 125	Change provisions relating to the Surface Water Irrigation Infrastructure Fund	Bostelman		Support	Appropriations	3/14/2023	Committee	Provisions incorporated into LB 818 via AM 1172 - Adopted & Passed
LB 147	Change procedures for property tax refunds	Kauth		Monitor	Revenue	2/1/2023	Passed 41-0-8	Approved by Governor Pillen on March 5, 2024.
LB 205	Adopt the Government Neutrality in Contracting Act	von Gillern		Support	Government	2/10/2023	General File	AM 452 - 465 - Pending
LB 218	Change provisions relating to intent to appropriate money for management of vegetation within the banks or flood plain of a natural stream	Ibach		Support	Agriculture	2/7/2023	Final Reading	AM 2195 - Adopted
LB 241	Change provisions relating to transfers of water to another state	Briese		Monitor	Natural Resources	1/26/2023	Committee	
LB 281	Require the Department of Economic Development to provide grants for youth outdoor education camp facilities	Jacobson		Support	Natural Resources	2/15/2023	Committee	Provisions incorporated into LB 814 & LB 818 via AM 915 & AM 1172 - Adopted & Passed.
LB 287	Prohibit creation of joint public agencies under the Joint Public Agency Act	Brewer	Government (2024)	Monitor	Government	3/24/2023	Final Reading	AM 2060 - Adopted / AM 2343 - Withdrawn / MO 1182 - Prevalled; AM's 2792, 2890, 2982 - Adopted. AM 3004 withdrawn.
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 amended into LB 287 via AM 2060 - Adopted
LB 304	Require political subdivisions to disclose membership dues and lobbying fees	Linehan		Monitor	Government	2/9/2023	Passed 48-0-1	Awaiting Governor Action
LB 312	Change provisions relating to withholding money due to noncompliance with budget limits and annual audits for certain political subdivisions	Low		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	Provisions ammended into LB 43 via AM 2812.
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	Ammended 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 868 was amended into LB 867 on an 8-0 vote of the committee. LB 867 includes six bills and is on Final Reading.
LB 872	Prohibit acceptance of central bank digital currency by state and local governments	Clements		Monitor	Banking	2/5/2024	Committee	
LB 880	Change requirements relating to the Land Acquisition and Source Water Loan Fund	Hughes		Monitor	Natural Resources	1/24/2024	Select File	
LB 925	Adopt the Firearm Industry Nondiscrimination Act	Aguilar		Monitor	Government	2/1/2024	General File	AM 2546 - Filed
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	General File	
LB 1205	Appropriate Federal Funds to the Department of Natural Resources	Hughes		Monitor	Appropriations	2/21/2024	Committee	
LB 1241	Change provisions relating to property tax levy limits	von Gillern		Oppose ¹ - See Policy Statement	Revenue	1/31/2024	Committee	AM 2135 - Filed
LB 1242	State intent to appropriate funds to the Board of Regents of the University of Nebraska	McDonnell		Monitor	Appropriations	2/1/2024	Committee	Provisions amended into LB 1412 via AM 2566.
LB 1243	Adopt the Wildland Fire Response Act	McDonnell		Support	Government	2/22/2024	General File	AM 2620 - Filed
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	General File	AM 2947 - Pending
LB 1357	Prohibit camping on certain property owned by political subdivisions	McDonnell		Support	Judiciary	2/29/2024	Committee	
LB 1358	Require approval of the registered voters to increase salaries of governing bodies of political subdivisions as prescribed	McDonnell		Monitor	Government	2/7/2024	General File	AM 2755 - Filed
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	General File	Pending - AM 2882
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	Select File	AM 2566 - Adopted
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	Select File	AM 2698 - Adopted
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 Pillen on reasonable property tax reform measures. We support reforms that reduce property tax reliance and provide adequate funding for both rural and urban areas. We oppose restrictions on local budgets that harm the ability of local governments: 1) To implement programs and projects to meet federal and state mandated programs; 2) Make local annual adjustments to meet the needs of the local citizens; 3) Adequately fund both rural and urban needs; and 4) Provide local funding for efficient natural resources programs that protect water quality, water quantity, soil, property and the economy.