

**BRANDT:** This public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are also yellow sign-in sheets at the back on the table for each bill. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name, spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally, by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer, if they wish to give one. We will be using a 3-minute-- got that?-- 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you will have one minute remaining, and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard; it is just part of the process, as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up at least 12 copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room; such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing, except for today; today it is 5 p.m. The Clerk made an exception because of the weather. The only acceptable method of submission is via the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be including on the committee statement. I will now have our committee members with us today introduce themselves, starting on my left.

**CONRAD:** Hi, I'm Danielle Conrad.

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Natural Resources Committee February 19, 2026  
Rough Draft

**DeKAY:** Barry DeKay, representing District 40, which consists of Holt, Knox, Cedar, Antelope, northern part of Pierce, northern part of Dixon Counties.

**RAYBOULD:** Senator Jane Raybould, Legislative District 28, central Lincoln.

**HUGHES:** Jana Hughes, District 24: Seward, York, Polk and a little bit of Butler County. And I just want to say that at-- by 3:15-- I have to be in York by 4:00, so I'm going to leave, but I will be listening to all of this as I am driving, so.

**JUAREZ:** Senator Margo Juarez, District 5: Omaha.

**BRANDT:** Also assisting the committee today, to my right is our legal counsel, Cyndi Lamm. On my far left is our committee clerk, Sally Schultz. And our pages will introduce themselves.

**TERESA WILSON:** Hello, my name is Teresa Wilson. I'm a junior advertising and public relations major at UNL.

**ESTEN HYDE:** Hello, my name is Esten Hyde. I'm a business law major at UNL, and I'm from Auburn, Nebraska.

**BRANDT:** OK. And with that, we will open the hearing today on LB1141. Senator Spivey was unable to be with us, so her LA is going to introduce the bill. A reminder to the senators, we cannot ask any questions after the bill is introduced. Go ahead.

**SOPHIA WYVILL:** Thank you, Chairperson Brandt, Vice Chair DeKay, and members of the Natural Resources Committee, for the opportunity to speak with you today. My name is Sophia Wyvill-- for the record, S-o-p-h-i-a W-y-v-i-l-l-- and I am the administrative assistant to State Senator Ashley Spivey, who represents Legislative District 13 in north and northeast Omaha in Douglas County. Due to the developing weather conditions today, Senator Spivey's childcare provider is closed and she is unable to present this bill today. I'm here to introduce LB1141 on Senator Spivey's behalf. LB1141 creates the Nebraska Youth Pre-Apprenticeship Conservation Program, which is NYACP, to be administered by the Nebraska Game and Parks Commission with the goal of providing young Nebraskans access to paid, hands-on job skills training while completing projects that enhance and maintain public outdoor facilities. The program is specifically designed to prioritize opportunity youth and align workforce

development with meaningful conservation work. For purposes of the program, "opportunity youth" includes young people who have experienced trauma, had negative contact with law enforcement, or are at risk of not completing school. By prioritizing these youth, LB1141 supports juvenile justice deferment efforts, reduces long-term system costs, and strengthens community stability. LB1141 is a replica of former State Senator Brenda Council's Youth Conservation Program established by LB549 in 2012, which passed the Nebraska Legislature unanimously and was signed into law. In your packet that was passed out by the pages, there are a few news articles that "uplist"-- uplift the success of the Youth Conservation Program from 2012. The original program successfully engaged more than 160 youth who completed projects across 65 state recreation areas, wildlife management areas, and state parks. LB1141 modernizes that proven model-- modernizes that proven model to better respond to current workforce shortages, increased demand for park maintenance, and the need for structured summer employment for opportunity youth. Under LB1141, the NYACP will operate as a paid six-week summer program serving opportunity youth ages 16 to 21. Participants will work alongside parks development at the state and local level while receiving environmental education and practical job skills training. The goal is not only to complete needed conservation progress-- projects, but also work to build habits, technical skills, and exposure to career pathways in natural resources, skilled trades, and public service. AM2137 incorporates feedback from the Nebraska Game and Parks Commission by granting additional implement-- implementation discretion, expanding eligible project sites to include city and county parks, and authorizing partnerships with nonprofit organizations and local governments to address logistical and expertise gaps. An additional amendment will clarify that funds must be transferred no later than December 31, 2026. There will be additional changes to the amendment based off of feedback from the Department of Labor to clarify the definition of apprenticeship versus job training programs to lower the cost of the cash fund earmarked at \$250,000. LB1141 is a targeted investment that preserves Nebraska's natural resources, provides meaningful employment to young people, and delivers measurable value to taxpayers. Thank you all for your time today.

**BRANDT:** All right. You did a nice job.

**SOPHIA WYVILL:** Thank you. I was really nervous.

**BRANDT:** Yeah. He does that to people.

**HUGHES:** He's really mean. I get it.

**BRANDT:** OK. Let's go for proponents on the bill. Any proponents? Welcome.

**BILL HAWKINS:** Chairman Brandt, members of the Natural Resources Committee, my name is Bill Hawkins, B-i-l-l H-a-w-k-i-n-s. I hate to jump in line here, but I have another hearing I have to go testify to. I'm a lifelong Nebraskan and chose to stay in Nebraska because of our natural resources. I love my state of Nebraska, and for most of my life, I've worked with kids, having them out to my farm and doing outdoor things. For decades, I went around with a teepee to schools, showing the interaction of the native people with the early explorers. I was gifted to be six years of the state fair in the Heritage Village; they asked me to come in, marched in over 50 parades in the Nebraska State Fair as it was ending here in Lincoln. I took hundreds and hundreds of thousands of people through my teepee. Kids need introduction to the great natural resources that we have here in Nebraska. We have a huge problem here in our country and around the world of people on their cell phones all the time, and being distracted from our natural environment. And so, I'm blessed to live out by Branched Oak Lake, one of the biggest lakes here in eastern Nebraska, and I've been watching bald eagles for a month or more feeding on the dead fish there. We need to introduce our youth to this treasure we have here. It would greatly increase productivity in our youth if they were able to get out in the real environment and see what the real world is beyond the electronic devices that we have incorporated into our lives. So, I'm not sure what all this bill inter-- does, but I would greatly appreciate it being forwarded on, and I think it's a, a cheap investment for the future of Nebraska. So, I would gratefully take any questions, but I thank you for your time.

**BRANDT:** All right, let's see if we have any questions. I don't see any, Bill, but thank you for your testimony.

**BILL HAWKINS:** Thank you very much, and--

**BRANDT:** OK. Next proponent on LB1141. Welcome.

**AL DAVIS:** Thank you, Senator Brandt. You'll see me a lot this afternoon. Al Davis, representing the Nebraska chapter of the

Sierra Club and its 3,000 members, and we support LB1141 because we believe it provides an opportunity for young people who are experiencing challenges in life to participate in outdoor activities. There's a great deal of research which supports the benefits of outdoor activities for young people. LB1141's focus on opportunity youth, defined as young people who have experienced trauma, negative experiences with law enforcement, or academic challenges, provides a way for improving their lives and benefiting society as a whole. The Sierra Club has a long tradition of supporting outdoor activities, including hikes, canoe trips, and other outings. Being able to experience nature, to breathe fresh air and exercise is vital to good physical and mental health. Outdoor activities can be especially important for young people by providing opportunities to experience the beauty of flowers and trees, the power of flowing rivers, the majesty of rock formations, and the importance of the natural world to sustain us as humans. These activities can be a powerful antidote to a world where young people spend most of their time glued to their phones or computer screens, ingesting toxic social media. LB1141 has the potential to reduce crime rates and create more productive members of society. This would provide both social and economic benefits for the state by reducing the cost to the criminal justice system and increasing revenues for more taxpayer citizens. And I want to promise you that Mr. Hawkins and I did not conspire together to have exactly duplicative testimony, but I think mostly what he said and what we're getting to here is that providing opportunities for children who are raised largely in urban areas these days to get out and experience nature is a wonderful gift, and will give them a certain stability and strength as they go on through life. So, we're supporting the bill, and we would hope that you would move it on to the [INAUDIBLE]. Thank you.

**BRANDT:** OK. Questions? Senator Raybould.

**RAYBOULD:** Thank you so much for being here, Senator Davis. You know, the Sierra Club is a great organization. I know the bill was designed, hopefully, for "game" and Parks to take on the oversight of a program like this. In follow-up information from Game and Parks, it's not something that they feel they're the best equipped to do so. Is it Sierra Club, in your opinion? What would be a great organization that would be willing to take on some structure like this that is so invaluable?

**AL DAVIS:** I think that's something that we'd have to visit about before, you know, we could step up. I mean, it, it, it would be a lot of responsibility and a lot of duties, and a lot of our members are either fully-employed or senior citizens. You know, so we-- what I would suggest is that, that if this bill can't be funded, but maybe we can go to one of the foundations in the Omaha area or Lincoln and see if we can get some funding to do something with that, and then try to develop a program of our own.

**RAYBOULD:** OK, thank you.

**AL DAVIS:** Thank you.

**BRANDT:** Any other questions? I see none. Thank you for your testimony.

**AL DAVIS:** Thank you.

**BRANDT:** Next proponent. Any more proponents on LB1141? Seeing none. Opponents? Is anybody opposed to LB1141? Seeing none. Anyone in the neutral capacity on LB1141? I see no one in the neutral capacity. Online comments on LB1141 were 4 proponents, 7 opponents, 1 neutral, and no ADA testimony. And-- well, she's going to take care of that. And that'll close our hearing on LB1141, and the next one up will be LB1028. Are you ready?

**JUAREZ:** Yes, I, I better grab my water, just in case.

**BRANDT:** Sure.

**JUAREZ:** Good afternoon, Chairman Brandt, and members of the Natural Resources Committee. My name is Senator Margo Juarez, M-a-r-g-o J-u-a-r-e-z. I am here to introduce LB1028. As an urban state senator, I truly understand the importance of agricultural, agricultural and rural issues to our state and economy, especially protecting and conserving our natural resources. In order to better understand these issues, I try, try to make it a point to visit with numerous farmers and rural people outside of my district. This includes farm tours and meetings to better learn directly from producers, even before I was a state senator, and I'm proud to say I went to Farm Aid. As an eastern Nebraska resident, he lives downstream from most agriculture in the state, my constituents and I have a stake in this conversation, too, as it becomes very clear to me that

water issues are becoming a very serious matter. From my research, I better understand that Nebraska farmers hold many solutions to address these rising concerns head-on. I also understand that the markets have been tough for Nebraska farmers in recent years as well, but this should not hold us back from implementing farm-- farmer-based solutions. This is why I introduced LB1028. LB1028 strives to prevent contaminants in our water by helping farmers deploy proven and regenerative solutions like cover-cropping, with the support from our largest waste applicators. This step will stop many nutrients from leaching into underground aquifers in order to protect the water we drink. My approach did not intend to add to the state budget, but rather create a standard for only the largest livestock waste applicators in our state-- in the state, which are defined as large, concentrated animal feeding operations, CAFOs, as defined in 40 C.F.R. 122.23. Under the original bill, these large waste applicators would register nutrient management plans annually as part of their permitting process. Since introducing LB1028, we have received substantial and valuable feedback. At the same time the bill was introduced, the Nebraska Association of Resources Districts was holding its annual policy meetings and discussing LB1028. Many of the concerns raised there, particularly from the NRDs representing some of Nebraska's more impaired watersheds, helped shape AM1967, which I just passed out. We also talked with the Nebraska Farm Bureau and Nebraska Cattlemen early in the process. While they indicated opposition, they did not offer specific recommendations for improving the bill, or alternative ideas to address nutrient leaching into Nebraska waters. Nevertheless, we continued refining the proposal through other constructive feedback. One suggestion was to tie the bill directly to the University of Nebraska-Lincoln's waste management rate recommendations. After careful consideration, we chose not to codify specific rates into statute, under the assumption and hope that most Nebraska producers are already using UNL recommendations as a guide. We did want to stick with the buffer recommendation, which is a recommendation of the Nebraska Extension Animal Waste Manure team. Their suggestions strongly support the need for at least 30 feet grass buffer between manure application and a river or stream. We also made technical clarifications; after consultation with the hydrologist, the phrase "running water" was changed to "river or stream" for greater specificity and clarity. The most significant changes in AM1967 respond directly to concerns that the original language was too restrictive. Rather than requiring annual updates regardless of circumstances, the amendment now requires a new nutrient

management plan only when a large concentrated animal feeding operation materially modifies its original plan. A material modification includes: changes to animal numbers or types; manure or litter storage, handling, or treatment systems; land application acreage or fields; or nutrient application rates, methods, or timing. Referring to the fiscal note, changing the original language from annual to only when modified would reduce three FTEs. As for the inspections, the bill was drafted without specific enforcements in mind, but to solve the expenses, this will, will add to the Department of Water and Environment and Energy [SIC]. We could create or expand the registration fee for these nutrient management plans. AM1967 also addresses the timing of litter application. It clarifies that livestock waste or litter may be applied on thawed or frozen ground pursuant to a nutrient management plan, however, application on frozen ground must minimize runoff, leaching, and transport to surface waters, and must consider slope, soil type, proximity to waterways, and weather forecasts. Additionally, the amendment strengthens conservation practices by requiring, requiring that cover crops be planted in the fall and maintained, maintained on acres where livestock waste or litter is applied pursuant to a nutrient management plan. It also retains the updated "river or stream" language where livestock waste is applied adjacent to waterways. LB1028 as amended by AM1967 still stops soil erosion, helps keep underground water resources used for drinking water safe by requiring cover cropping where livestock waste is applied, stopping nitrates from becoming long-lasting legacy nutrients that could plague future generations, helps maintain healthy rivers and streams by requiring at least a 30-foot buffer strips along rivers or streams where livestock waste is applied, eliminates cover-cropping and buffer-strip costs for farmers who purchase animal waste by compensating them for implementing ecologically-responsible practices without government grants, increases aquatic and wildlife habitat, supports cover crop applicator businesses and cover crop seed companies which allows a few new markets for farmers to grow, grow for. Keeping our water clean is not a rural-versus-urban issue, but rather, a statewide issue, and I look forward to working with all of you to continue refining solutions. We hall- - we all have the right to clean water. I'm happy to answer any questions, and I also refer you to the expert testifiers after me who can go into more detail. Thank you.

**BRANDT:** OK. Let's see if we've got some questions. Senator Raybould.

**RAYBOULD:** Thank you, Senator Juarez. I, I, I do support this bill, but I just saw the fiscal note for the first time today. Do you dispute it? I know that DWEE, D-W-E-E said it would require seven full-time employees and one-quarter of a current administrative position to implement this bill. Did, did you have concerns with the fiscal note that they sent out?

**JUAREZ:** Yes, and I think that, you know, it is something that I think can still be adjusted, and especially if we try to take a look at what the fee could be for filing these plans, it could help offset the expenses. And I'm not sure that we need that number of the, of the FTEs either to get this-- to keep this in place.

**RAYBOULD:** Can you talk a little bit more about the, the fee? The fee would be an annual fee, or would be required of, of the large CAFO operations, feedlots, or?

**JUAREZ:** It would, it would-- could be-- it would be a fee for when they file their, you know, their-- file their plans. And I think that we were trying to take a look at what possible figure might help to deal, you know, with these fiscal costs. But that was the idea, was to have a fee for when these plans are filed.

**RAYBOULD:** Would you-- you know, there-- there's a lot in this bill that I think is, is really important to our ag industry. I'm on the Ag Committee. If we can't get this issue resolved and on the right direction this year, is it something that you would entertain, like, an interim study to, to continue the discussion on, if we can't get it resolved and-- this year?

**JUAREZ:** Well, I think that if we feel that there is a need for more interim study, of course, I'm very willing to undertake that. And I do want to stick with this, to get it moving forward so that it's, it's resolved, and we can get it into place.

**RAYBOULD:** OK. Thank you so much.

**BRANDT:** Senator Hughes.

**HUGHES:** Thank you, Chairman Brandt. Thanks for bringing this, Senator Juarez. So, today, CAFOs, under federal law, have to file a nutrient management plan, and file it with the EPA. And as I understand, that's whether they're permitted or not permitted under the National Pollutant Discharge Elimination

System. Do you feel like this might be a little duplicative of that? Or maybe that piece could be set aside, if that's already being done, and then you can look at other things? Or where--

**JUAREZ:** Well, I think that, first of all, I don't really think that-- have confidence with what's in--

**HUGHES:** With the EPA?

**JUAREZ:** --may be existing in the federal level. You know,--

**HUGHES:** Mm-hmm.

**JUAREZ:** --if that's always going to be there. And, you know, things are always changing at the federal level all the time, right? So, that's why it's important at the state level that we have our own priorities in place, just because of the uncertainty that happens at the federal level.

**HUGHES:** OK. Thank you.

**BRANDT:** Any other questions? I see none. Will you be here to close?

**JUAREZ:** Yes, thank you.

**BRANDT:** All right. Let's go for proponents of LB1028. Please come up. Welcome.

**GRAHAM CHRISTENSEN:** It's been a few years.

**BRANDT:** Yeah.

**GRAHAM CHRISTENSEN:** Dear Chairman Brandt and members of the Natural Resources Committee, my name is Graham Christensen, G-r-a-h-a-m C-h-r-i-s-t-e-n-s-e-n. I'm president of GC Resolve LLC, a consulting and communications company established in 2015. In addition, I farm with my brother Max just west of the loess hills right along Bell Creek near Oakland, Nebraska. Our kids make up the sixth generation at the farm. Over the years, our farming practices were innovative but did not prioritize healthy soils as much as we should have. You can see from the Google Earth, the erosion gullies on our hilly farmland were a problem. We started following the six regenerative principles, and almost immediately saw results, including increased soil, soil

stability. The principles defined in this law are also shared in the RegeNErate Nebraska exhibit, which is a zine that has the principles on the front, and you can open it up with a larger explanation. Two key nutrients needed by farmers to grow crops include nitrogen and phosphorus. Livestock waste typically contains high levels of these important fertilizers, and they are a popular option amongst farmers. But we are growing more aware that some of the nutrients are making their way through the unprotected soils and into our underground aquifers, and during erosion events, we are losing soil and some of these nutrients as run-offs into our waterways. LB1028 would stop much of that leaching. LB1028 is a practical first step to ensure Nebraska's waters are healthier, and it does two big things. Number one, creates transparency. Nebraska's never created an active database of where livestock waste is being applied. That makes it hard for NRDs to manage water systems. LB1028 provides that transparency by requiring the largest waste applicators to have nutrient management plans on file within DWEE, making it easier to work with farmers on good water management strategies. Number two, by decreasing soil erosion, you get clean water. LB1028 seeks to cut off nutrient leaching at the point of the source with two proven farming practices. Fall-seeded cover crops put new roots in the ground prior to most livestock waste application, which takes place during the fall through the spring months. These new roots take up excess nitrates so they don't have to work through poor soils and into the aquifers. And buffer strips; they're important because they serve as the last line of defense to rivers and streams. We chose 30-foot buffer strips, as there's an exhibit also submitted there from the Nebraska Extension's Animal Manure Management Team, that was their recommendation. Practices adopted on our farm include no tilling, cover cropping, intercropping-- which is dropping seeds in standing crops-- and buffer strips. They've stopped the movement of soil right in the tracks, and I've enthusiastically observed many other Nebraska farms using innovative regenerative practices to address the same issues. These farmer solutions are proven, and are-- and if more widely adopted, would have a large impact on the water quality in the state of Nebraska. Besides stopping erosion and cleaner water, other inspirations include human health, aquatic wildlife habitat restoration, minimal government time needed only to register the nutrient management plans on the website-- that's how the bill was actually written-- and new small business development opportunities for cover crop applications and seed companies. With that, I see my time, and would love to take any questions from the committee.

**BRANDT:** All right, let's see what we've got for questions.

**GRAHAM CHRISTENSEN:** All right.

**BRANDT:** Senator DeKay.

**DeKAY:** Thank you. Thank you for being here. First question.

**GRAHAM CHRISTENSEN:** Yes.

**DeKAY:** Fred is your dad, right?

**GRAHAM CHRISTENSEN:** Fred is my dad, yes sir.

**DeKAY:** OK. In your, in your area of the state, it's a pretty diversified topography down there, with a lot of hills, valleys, and smaller fields, right?

**GRAHAM CHRISTENSEN:** Yes, sir. You see a lot of variation. I'm right on the edge of those loess hills, and so those, those real steep hills, they just kind of start flattening off right in the middle of our farm where we farm, and so we deal with, with big hills and erosion. And, and so, we've seen the need for stopping the movement of soil in that area for sure.

**DeKAY:** As we do up in northeast Nebraska too.

**GRAHAM CHRISTENSEN:** Yes, sir.

**DeKAY:** But do a lot of your neighbors follow the same practice that you do?

**GRAHAM CHRISTENSEN:** A lot of my neighbors do not follow the same practices. In the spring, if there's a heavy rain, we got a little prairie that's up and started, and those erosion gullies, they're not coming back. We've stopped that movement of the soil. But I can look right across the road in most directions and I can see how that soil is getting sliced and running right down towards that Bell Creek area or a few other valleys. However, I'm encouraged because I am seeing more and more young people in our area start to experiment and take up these practices. And in Burt County, we started a very small group; it's just a startup, but I'm trying to get farmers together to talk about the challenges and the benefits of, of applying cover

crops on a wider scale with more of us, you know, working and sharing altogether.

**DeKAY:** Has sedimentation slowed down in that area, then?

**GRAHAM CHRISTENSEN:** Mm-hmm. Yes.

**DeKAY:** OK. Thank you

**BRANDT:** Other questions? Senator Conrad.

**CONRAD:** Thank you, Mr. Christensen. Good to see you again. Thank you, Chair. Could you help to maybe just-- and I know Senator Juarez is passionate about this issue and not feeling her best. There's kind of an awful cold or yuckiness that we're all working through. But really, how do you see the origins of this bill? Like, where did it come from? Kind of help us to contextualize it. And I know that you work specifically in the area of trying to increase opportunities for, like, value-added ag and business and growth development in, in rural communities. Can you kind of help to connect the dots on how a measure like this might advance those, those activities or goals?

**GRAHAM CHRISTENSEN:** Yeah, thank you for the questions. So, some brief context. Over the last 10 years, we've seen an increased number of large-- those designated as large CAFOs move into the state. We already know our waters are becoming more troubled, and so as more and more people have started to see those systems come into their areas and be pretty close in their areas, we've gotten feedback from more observations across the rural areas that this is becoming a problem within their area. And so, 9 years ago, Nebraska Communities United developed a report that actually first-time conceptually talked about the standard. And then in 2021, the Nebraska Farmers Union Foundation, they actually dropped an analysis called the stream health an-- and it was a stream health analysis, and it looked at specifically seven waterways in which Costco had been applying litter. They could regist-- they voluntarily decided to register nutrient management plans on year one. We commend them for that. It allowed us to know where, where those waterways were, and we identified where the waste was being put on both sides of those waterways. As a result, from years one to three, we saw that there was definitely leaching going into the waterways and eutrophication taking place. There were four policy-- there were two policy recommendations and two other study recommendations

from that analysis that pointed directly to this as one opportunity that we could be able to do with getting the transparency through the nutrient management plans and heading off the contamination through these proven practices. And we've continued to work throughout the state, talk to folks, and try to test this and see if they think this is proven, talk to scientists, and, and it looks like this is the, the best solution we can do without taxing the state government. The second question is around economic development. So, when these large concentrated animal feeding operations, it-- when-- if they would, you know, pay for that cover cropping in these areas, now all of a sudden, young, young farmer Peterson, who has a side business that lives two miles from me-- this is a true story-- he has a custom cover cropping, you know, business. He's got a big drill he purchased, and he's doing a lot of that on a lot of acres in our area, more and more every year. This spurs his business. This allows young people who can fly drones to come in and drop drones in that intercropping fashion, and so we would start to see that there would be more opportunities for young applicators of cover crops across the state. As well as, as that, there's businesses like Green Cover Seed, which has the book that I handed out to you out of Bladen, Nebraska. They are now selling seed in all 50 states, and a lot of what you see in Nebraska is purchased from them and a few other companies that exist. They would have new opportunities to be able to get more seed to more farmers, and then that means more farmers could have the ability to be able to grow different kinds of things to diversify our rotations. So, new markets are welcome in a time where markets are lower for an extended-- a longer amount of years than we would hope for, and this is just one way that we can use the diversifier operation as we expand just by simply having a standard on large concentrated animal feeding operations.

**CONRAD:** OK, that's really helpful. I know that this is an issue of ongoing concern, just to ensure that we're-- have policies and practices in place to ensure good stewardship for our natural environment and to keep our land and air and water healthy for all Nebraskans and for generations to come. I actually commend Governor Pillen for speaking very directly about the issues and impacts of nitrates, and drawing those clear connections to our water quality. I know in addition to his public comments he's convened some working groups and put forward some recent studies looking at these issues. I know that UNMC has tracked really carefully some of the correlations between our drinking water and these environmental issues and

our very high incidence of pediatric cancer rates in Nebraska. So, more information is helpful; these are definitely issues of top concern, and then trying to figure out, you know, where the gaps in our policy is. It seems like this might be trying to fill some of those, and just, and just generally continue the work. I know Senator Ibach's worked on some more incentive-based and voluntary programs to increase the utilization of best practices that are out there, and it seems like that's having a positive impact as well, but it's going to probably take a, a lot of work for all of us together to, to kind of build on what we've started and, and keep it going forward. So, if you'd just like to respond to, to, you know, how you see this as part of those, those other efforts.

**GRAHAM CHRISTENSEN:** Yeah. We're trending in the right direction.

**CONRAD:** OK.

**GRAHAM CHRISTENSEN:** We need a little boost. We do not want to be in quite the position that Iowa is. We've done damage here, but with the increased influx of these large-size waste applicators, now is the time for us to address these head on with proven solutions. They fit with the governor's goals. We thought about how to do this in a way that could fit across the boards, and we tried to do this in the way-- we've had a bill in the past, Senator Brandt would be aware, is a buffer strip bill.

**CONRAD:** Yep.

**GRAHAM CHRISTENSEN:** It was too-- it was too costly to our state government to be able to fund something like this. So, with this model, all we're really asking for is that there's transparency in the nutrient management plans that are filed. We didn't call for any kind of enforcement in the bill. It's really important to understand that, and that's why I would question the fiscal note, actually, on this, is because we're creating a trust circle. We're having communication loops that are created out of this instating-- instead of creating an enforcement bill. That could always be legislated, if enforcement became an issue. But if the NRDs knew where this was going, they could come and have solution-oriented talks with the farmers in these areas, and I think we can mitigate it if we just had this kind of outline in place without going to, you know, taxing the state government, again, especially under the budget situation we have going on right now.

**CONRAD:** Yeah, very good. Thank you.

**GRAHAM CHRISTENSEN:** Yes.

**CONRAD:** Thank you.

**BRANDT:** Senator DeKay.

**DeKAY:** Thank you, Rupert. How many of these practices are the NRD using at this time right now across the state?

**GRAHAM CHRISTENSEN:** So-- well, the bill that you brought, LB794 and tagged along clarification that soil health is a priority is going to take us a long way. So, I appreciate that first and foremost. That's going to be a good start so that there should not be any more question as if we can protect watersheds with proven farming solutions. I hope that we're going to see more of that, but once again, how do you trigger the ability to not just have, like, a grant that goes into the lower Elkhorn NRD that's limited, that's more like a pilot program; how do we trigger something more statewide? That's why we did this, and your clarification is going to allow the NRDs to, to think more seriously about this strategy and other strategies as well. Those amendments, they were driven internally by NRDs that represent, you know, troubled watersheds, and we took them into account after the, the Nebraska association of the NRD's met. We heard from what happened there, the questions that were being asked, and we inserted those to try to also clarify maybe something that would work a lot better for most of the NRDs as well. So, we're trying to, you know, I guess, ride on your coattails a little bit on this and others that are already having these conversations, and find other solutions that are practical.

**DeKAY:** That-- I mean, that's what I'm asking, so that we're not having to duplicate procedures or fees to come up with these management plans. If, if there's management plans that are already kind of put in place, can we work through that and, and not have to have--

**GRAHAM CHRISTENSEN:** I think most-- there's no teeth. You know, I think most NRDs support the concept of farmer solutions through the practices that we've talked about. There's no doubt in my mind. But at the same time, we're not seeing it happen at the kind of rate that it needs to to stop the leaching in its

tracks. I mean, the health issues are real, the correlations are strong. I just want to heed the advice and have a large impact, and this was one way that we felt that we could be able to do this that would go above and beyond, I guess, what was already being proposed. And once again, just be mindful of the budget situation that we have going on. We didn't ask for enforcement. That's where the majority of this fiscal budget comes from. To me, it could-- it should be adjusted, but it is what it is. I'm just here to tell you the intent was not enforcement, and that'd create very little fiscal budget if you took off the enforcement and allowed us to communicate amongst NRDs and, and farmers and other stakeholders that would be involved. This bill draws that guideline; nothing else has, and that's why I'm, I'm such a big believer in what we're trying to do here. Of course, there's always things that we don't see and we haven't heard, and so, you know, constructive input, I'm always looking for it, and I'm thankful to the NRDs that stepped up in the background after that meeting and helped me pull together the amendments that improve this bill. We're always open for good suggestions, but until I hear there's another idea out there that would have an impact with low cost to the government, this is, this is, this is the best one.

**DeKAY:** OK. Thank you.

**BRANDT:** Other questions? Senator Raybould.

**RAYBOULD:** Thank you, Graham, for being here. I-- you know, I look back, and you and I had got acquainted in 2011 when I was a county commissioner, and I want to say thank you to you, because you've really raised my awareness on how critically important providing safe, clean water in our state for existing generations and future generations, so I feel like you've turned me into the water warrior that I think we are getting to become more of water warriors. And I also want to give credit to Governor Pilleen, who recognized we have a problem. I know we've had management plans in place for decades, but the clear and obvious evidence is they're not working. They are not working about soil management and soil health. And so, the question I have for you, can you talk a little bit more about some of the proactive things that you've been working on? I know you kind of gave a few of those ideas, but what-- oops. What, what, what initiatives are there out there right now on funding and grant programming? I know Senator Ibach had her bill on trying to encourage farmers-- like, you don't need to put all those

nitrate on your field because you're going to have-- you're going to have the same yield if you just do less. And so, how can-- are there organizations-- I, I believe Senator Ibach had her bill, but it-- you know, there's just not enough money to really continue to incentivize. I know the Nature Conservancy has been working on other programs, trying to talk about "regenerative" farming and how valuable that is. And I know you mentioned for cover crops, are there any grant funds out there not related to the state funds? Or--

**GRAHAM CHRISTENSEN:** Yes, thanks for the question. So, yeah, we've, we've had a lot of layers of involvement over the last 15-20 years, I suppose, and also have been on quite a learning experience ourselves on our farm. One program that a lot of people know about was when we partnered with the University of Nebraska Medical Center Department of Occupational Health, and also with UNO and with UNL's civil engineering department to get the citizen scientists program out. That's a free nitrate and phosphorus-- two of the nutrients we're talking about testing-- that we were able to get out to people all across the state. I felt-- that was about not quite 10 years ago, but that helped, like, really start having people understand the connection without, like, you know, making costs. Since then, we've-- you know, that's when I started taking over the management of our farm with my brother, about six years ago. We've already been kind of setting the tone for implementing it or experimenting with, with practices, but, but at the time that we took over six years ago, we entered into a natural resource conservation service contract with the United States Department of Agriculture which allowed us to have the conservation stewardship program applied to our farm, and that helped us learn how to use diverse mixes of cover crops for the best, for different reasons; to put soil probes in our land so we can better watch our irrigation and make sure you know we're using appropriate amounts and not overusing. It gives weather stations, a wildlife set-aside, and there are opportunities as well to expand on some of the regenerative practices for that. We, we learned a lot through that process, and that took a lot of our pressures off as we were starting to try new things. Now, there's the EQIP program, which goes above and beyond that, and the, the, the administration, the federal administration currently, has also announced a regenerative partnership program that's supposed to allow expansion on some of the regenerative practices federally, so that's all going on. Now, I know the NWDEE [SIC] also has reverse osmosis programs that are to take nutrients out in high-nutrient places, but that's after the fact. We want to get to the front end of this problem instead of

allowing it to exasperate and just filtering all nutrients, because some of those nutrients are beneficial to our bodies. You don't want to filter them all out. Also, the state has buffer programs. So, for those concerned about costs of buffer programs, on our land, for a half a mile, about just under four acres, one side, at a half mile was only \$630 to seed two years ago, so it's, it's not a crazy expense. But the state does have buffer programs, and the federal government does have the Farm Service Agency; they have some conservation reserve programs. That conservation reserve program, that pays for the buffers on our program so that we keep it in the set-aside with native species, and it's made a tremendous difference as that last line of defense. And of course, another side impact of that is also seeing some of the-- some of the pheasants coming back into our area, and, and some other species as well.

**RAYBOULD:** So, I think Senator Conrad had asked you, you know, are other farmers embracing these initiatives at-- not only soil health, but, you know, making sure our groundwater stays healthy as well? You know, I know that you and your brother were pretty innovative, but, you know, going to a couple of farm-- Farmer's Union meetings talked a lot about it. Are you seeing, like, the Farm Bureau get all jazzed up about this? Or are they working with Ag Extension at UNL, really trying to figure out ways to reduce their cost of input, but also preserve and protect our groundwater and be more efficient? Are-- you know, I think you said some people are, but what can we do to really be more expansive about this?

**GRAHAM CHRISTENSEN:** Mm-hmm. I know a lot of Farm Bureau members are practicing cover crops and, you know, some of these strategies. I've not heard the Farm Bureau, you know, just kind of be all excited about this kind of farmer-based solutions, but, but I know that a lot their farmers are, you know, memberships are practicing these practices. I just recently attended the Green Cover Seed event, which was the-- is the Green Cover Seed nexus, is that-- once again, that magazine I handed out, that's the company, all kinds of good information in there. And there was 350--some people in Omaha, Nebraska from around the region meeting, and they're on the upper edge, you know, they're on upper echelon of knowledge and understanding of what's going on. And so, the experts are coming to Nebraska now because of this momentum. The month before, or in December, actually, was the Northeast Nebraska Ag Show, which I attended; I was on a panel and I spoke there, and there was about 4-- 400

to 500 people at that event. It was packed, jam packed in Norfolk, Nebraska, a Northeast Nebraska focus. There were a few folks that came in from a little bit further, but it was a packed house. That was put on-- to Senator DeKay's question, just reminded me. NRDs were very involved with that, a whole bunch of them in our region. We've seen Nebraska Extension get way more active, you know, on this front, so, so they're becoming a kind of a player in this. We'd love to see the University of Nebraska-Lincoln's ag program focus more on biology. You know, that's an area that we can, we can do some improvement in, probably. But on the ground, it's happening, but if we want to accelerate this, we also need the big players to be on board with us to have-- to do the greatest amount of good, and this bill would allow that support to come across so that more of this could happen and we'd see less of that leaching, and it seems like that's a small price to ask for really starting to take the first big step in Nebraska to clean up our water.

**RAYBOULD:** So when, when they're addressing the soil health, are they also talking about Nebraskans' health? You know, I'm pretty big on making sure our groundwater gets cleaned up, and I just always bring my show-and-tell, the 2024 state Revolving Fund of requests from communities all across our state, in every single one of the 93 counties. They have water requests for upgrading their water infrastructure systems that are aging and out-of-date, reverse osmosis systems that need to be replaced because they're not able to remove a lot of the contaminants. So, just so people get a perspective, there's \$2.3 billion of requests from communities all across our state of Nebraska on trying to clean up old water infrastructure that tries to make sure that they can deliver on safe, clean, drinking water. \$2.3 billion. That's a lot. And the state Revolving Fund is about \$49 million, so it's going to take us quite some time. So, the reason why I bring this up is, in all the conferences and programs, while we're talking about, you know, a lot of the runoff from the large CAFO operations, are they also talking about the health? You know, we're, we're known as the corn belt, but we're also getting to be known as the cancer belt here in our state. You know, Iowa is still winning that, but we don't want to be that way. You know, we're ranked-- we-- number five for the highest incidence of pediatric cancer rates, and that's one of the things that Senator DeBoer was on the legislative research, trying to come up with the top issues that are impacting our fellow Nebraskans, and this was back in, in 2021. When I came on board in 2023, that was a big deal, you know, getting UNMC

involved. So, when you go to these conferences, are they-- like, in Iowa, are talking about steps they need to do? Their surface water primarily for drinking water, but are, are they trying to tackle this issue from the health of our-- not only our, our farming ag industry people, but our entire state?

**GRAHAM CHRISTENSEN:** I think yes. First of all, just farmers don't want people downstream to have cancer. You know, none of us ever want that intention to happen. We haven't always understood the movement of soils and what goes on very clearly; we're wakening up to that. As we start wakening up to that, then, yeah, that's why-- that's what's driving a lot of the farmer changes that are going on. And farmers don't want to get cancer, either, by being applicators of some of these things as well. I was just at the Nebraska Sustainable Ag Conference in Norfolk, Nebraska, and the keynote speaker for that, Jane, was, was "Dephanie"-- Dr. Stephanie Hartman. She talked a lot about the correlations. She comes from a farm in Missouri, so she has some background context. And, and so, long story short, this is going on in conversations, kind of at all levels right now.

**BRANDT:** Let's see if there's any other questions.

**GRAHAM CHRISTENSEN:** Yes, sir.

**BRANDT:** I see none. Thank you.

**CONRAD:** Thanks.

**GRAHAM CHRISTENSEN:** Thank you.

**BRANDT:** OK. Next proponent on LB1028. Welcome.

**MATTHEW SUTTON:** Good afternoon. My name is Matthew Sutton, M-a-t-t-h-e-w S-u-t-t-o-n. I'm a geologist who has spent the better part of the past decade performing field and lab work, tracking nutrient and pesticide contamination in surface and groundwater across Nebraska. Part of that was a longitudinal field study that sought to establish a water quality baseline to capture potential changes to waterways when a newly-constructed processing plant was installed, that being Costco. I've provided you all studies that were completed based on that. Those findings show widespread and persistent chemical and biological contamination in Nebraska's waterways. It's supported by many other studies that you could find through Nebraska Water

Sciences Laboratory here, through our university. Several recommendations were made in that study; LB1028 adopts two, namely calling for buffer strips to protect surface waters from fields where livestock waste is applied, and secondly, to require cover crops planted on those fields. The purpose of this is to curtail erosion. Soil is lost to erosion at an average rate of almost five tons per acre per year. And in livestock settings, agricultural chemical pollutants and biological pollutants are potentially bound to the sediment that may erode into the surface water where it interacts with and pollutes groundwater. To protect surface and ground water, then, and thereby human health, it's important that we limit erosion into our waterways. The UNL Institute of Agriculture and Natural Science Department recommends 35-foot vegetative buffers in the sorts of fields that we're talking about today. LB1028 seeks to implement a 30-foot grassland buffer, and so therefore, we, we can say that the distance is scientifically justifiable. These measures also align with recommendations made in the Nebraska Healthy Soils Task Force report that was submitted to Governor Pete Ricketts and the Agriculture Committee of the Nebraska Legislature in, in December of 2020. And there are also benefits to this bill beyond the environment and public health. Senator Raybould, as she had just mentioned-- as she had just referenced that '24 report that said there are \$2.3 billion in outstanding requests for water, water infrastructure repairs throughout the state of Nebraska, and specifically what, what they point to are nitrate contamination. And so, while there are costs to implementing the measures outlined in LB1028, it places the financial responsibility, at least in the private sector, on the large CAFO operators by explicitly requiring the entities submitting the nutrient management plans to pay for these improvements. And so, this has the practical effect of keeping the cost of waste management with the waste generator rather than the farmer who purchases it, and my time is up.

**BRANDT:** OK. Well let's see if we've got any questions. Questions? I see none. Thank you for your testimony.

**MATTHEW SUTTON:** Thank you.

**BRANDT:** Next proponent. Welcome.

**JOHN HANSEN:** Mr. Chairman, members of the committee, good afternoon. For the record, my name is John Hansen, J-o-h-n, Hansen, H-a-n-s-e-n. I am the president of Nebraska Farmers

Union, also their lobbyist, and I'm also the secretary of the Nebraska Farmer's Union Foundation. And so, thanks to Matt Sutton, who did a much better job than I would have done of helping summarize the study that the poultry litter and stream health study that, that we did several years ago in 2022. And so, big picture, we've been working on water quality as an organization, as an industry, for a very long time, as well as soil conservation, because the two are in fact related. So, I've been working on this through all my, my time as an NRD director in the Lower Elkhorn NRD, going back to 1974. And so, my big-picture takeaway of kind of where we're at is, gee, we're still talking about the very same things that we've been talking about when I was first elected to public office in 1974. We're still talking about water quality, we're still talking about how it is we get a better handle on it. So, we've done a good job of filling up our, our aquifer with nitrogen, and so what we are finding out is what we "suspicioned" in the first place, and that is that once you load it up, it takes a lot longer to clean it out than it did to load it up in the first place. And so, here you are, you know, using irrigation water as a part of your nitrogen supply, as you're doing your, your annual analysis of how much nitrogen you need for your crop, because you need to be accounting for the total amount of nitrogen that's already in your water. And so, what, what we have done is substantial. What we have-- where we're at is that we've not done enough. And so, we need to continue to look at each and everywhere we can go in order to be able to get some additional leverage. So, I thank Senator Juarez for bringing this forward. A couple of the areas that, that strike me-- and I, I do take the long view on this issue-- is that not all nutrient management plans are created equal. And so, more transparency, more focus on the nutrient management plan-- so, if you're trying to put a CAFO in a more marginal area where you're, you're more prone to infiltration and water contamination, then you shouldn't be able to just check the box and say, OK, I've done a nutrient management plan. So-- and as an operator, as a neighbor, as a decision-maker at the local level, better management plans, nutrient management plans, maybe are required in more marginal areas. And so, having more transparency, more focus on that, I think, would be a particularly cost-effective and, and instructive thing to do, and that the appetite for conservation in our state is absolutely enormous. We continue to use up all of the available federal cost-share dollars as well as the NRD additional land and water assistance dollars every year, and we continue to be a national leader in our national appetite for soil and water conservation programs. And so, we ought to be able to help

continue to use that appetite for wanting to the right thing and make improvements. And with that, I see my light is on, and I'd end my comments and be glad to answer any questions if I could.

**BRANDT:** Senator DeKay.

**DeKAY:** Thank you. Thank you for being here today. And you're not last to testify, so that's a new one for you.

**JOHN HANSEN:** I have Revenue Committee yet.

**DeKAY:** OK. In a concentrated animal feeding operations, or CAFO, is there a size requirement, a number of head requirement, to require these findings? Say, if you have a small operation, mostly row cropping, you have 40 head of cows and 40 head of calves in a yard for 60 days or whatever, or if you're a larger one that would have 1,000 head, 500 head. Is there a requirement, size requirement on that?

**JOHN HANSEN:** There, there, there is, Senator, and off the top of my head, I can't tell you what it is because I haven't looked at my NPDES guidelines lately. But, you know, in the past, Nebraska had one of the more, I thought, appropriate and effective and, and progressive systems in the country in terms of livestock waste management, where the, the higher up you went in terms of the levels of numbers, the higher the requirements were. Which made perfect sense to me, because the-- you posed a bigger threat to the environment. And so, you were, you were more likely to overload the environment with the total amount of waste that you had available. And so, some of the things that went on at the national level flattened that progressivity out, and so the brackets that we were in got flattened out, and so-- but we still have some semblance of that left. And so, the higher up you go, you do-- there is a base load. And, you know, in the, in the livestock waste arena, you know, what you don't want to do is you don't want to use excessive regulation of smaller operations, put them out of business. You want to make sure that you're not inadvertently, well-intentionally, doing that. And so, that's kind of what our focus has always been, is to make that you do have some, some escalator or steps up as the higher you go, the higher the standard.

**DeKAY:** OK. Thank you.

**JOHN HANSEN:** You bet.

**BRANDT:** Other questions? I see none. Thank you.

**JOHN HANSEN:** Thank you very much.

**BRANDT:** Any more proponents? Welcome.

**ANDREA BASCHE:** Well, good afternoon. Yeah, thank you, Chairman Brandt, and the committee. My name is Andrea Basche-- it's B-a-s-c-h-e, and I am an associate professor in the Department of Agronomy and Horticulture at UNL. I want to make clear I'm acting on my own capacity as an expert on this topic, and not representing the University of Nebraska System or the University Nebraska-Lincoln. So, I have over 15 years of professional experience studying the impacts and benefits of cover crops in the corn belt, and from my professional experience, which includes research with Nebraska farmers, I believe that this bill represents a creative and forward-thinking solution that empowers farmers to play a central role in addressing water quality challenges. There are decades of research that demonstrate that cover crops are highly effective at reducing nitrate loss from the soil, which we know is a major contributor to water pollution, by some estimates 30 to 70 percent. So, it's pretty, pretty big when we think about what are solutions for improving water quality from ag practices. And by centering farmers as agents of change, this legislation leverages proven practices to protect our environment and to ensure sustainability of Nebraska's water resources. And as has already been mentioned, these kinds of approaches are in line with different recommendations that have been proposed, including drafts of the governor's current water quality and quantity task force. I know that that's not finalized, but those are in the drafts, namely the goal of increasing acreage with soil health practices, including cover crops. In my professional experience, I've seen that this practice-- we're talking about growing a plant when the soil would otherwise be bare to protect it-- offers a lot of agronomy benefits and efficiencies, reducing soil erosion, improving water infiltration, and less herbicide-resistant weeds. And we know these are known challenges in Nebraska's dominant cropping systems that cover crops can concurrently address. In my role, I'm proud to have co-developed and co-taught a course solely focused on cover crops which was offered at seven land-grant universities, thanks to a significant federal grant. And since 2021, we taught over 350 students in the course, and those course materials were also modified for training over the last two years for over 100 ag

professionals by the Midwest Cover Crops Council. I mention these things today because that demand indicates to me an interest and passion that younger professionals have for integrating this practice. And I fully recognize the addition of cover crops requires time and effort, and that other challenges can arise when we try new things, but with these challenges come opportunities, including things that have already been mentioned that I think are really important. I think a lot about my students who are the future of Nebraska agriculture, that these kinds of solutions could create more in entrepreneurial endeavors like custom seeding and termination, or new agronomy services to support localized best practices, and I think these are great opportunities for young people in rural Nebraska. I appreciate the Legislature's support for common-sense solutions to improve water quality, and I think this is an opportunity to increase acreage of a best management practice in cover cropping. Thank you.

**BRANDT:** All right. Let's see if we've got some questions.  
Senator DeKay.

**DeKAY:** Thank you. Do you have different recommendations on how you run these management programs from, say, different topographies, different soil types, dry land, irrigated--

**ANDREA BASCHE:** Sure do. I would say the first thing I always would have a conversation with people about is, what are their goals? I think that there are certainly considerations for different environments or soils, but a lot of this is timing. You know, if we're talking about growing something over winter, there's not a lot time; that's the number one barrier. So, what is your goal? How much do you want to get out of it? Different in fall, if you're growing after wheat. So, I think more about timing and cropping systems, but it really depends on the goals. So, the Midwest Cover Crops Council has some great recommendations for people getting started for some different scenarios. Maybe not exactly what you're referring to, but there's a-- there's almost too much information out there now to, to get through, so.

**DeKAY:** When, when you're putting a practice in place-- and I'm up dry land. When you're putting a practice in place that-- say, in your limited window between being able to plant and freeze, and having a plant sprout and come up, like rye or wheat in fall, what happens if it's dry, you plant, and, and then you

don't get the benefit of the cover crop? And if you have to have a plan in place, what happens there?

**ANDREA BASCHE:** So, a dry fall is always a concern. We've had a number of them in recent years. I think that, you know, watching the forecast, trying to be opportunistic-- we can't control the weather. We've done some research in western Nebraska with spring-planted cover crops, which could be, you know, a benefit if you have the right spring season, too. We're talking about biology, and so it-- and the weather that we can't always control. So, so a dry fall is a concern. I think that you see more interest and potential uptake in folks who have pivots that would be willing to use a little bit of water to get that plant started, but-- yeah, it, it, it-- that is a challenge. But it's not dry every year, and there can be opportunity to have this plant take up water that you want it to, if it's, if it's excess moisture, too.

**DeKAY:** Sometimes, we run from summer to winter in 24 hours, so.

**ANDREA BASCHE:** I know. I know it. Like the last few days. I know it.

**DeKAY:** Thank you.

**ANDREA BASCHE:** Yep.

**BRANDT:** OK, other questions? Senator Clouse.

**CLOUSE:** Yes, thank you, Senator Brandt. Thank you for being here. You mentioned in here, in line with the draft recommendation of the Governor's Water Quality and Quantity Task Force. Have you seen that?

**ANDREA BASCHE:** There is a draft that's on their website--

**CLOUSE:** [INAUDIBLE]

**ANDREA BASCHE:** --from their December meeting, yeah.

**CLOUSE:** OK.

**ANDREA BASCHE:** And I know it is a draft, but the-- it's, I think, their fourth recommendation, the suggestion about increasing acreage for soil health practices.

**CLOUSE:** It-- pardon me?

**ANDREA BASCHE:** It's about increasing the acreage for soil health practices, including cover crops. I think it's their fourth recommendation. Of course, it-- it's a draft. But as was already mentioned, the I, I don't-- the 2019 Soil Health Task Force, cover crops were an important part of that as well.

**CLOUSE:** OK. Thank you.

**ANDREA BASCHE:** Yep.

**BRANDT:** Other questions? I see none.

**ANDREA BASCHE:** Thank you.

**BRANDT:** Thank you for your testimony, doctor. Next proponent. Please.

**JIM KNOPIK:** Good afternoon, Senators. My name is Jim Knopik, J-i-m K-n-o-p-i-k. I'm a farmer/rancher, and I live-- been living on the same farm since-- or near it since I have been a year old. About 28 years ago, our community organized to keep CAFOs out of ours. We did it only with the communication with neighbors and family. We accumulated research and resource material, including people's experience who had lived around CAFOs in other states. They all warned us to keep them out. We were-- after that, we were called to many counties in the state that first year for meetings with informations that we collected to keep hog, hog CAFOs out. Some won, some lost. At that time, only a third of the counties had zoning. With the help of Senator Jerry [SIC] Smith, the Legislature passed an interim zoning bill that gave us time for counties to zone. A few years later, all but three counties of the 94 counties adopted zoning regulations. Then, the former attorney general, general, Jon Bruning, took funds from fines that were collected from environmental damages by polluters. He gave those funds to an ag industry organizations who formed AFAN, Alliance for the Future of Agriculture in Nebraska, and they lobbied Connie-- county officials to make their counties livestock-friendly counties. These turned the siting rules over to the Nebraska Department of Ag, which increased setbacks to sound-science distances. I would caution you to be cautious when you hear the word "sound" in front of science. It is definitely a different kind of science coming from the animal factory industry that uses it. The NDEQ

Council [SIC] has 17 directors. In my opinion, the majority of them are foxes guarding the in-- the henhouse, now appointed by one of the biggest polluters in our state. The majority are industry representatives setting environmental regulations and protecting their businesses. As-- you can read some of the, the livestock wakes-- waste spills and events that I've witnessed in the years that I have been on the farm. You can look them over. Laws and regulations are worthless without enforcement, and we had very little then. We have less now. Unfortunately, our society continues to look for cures of symptoms from many diseases and cancers and other environmental problems. We already know where the symptoms come from, don't we? It's way past time to look at the front end of the human animal instead of the back end. Thank you for your time.

**BRANDT:** OK, let's see if we've got some questions. Questions? I see none. Thank you for your testimony today.

**JIM KNOPIK:** OK. Thank you.

**CONRAD:** Good to see you. Thanks.

**BRANDT:** Yep. Next proponent. Welcome.

**AL DAVIS:** Senator Brandt, members of the Natural Resources Committee, I am Al Davis, A-l D-a-v-i-s, here today to testify on behalf of the 3,000 members of the Nebraska chapter of the Sierra Club in support of LB1028. We want to thank Senator Juarez for introducing this important piece of legislation which puts a focus on industrial-scale agriculture and how to deal with the waste material which is produced by these concentrated animal feeding operations, or CAFOs. Concentrated animal feeding operations have spread across the nation, with large concentrations in farm states. They are efficient entities which are able to provide a steady supply of product inexpensively, although this comes as a-- at a severe cost to the animals whose-- who only know life in a crowded, noisy environment without green grass and fresh air, and also to the soils and waters nearby, if not properly managed. Other states where CAFOs first were built have learned why too little regulation produces damage to groundwater and surface water which is not easily undone, and neighbors in Iowa are paying the price for that. Cleanup efforts come too late for the state of Iowa-- came too late for the state of Iowa. We don't want to go down that road in Nebraska. Nebraska already has a problem associated with too

much nitrogen applied to farm fields, which have high-- produced high levels of nitrates in waters across the state. Nebraska soils are uniquely permeable, and when too much nitrogen is applied to the-- in the wrong time, much of that fertilizer can easily mix with groundwater and surface water, contributing to increases which are dangerous to human health. UNMC has documented a significant increase in pediatric cancer, which may be associated with levels of nitrates or some other contaminant which damages the emerging immune system in newborns. Nebraska isn't the only state experiencing these increases, and the focus seems to be on farm states in middle America where animal agriculture is concentrated. The Sierra Club is a strong supporter of the intent described in LB1028. Nebraska's abundant water supplies and productive soils were handed to farm families to manage and conserve into perpetuity, so we must not destroy them in a generation, or to-- or allow ag interests outside our state to essentially strip mine the resources we have here and leave us with the spoils to clean up. The bill requires CAFOs to develop an instituted nutrient management plan for dealing with the waste and litter, and the operator must file that report annually. In addition, the bill requires the operator to plant a cover crop on the site immediately after application. Cover crops will help to prevent the migration of waste materials, preventing it from contaminating groundwater. The bill also mandates grassed waterways along certain drainage systems. Some clarification on how that can be accomplished should be developed, since water levels and drainage systems can vary drastically over the course of a year. Judging by the fiscal note, it's apparent to me that NDWEE has murder in its sights. Several aspects of the fiscal note are questionable to us, and that should be re-examined. But we are strong supporters of the idea, and really appreciate Senator Juarez for bringing the bill. We've made a lot of progress over the last several years, but there's still a ways to go. And, you know, the, the livelihood and the health of our young people in farm communities is going to be dependent on clearing that up. Thank you.

**DeKAY:** All right. Thank you. Are there any questions? Senator Clouse.

**CLOUSE:** Yeah, thank you, Vice Chair DeKay. Just talking on your last comments [INAUDIBLE] the NW-- N-- NDWEE--

**AL DAVIS:** It's a tongue-twister, isn't it?

**CLOUSE:** Yeah, they've, they've got quite a few positions. So how, how are you seeing that that's going to take off?

**AL DAVIS:** I don't see that they were using technology in the, in the fiscal study, which I think would really be a game-changer. I mean, the capabilities are there to use satellites for a lot of the monitoring and things that are talked about, so.

**CLOUSE:** OK.

**AL DAVIS:** I think there are certainly savings that could be produced.

**CLOUSE:** Too labor intensive, do you think? OK. A lot of-- a lot of full-time employees [INAUDIBLE]. Thank you.

**BRANDT:** Any more questions? Senator DeKay.

**DeKAY:** Thank you. Do you think you've seen better farming practices over the last few years, especially in light of the cost of nitrogen, farmers being more prudent in how much they put on so they're not wasting it?

**AL DAVIS:** So, you know, I come from ranch country, which is-- you know, we have-- we're sort of-- it's sort of like a foreign language, the whole idea of, of farming. But I think there are-- I think there's a lot more knowledge out there today than there used to be about the damage that can be done, but we also are fighting sort of the mentality of "this is the way we've always done it here." And educating people is really important if we're going to solve the problem. So, yes, we've made progress. Have we made enough progress? I don't think so.

**DeKAY:** Thank you.

**BRANDT:** Any other questions? I see none. Thank you.

**AL DAVIS:** Thank you.

**BRANDT:** Next proponent. Welcome.

**ANNE DeVRIES:** Hi. My name is Anne DeVries, A-n-n-e D-e-V-r-i-e-s, and I do support LB1028, but I did not plan to speak. I had nothing prepared until now. Hearing there was an issue with the high fiscal note that-- has forced me to speak. I want to

provide this committee with an inside look at what DWEE-- that's what we thought we'd call it-- is how the governor has combined two departments to create issues that help large corporations make more money. This huge department causes stress and confusion that many employees have now. With the multiple divisions in DWEE and no ability for many of the departments to work across the hall, there are many that are overworked. Stress does not produce good work. But even before DWEE, which was the result of combining the very useful water department, DNR, Department of Natural Resources, and NDEE, which was the Nebraska Department of Environment and Energy, it was already a bloated and inefficient Nebraska department. As a professional engineer at NDEE in the fall of winter of '24, I saw 8 to 10 professional engineers like myself underused and sitting around without work. Better management is needed that would have self-- saved funds and help it work more efficiently. The question regarding the high fiscal note is answered by knowing it was exaggerated. I know good management could provide the work needed for free during the hours I saw wasted by the engineers watching TV on state computers and on their phones for eight hours all winter. The managers want to keep the funding the government promises, and will exaggerate on how long a review takes to get the results that the governor wants to see, which is bills like this one to fail. A review of how work is divided up at DWEE and the waste that is going on in the engineering department is needed. This will show there are ways to review efficiently and save the state money. Please move LB1028 out of committee. Thanks.

**BRANDT:** Let's see if we've got some questions. Senator Conrad.

**CONRAD:** Thank you, Chair. Thank you for being here, and for having the courage to speak out and be an engaged citizen. It's definitely helpful for me to know and have on the record some of the really whistleblower-type experiences that you're sharing in this forum. I had a host of different concerns about the performative merger in the last cycle, and, you know, have been really dismayed to see bright and talented people charged with really important public functions throw their independent and good judgment out the door in, you know, basically blind pursuit of whatever radical political objectives Governor Pillen and this committee facilitate on his behalf. So, it's a hard time for those of us that care about good governance and stewardship of our environmental resources, but more important than ever to speak out. So, thank you.

**ANNE DeVRIES:** Thank you so much.

**BRANDT:** I see no other questions, thank you. Next proponent. Any more proponents? Welcome.

**SHIRLEY NIEMEYER:** Thank you. Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r, and I am a proponent of this bill. I don't hear very well because of cancer treatments, so I haven't heard some of the testimony, and I don't know that I have the whole complete bill. So, maybe some of comments will be incorrect. I start with-- I'm not sure I understand who's responsible. Is it the farmer that's responsible for submitting all this information and, and making sure it's minimal tillage, established living [INAUDIBLE] systems, increased plant matter and so on, biodiversity? Or is it the livestock producers submitting the plan that helps with that? Or, is it both of them, and where's the cost? Does the livestock producer help the farmer with some of this additional work? I didn't understand that part of it. The reverse osmosis-- I just want to mention, I live in Saunders County, and we had a problem in the Mead area. I think you're all aware of that. And some of that waste was applied to some of the farmers' fields, and one of our friends, their pond cannot be used, cannot be-- anything taken out of it. It's, it's completely dead, and livestock cannot use that pond. And so, it's a serious-- reverse osmosis would cost a lot to cities, especially those that are small. If you have to put in a reverse osmosis system to treat your water, or whatever other systems they come up with, it's very expensive for them to do it, and there are some cities that have already had to do it. The third thing I raise is, with the cancer relationship and UNMC's data and research, will, will there be lawsuits holding the livestock producer accountable for this? I don't know. Or maybe they already have. And the fourth thing is, I would suggest periodic testing, if that's not inclusive in this bill, of the water or the soil. Maybe that's covered by another bill. But periodic, you know, so it's not too costly for the farmer. But I think that's would be an important part of this. And I just think the, the situation in Saunders County was so serious. We live not too far from there. And I also own a farm, or we own a farm, and grew up on a farm. And so I know it puts some, some work-- additional work for the farmer. Maybe it just don't work for the livestock owner. But some of these livestock owners may be out of state. I don't know.

**BRANDT:** OK.

**SHIRLEY NIEMEYER:** Anyway, thank you so much for the opportunity, and thank you for serving.

**BRANDT:** Let's see if we've got questions.

**SHIRLEY NIEMEYER:** [INAUDIBLE].

**BRANDT:** I don't see any. Thank you for your testimony. Next proponent. Any proponents left? Seeing none. Opponents. Is anybody opposed to this bill? Welcome.

**WALT TRAUDT:** Good, good afternoon, Chairman Brandt, and members of the Natural Resources Committee. My name is Walt Traudt, W-a-l-t T-r-a-u-d-t, and I'm a-- and I am a pork producer and grain farmer near Clay Center, Nebraska, where I operate a 4,000-head finishing barn and farm 1,100 acres of row crop. I also serve as president of the Nebraska Pork Producers Association. I am here today on behalf of the Nebraska Pork Producers Association, Nebraska Farm Bureau, Nebraska Corn Growers Association, Nebraska Soybean Association, and Nebraska Sorghum producers to testify in opposition to LB1028. As a large CAFO operator with manure storage, I operate under a state-required nutrient management program as part of my permitting process. That plan includes soil and manure, manure testing protocols, agronomic rate calculations, and detailed record-keeping requirements of where and how nutrients are applied, and it is already publicly available through the Nebraska Department of Water, Energy, and Environment. These plans are designed to protect water quality why-- while maximizing nutrient efficiency, and they are subject to inspection and verification by state regulators. In that respect, LB1028 duplicates an oversight framework that is already in place. LB1028 replaces that science-based system with a rigid mandate that ignores local agronomic conditions and imposes significant new costs to Nebraska producers. Specifically, the bill mandates cover crops and additional buffer requirements. Regardless of site-specific conditions, properly managed manure is an organic nutrient source that releases nutrients gradually and helps retain them in the soil profile. Despite this, the bill requires the CAFO operator to pay for cover crop establishment, buffer implementation, and compensation to landowners for production losses on buffer-- buffered areas, all without demonstrating environmental benefit. This creates a new unfunded mandate that applies whether or not the producer owns or farms the ground receiving nutrients. While I farm the acres where I apply manure, many producers apply

nutrients on land they do not own or operate, and would be required to pay for practices tied to the ground they do not control. Additionally, because manure is often applied after harvest, establishing a viable cover crop before winter may not be agronomically feasible, and could disrupt the working relationship pork producers have-- rely on to responsibly apply nutrients on crop ground. Nebraska's existing framework already requires planning, accountability, and environmental protection. LB1028 replaces that balanced approach with a one-size-fits-all mandate that increases costs and risk without improving environmental outcomes. For those reasons, we respectfully oppose LB1028, and urge the committee not to advance this bill. We-- and I just want to thank you all--

**BRANDT:** Go ahead. Go ahead and--

**WALT TRAUDT:** --for the opportunity to test--

**BRANDT:** All right, let's see what we've got for questions. Senator Clouse.

**CLOUSE:** Yes, thank you, Senator Brandt. Thank you for being here. I just have a question on, on just-- you know, I'm not a farmer, so tell me the, the process. Because when I look at it, plant your crop, [INAUDIBLE] then you harvest it, then you-- over the winter, you apply the manure, then you're ready to go. How would a cover crop-- tell me how the whole process would work if you had to put a cover on, what that would look like.

**WALT TRAUDT:** So, right after we finish with harvest-- and the way that we do it-- so, we farm 1,100 acres, and every year, we produce enough manure for about 450 acres. So, I have 450 acres that were soybeans, and when we take the soybeans off-- and this year we are actually putting in a cover crop through the National Pork Board. They are, are grants there for us to try it and see if we can implement this. So, we've done it on one-and-a-half quarters. The other one-and-a-half quarters, that will get manure also. They-- we'll kind of see how it works. But we harvest the soybeans, and then hopefully, there's enough time between the end of soybean harvest, or as we're taking them off, we can come in and put a cover crop on. Then, as we get around to the spring, then we would, we would either apply manure in the fall, and then some in the spring as well, then we plant and we would kill off the cover crop. If we have to do the cover cropping in the spring, at times, you have to water cover crop

to get it up and growing. So, you're, you're spending irrigation water to grow a crop that you're going to kill. Now, there are benefits to it because when it lays-- if you let it get up big enough and lay it down in the row, then it will help with herbicide, lessen our herbicide cost. So then, that's how the whole cycle-- so then, we go right back to planting. And in the process of the hogs, that-- in our building-- we're-- right now, we're basically doing feeder pigs. So, they come in, four months-- four months later, they're going out. We have a deep pit, so we don't have a lagoon outside of our building, and our building is three miles straight north of Clay Center, right on Highway 14. So, everybody is very aware of it, and-- so then, the system just keeps repeating itself. But now we're full circle, because we're producing-- we've cut our fertilizer cost by about 65 to 70 percent. And, you know, 50 years ago, fertilizer might have been \$10 a ton. Right now, it's \$400 a ton or more. So, the other thing is, we're not a large operation. We're a family-owned business, we're contract growers. So, we do not own the pigs. It was a way for us to diversify our operation without just going after more ground.

**CLOUSE:** OK. Thank you. So, basically, you're-- you feel you're already doing it in some manner. You feel you're already doing in some manner, then?

**WALT TRAUDT:** Well-- and we're trying to implement the cover crops where we can. The big thing was the cost of, of another drill to get this in. Now, we've teamed with a neighbor because he has the drill and the tractor; I have the hired guy because of the hog facility. So then, my neighbor, he can-- when he gets his beans off, my hired guy jumps in his tractor and drills, starts putting in cover crops. And then when he's done there, then he comes and does ours, and then we pay him for rent. So, we've kind of figured out ways, but it-- it's not going to happen overnight.

**CLOUSE:** OK. Got another question, if I can. You guys probably know this, I don't. The difference in manure-- when you're talking about hog manure, cattle, poultry, how-- what's all the difference in, in--

**WALT TRAUDT:** It's mainly the release of it. So, hog manure, which I know very well because we operate with it, and actually we're doing a study with the University of Nebraska, Dr. Amy Schmidt. So, we're grid sampling one quarter, and then-- with no

cover crop, and then we're grid sampling one acre grids on, on an 80 where it was a cover crop, because we're-- we've-- going to get a different manure wagon that actually has float control on it so we can variable rate our manure going across the field. So, if you go to the grocery store and you go in and you need eggs, and there's two cartons of eggs right there, they're, they're identical, they're the exact same. But one is \$10 and one is \$2, you're going to spend the \$2 so you can spend the other \$8 somewhere else in the store. So, we're trying to figure out how can we variable rate that manure and stretch that manure over to other grounds, because it's an organic product. It releases not-- the nitrogen and the nutrients very slowly into the system, versus an inorganic.

**CLOUSE:** So basically, manure is manure.

**WALT TRAUDT:** Manure is manure, but hog manure is available, about 95 percent's available right away. Chicken litter, from my understanding, it's a third every year, so over a three-year process, 33 percent, 33. And cattle manure, I'm, I'm not terribly familiar with, but the Cattlemen will be-- bless you. The Cattleman will be speaking here in just a bit.

**CLOUSE:** Thank you.

**WALT TRAUDT:** You're welcome.

**BRANDT:** Other questions? I see none. Thank you for your testimony.

**WALT TRAUDT:** Thank you.

**BRANDT:** Next opponent. Welcome.

**SAM DRINNIN:** Welcome. Good afternoon, Chairman Brandt, members of the Natural Resources Committee. My name is Sam Drinnin, S-a-m D-r-i-n-n-i-n. I'm here today on behalf of Nebraska Cattlemen, Nebraska Wheat, and Nebraska State Dairy Association in opposition to LB1028. I'm a feedlot operator in Palmer, and chair of NC's Natural Resources and Environment Committee. Nebraska's cattle producers remain committed to responsible nutrient management and environmental stewardship. LB1028 adds layers of regulation that are unnecessary, duplicative, and ultimately harmful to the very producers who are already doing the work bill claims to promote. Under federal EPA rules, large

CAFOs are already required to develop and follow detailed nutrient management plans that address manure storage, land application, buffers, record-keeping, and more. These plans must be kept on site and available for inspection, and producers who hold NPDES permits must submit them to regulators. LB1028 goes far beyond these federal requirements by mandating that every large CAFO in Nebraska registers its nutrient management plan with the Department of Water, Energy, and Environment, updates their plan annually, and makes a plan and all supporting documents publicly available online. This is not a small administrative change; it is a significant expansion of state oversight that duplicates what federal law already requires while adding new reporting burdens that provide no clear environmental benefit. For many family-run operations, these additional requirements will require substantial time, money, and staff resources. Plans contain sensitive details such as facility layouts, manure storage capacities, land application schedules, and proprietary management practices. Posting this information online creates privacy and security risks; no other agricultural sector in Nebraska is required to publicly disclose this level of operational detail, and there's no demonstrated need for it. LB1028 also imposes costly mandates such as requiring cover crops in every acre where livestock waste is applied, is not workable across the state. In many regions, mandatory cover crops can reduce soil moisture, interfere with planting windows, or create pest pressures that undermine crop production. The requirement for a 30-foot perennial grass buffers along waterways adds yet another reoccurring expense that falls entirely on the producer. They're not one-time costs; these are permanent annual obligations. Nebraska already has a strong framework for protecting water quality through NDWEE, NRCS, and our NRDs. Producers work closely with these agencies to implement conservation practices tailored to their operations. LB1028 replaces that collaborative approach with rigid top-down mandates. In closing, LB1028 imposes costly and unworkable requirements. We respectfully urge the committee to oppose the bill. Thank you for your time. Happy to answer any questions.

**BRANDT:** All right. Let's see what we've got. I see no questions. Thank you for your testimony.

**SAM DRINNIN:** Thank you.

**BRANDT:** Any other opponents? Opponents? Anyone in the neutral capacity? Neutral. Senator Juarez, you are welcome to close. While she comes up, online, we had 46 proponents, 9 opponents, 3 neutrals, and no ADA testimony.

**JUAREZ:** Thank you. One comment that I wanted to make-- I'm so sorry-- was in regards to my AM1967, because we did receive feedback about it being too, too restrictive and having to update it annually, so we made a change to it so that-- and it will happen if there's a material modification in the animal numbers or types, manure or litter storage, handling or treatment systems, land application, acreage or fields, or nutrient application rates, methods, or timing. Now, you'll see that if you take a look at the, the amendment, AM1967. I'd like to thank the testifiers who came to share their expertise and perspective on LB1028. Nebraska's water is one of our most valuable natural resources, and protecting it requires practical farmer-led solutions that address nutrient runoff before it becomes a long-term crisis. LB1028 focuses on the largest waste applicators, strengthens accountability through nutrient management planning, and supports proven conservation practices like cover crops and buffers. By acting now, we protect drinking water, preserve our rivers and streams, and ensure future generations inherit a Nebraska where agriculture and clean water thrive together. Thank you.

**BRANDT:** OK. Any questions? Senator Clouse.

**CLOUSE:** Sorry, Senator Juarez, but what sections-- what lines did you say, when you opened that up? I missed that.

**JUAREZ:** AM19-- in the amendment.

**CLOUSE:** Yeah.

**JUAREZ:** It should be in there, as far as how we made a change from it not to be annually. There should be a list, A, B, C, animal numbers. You see that?

**CLOUSE:** Yeah, that's fine. Thank you.

**JUAREZ:** Thank you, because I handed them out loud, and then I didn't have a quick reference in my book.

**CLOUSE:** Yep. Thank you.

**BRANDT:** Any other questions? I see none. And with that, we will close the hearing on LB1028, and we will move to LR298CA. Vice Chairman DeKay will be taking the meeting over. Vice Chairman.

**CLOUSE:** OK, here we go.

**DeKAY:** Senator Brandt, you're welcome to open.

**BRANDT:** Good afternoon, Vice Chairman DeKay, members of the Natural Resources Committee. I'm Senator Tom Brandt, T-o-m B-r-a-n-d-t. I represent District 32, which consists of Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties. Today, I'm introducing LR298CA. You may recall when voters approved the constitutional amendment authorizing a state lottery in 1992, dedicating a portion of those proceeds to environmental purposes was a central component of that proposal. The people of Nebraska were told that lottery dollars would support conservation and enhancement of our state's natural resources. That commitment was later reaffirmed in 2004, when Article III, Section 24 of the Nebraska Constitution was amended to allocate lottery proceeds, including 44.5 percent of the net proceeds, to the Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. The funds have consistently been transferred into the trust as required by the Constitution. However, over the years, transfers out of the trust have occurred for other "budgetary" purposes. This session alone, proposals have totaled more than \$40 million. If those transfers are made, the trust will face difficulty funding new grants already awarded for 2026. In fact, some grants have already been awarded but are currently on hold due to the uncertainty surrounding potential fund sweeps. LR298CA is intended to provide clarity and long-term stability. This proposal would amend the constitution to specify that funds allocated to the Nebraska Environmental Trust Fund shall be used exclusively by the trust for administering the program and funding competitively-awarded grants to eligible tax-exempt entities, political subdivisions, and state agencies for conservation, enhancement, and restoration of Nebraska's natural, physical, and biological environment. Finally, I do want to note that we recognize there are some technical issues with the bill as introduced, and we are working on an amendment to address them. One example involves ensuring that the Nebraska Game and Parks Commission can continue to use trust funds as matching dollars to leverage federal funds, as introduced language could have unintentionally limited that ability. If the

people of Nebraska choose to adopt this amendment, it would reaffirm their original intent and provide long-term certainty for one of our state's most recognized conservation tools. And I'd like to note this is my personal priority bill for this session. And with that, I would be happy to answer any questions.

**DeKAY:** Thank you. Are there any questions? Senator Conrad.

**CONRAD:** Thank you, Vice Chair. Thank you, Senator Brandt. So, I-- I'm just-- I understand the purpose of the legislation and I'm a co-sponsor of it, but I guess I just want to open the conversation up more broadly. How many times do the people have to vote to make their intention clear? We, we have it in the constitution, yet you have also worked to divert existing resources away from the Environmental Trust, but now you want a reaffirmation to protect it? Make it make sense.

**BRANDT:** So, where did we divert?

**CONRAD:** Yeah.

**BRANDT:** I mean, I, I-- I'm asking, I guess, which specific example are you referring to?

**CONRAD:** Any. OK, let's back it up.

**BRANDT:** OK. Yeah.

**CONRAD:** Why, why do we need reaffirmation? The law is the law is the law.

**BRANDT:** I guess the committee can decide whether this goes forward. I mean, if, if-- I, I guess what we were looking for was an affirmation that the funds cannot be swept by one branch of government.

**CONRAD:** OK. So, in that vein, do you also make a commitment, then, that you won't support any sweeps away from the Environmental Trust right now, in this, in this legislative session?

**BRANDT:** Well, I don't-- we'll have to see what comes out of the Appropriations Committee in the final budget. [INAUDIBLE]

**CONRAD:** OK, my, my question is, if you think it's important that we don't make sweeps out of the Environmental Trust, and so much so that you're bringing a reaffirmation of a constitutional amendment, will you commit to not making sweeps out of the Environmental Trust?

**BRANDT:** I'll commit to seeing what the Appropriations Committee brings.

**CONRAD:** [INAUDIBLE].

**BRANDT:** I mean, I can't, I can't answer that question. That's a work in progress. You know. This is my last--

**CONRAD:** It's not a trick question.

**BRANDT:** Well--

**CONRAD:** It's pretty straightforward.

**BRANDT:** Yeah. So.

**CONRAD:** Your response speaks for itself. Thank you.

**BRANDT:** All right. Yep.

**DeKAY:** Any other questions? I do have one. Are these matching funds between different counties and-- or you have counties and state funds, too. What-- are they, like, 50-50, or where are they at?

**BRANDT:** I think it varies on the program. I, I hope somebody from Game and Parks is here to answer that question for you. If not, we'll get back to you on a specific amount.

**DeKAY:** OK. Any other questions? Seeing none. Are you going to be here to close?

**BRANDT:** Yes, I will.

**DeKAY:** First proponent.

**ANNE DeVRIES:** Hi, thanks. Anne DeVries, A-n-n-e D-e-V-r-i-e-s. I support LR298CA as an urgent requirement for protection of the Nebraska Environmental Trust, known as NET. We know NET has

protected our state and the planet. The important projects that NET has funded are too numerous to list, but they have helped Nebraska stay in line with climate goals and support natural places. I volunteered for many years as a professional engineer reviewer, and helped do my part to get environment and energy grants reviewed. This was all ruined when our last two Republican governors sabotaged the work of the trust. I showed my displeasure and disappointment to the board in a public meeting covered by the press, and I have not been asked to volunteer my time since. Ever since Trump was first elected in 2016, the Republicans have been moving money from the NET in the form of grants into their rich friends' companies, and when that wasn't quick enough, the governor has diverted funds from NET to directly put it in other places so he can use that money to go to corporations that donate money to him. We know he handpicks single-source firms to reap the benefits of his governorship. And when doing this, he steals money from us taxpayers. This stealing is such evil corruption, taking funds that were meant for grants that would have saved the planet. The Republicans want to continue to plunder NET to make more money. They can't see through their greed to know how much their actions have been harming the planet. Thanks for allowing me to make a public comment on this, and I also want to thank the Senator that hopefully will prioritize it. It sounds like it's a bit confusing, since a lot of these funds have been diverted since I have been reviewing them. My last comment is to draw attention to the billionaires and the large corporations that are making fraudulent money from the federal government. It is not a legitimate federal government, and has been corrupt from day one with the release of over 1,500 January 6th insurrectionists, and it continues to break the law in multiple ways every day. If we cede the control of all, all our businesses to billionaires, we will have higher prices and poor service. Even in Nebraska, billionaires have a foothold in many businesses. Knowing this about large corporations and their power, I want to thank Senator Raybould for protecting her small business here in Nebraska. We know many small businesses go bankrupt up against the never-ending greed for the ever-increasing growth in their stock price and CEOs' pay that is so much higher than their employees'. Large corporations with main offices out of our state have little or no care for customers and their needs in Nebraska. Thank you for your time.

**DeKAY:** Thank you. Are there any questions? Seeing none. Thank you. Next proponent.

**TRACI BRUCKNER:** Thank you.

**DeKAY:** Go ahead.

**TRACI BRUCKNER:** Vice Chair-- well, you're sitting in Brandt's seat. Vice Chair DeKay and members of the committee, thank you for the opportunity to testify today. My name is Traci Bruckner, T-r-a-c-i B-r-u-c-k-n-e-r, and I'm testifying on behalf of the 12,000 members of the National Audubon Society that reside in Nebraska in strong support of LR298CA. I want to thank Senator Brandt for prioritizing LR298CA. This bill will codify the competitive grant-making process, and prevents trust dollars from being used to balance the state budget. Most importantly, it places those safeguards in the Nebraska Constitution, ensuring they cannot be undone through future budget cycles. LR298CA is the only adequate response to the sustained pattern of legislative funding transfers and other actions that have progressively destabilized the Nebraska Environmental Trust, escalating this year to a degree that imperils the trust altogether. The Nebraska Environmental Trust was created to support community-led conservation projects that complement existing governmental efforts. The Legislature chose the word "complement" intentionally; means to add to, not to replace. When trust funds are diverted to fund state agency operations designed to be supported by the General Fund, the trust is no longer complementing the state's efforts, it's supplanting them. For Audubon specifically, we believe the Nebraska Environmental Trust should be protected because of the vital support it provides to increase restoration, enhancement, and maintenance of the Platte River's biological diversity, and keep habitats intact through the central Platte River Valley, which is essential for crane migration in addition to supporting threatened and endangered species. This work is vital to not only our conservation goals, but the local and regional economy. It's also important for the local regional economy. It was recently reported that the spring migration provides \$28 million in annual economic impact to the local and regional economy along the Platte River. In addition, the trust leverages other federal and private investment that exponentially increases the impact of conservation work across the state. For us specifically, over the past 15 years, we've leveraged NET investments of \$3.7 million to secure an additional \$6.7 in partner funding, generating more than \$10.5 million in conservation impact and engaging broad stakeholders and partnerships. 72 percent of our match dollars come from private

and, and-- private donors or foundations. These matching funds would simply be lost if we kill the NET by continually transferring those dollars away. The trust is a source of genuine pride for our state. I'm actually involved in conversations in South Dakota, because there's a lot of people there that want to do what we're doing here. It was founded on the clear, forward-looking belief that community-driven conservation is essential to Nebraska's future, and that vision has really delivered extraordinary results, but it now stands at substantial risk. Without decisive action to shield the trust from a repeated cash sweeps used to backfill budget gaps, we risk losing--

**DeKAY:** That's your time. Could you--

**TRACI BRUCKNER:** OK, thank you. I'll answer any questions.

**DeKAY:** In a, in a-- OK. Any questions? Senator Conrad.

**CONRAD:** Thank you, Vice Chair. Thank you, Miss Bruckner. Good to see you again. I was just wondering if you could put perhaps a finer point, or insert into the record some of the information that you handed out about public polling in regards to Nebraskans' perceptions and attitudes on Environmental Trust funding.

**TRACI BRUCKNER:** Yeah. I mean, it has broad bipartisan support. So, people who are aware of Nebraska Environmental Trust support it. Actually, I think the polling showed that there were more Republicans than Democrats that supported our investment conservation, or a belief that we're doing some to address conservation issues across the state but that we need to do more. And Nebraska Environmental Trust has been the way that we're, we're addressing some of those challenges.

**CONRAD:** That's impressive. It's--

**TRACI BRUCKNER:** Yeah.

**CONRAD:** --in a divided political world. It's very--

**TRACI BRUCKNER:** Conservation brings us together.

**CONRAD:** Yeah, it's very interesting to see that kind of broad support, but, I mean, we've also-- I'll tell you, I really

understand what Senator Brandt's trying to do here, and I'm a co-sponsor and I'm supportive of it, but I'm also frustrated that we're at this point, that we have to reaffirm what's already in the constitution and existing law. And, like, how many times? Two times? Three times? Until the governor and this Legislature gets the message? Like, one's enough. The constitution's the constitution. And you know, we've seen how flippant this body is when it comes to minimum wage, sick leave, medical cannabis, so, like, I don't know what the remedy is other than replacing people who are cynical and abusive of their power, but I'm trying to sort through, you know, how this fits into that reality in this Legislature, so.

**TRACI BRUCKNER:** Yeah.

**CONRAD:** You or others want to respond to it. Yeah.

**TRACI BRUCKNER:** Do you want me to read it?

**CONRAD:** Please.

**TRACI BRUCKNER:** Well, yeah, I mean, there's, there's rules and regulations that also govern the Nebraska Environmental Trust that create that, that competitive framework, but those are being violated, too, with cash sweeps.

**CONRAD:** Yeah.

**TRACI BRUCKNER:** And so, we feel the only, the only oppor-- well, the strongest opportunity, maybe not the only opportunity, but the strongest opportunity we have is to put the competitive grant process right smack dab in the Constitution.

**CONRAD:** Very good. Thank you.

**DeKAY:** Thank-- Senator Clouse.

**CLOUSE:** Yes, thank you. Maybe this isn't your question, or for you, but do you know if the state agencies-- they, they don't apply for grants?

**TRACI BRUCKNER:** Nebraska Game and Parks has applied for grants and received a number of grants, and we've, you know, we've partnered with them on a number of things, too.

**CLOUSE:** So, that's still available?

**TRACI BRUCKNER:** Yeah, that would still be available.

**CLOUSE:** [INAUDIBLE] through the grant process.

**TRACI BRUCKNER:** Yes, just-- it would just direct it through the grant process rather than doing these cash sweeps and supporting-- I think the, the biggest problem we have is how-- it's, it's not supporting-- Nebraska Environmental Trust was designed to be additive, to support that community-led conservation that otherwise is not supported. What's happening is with these cash sweep that are going to DWEE, and we value DWEE's work very much. We need them out there to do the work that they do. But it deserves to be supported by General Fund dollars. And so, when we're sweeping the dollars to support just their regular operations, that's no longer additive; they're supplanting General Fund costs.

**CLOUSE:** Thank you.

**DeKAY:** Any other questions? How many dollars are appropriated to Environmental Trust a year?

**TRACI BRUCKNER:** Well, they-- I think they have about \$20 million per year to give out that comes from the lottery. I think, I think it's down. So, I think they've had, like, \$25 million before, and now it's-- it was down to about \$20 million this year because lottery proceeds are down. So, you could almost look at it, Senator DeKay, like we're being hit on both ends. You know, lottery proceeds are down, and then we're sweeping some of the money out, too. So, it affects the overall budget.

**DeKAY:** Thank you. How many dollars do you grant out on the [INAUDIBLE]?

**TRACI BRUCKNER:** I'm-- how many are we--

**DeKAY:** No, no, you can't ask behind you.

**TRACI BRUCKNER:** Oh, I can't? Yeah.

**DeKAY:** If you can't answer, we'll go on.

**TRACI BRUCKNER:** Well, I'm not, I'm not with NET, so I am not the grantor, so I-- I'm trying to remember how many dollars were approved this year. Katie might be able to answer that.

**DeKAY:** OK. Well--

**TRACI BRUCKNER:** I don't have that number off the top of my head.

**DeKAY:** When Katie comes up, we'll talk.

**TRACI BRUCKNER:** Yeah.

**DeKAY:** OK. Any other questions? Seeing none, thank you.

**TRACI BRUCKNER:** Thanks.

**KATIE TORPY:** Good afternoon, Senator DeKay, and members of the committee. Thank you for enter-- prioritizing the bill, Senator Brandt, and for the many co-sponsors. I'm Katie Torpy, K-a-t-i-e T-o-r-p-y, here today representing the Nature Conservancy, and also to support LR298CA. The resolution presents a critical opportunity to reaffirm and permanently protect the Environmental Trust, which is a voter-created, competitively-awarded conservation fund with a proven statewide record of impact. For more than three decades, the trust has invested over \$422 million in projects across all 93 counties, unlocking nearly a billion dollars in matching funds. Those dollars support clean water, habitat restoration, wildlife conservation, and community-driven solutions. Yet, whether this legacy continues beyond this session is an open question. Today, the trust is increasingly being treated as a savings account to address budget gaps in property tax relief, purposes far outside its voter-approved mandate. If the \$40 million taking that precedes this session, the trust will be unable to function as grantmaker beginning as early as 2027. NET contract terms have already been amended in, in anticipation of that reality. This erosion of voter intent did not happen overnight; it began with narrow exceptions in 2011, when the Legislature intervened in the competitive ranking of a recurring agency application. Over the following decade, statutory language was gradually expanded to allow direct and indirect transfers from the trust to backfill agency operations. Now, by 2023, those transfers had grown in scale and frequency, and, and were no longer framed as isolated needs. In just the last three years, \$29 million has been transferred out of the trust: funds that were never

leveraged, never matched, never multiplied. That is not a one-to-one loss to communities; it's a compounding deficit. It's also important to note here, trust funds do not come from general appropriations. It's a constitutionally-dedicated lottery revenue, revenue that Nebraskans have consistently understood to carry a higher standard of protection and purpose. The 2023 Special Session also redirected the-- or, directed the interest generated by the NET's lottery revenue to the General Fund for the expressly non-environmental purposes. Now, for our part, the TNC has-- routinely doubles or triples the trust investment, supporting Sandhills resilience, fire coordination, and watershed restoration. Those dollars matter deeply to rural communities where we work, and those benefits disappear when the trust is treated as a pot of money to raid. By advancing LR298 [SIC], this committee would take a first and essential step towards reaffirming the trust as a lasting legacy instrument. I urge you to protect this voter-entrusted "reusers"-- resource. Thank you for your time. I welcome any questions.

**DeKAY:** Thank you. Are there any questions? I will ask. The-- on grants, how many dollars worth of grants do you send out to donate on a given year?

**KATIE TORPY:** So, we do not do subgrants, but my understanding-- at, at the Nature Conservancy of NET funds. But my understanding is that this year, the 2026 grant cycle would award \$18.4 or \$18.6 million out to the, the recipients. There's a-- it's a pool of about 53 projects. And so, that's-- that varies year-to-year.

**DeKAY:** So, 18.4 out of the 20 were able to be granted out and not held up by paperwork or anything.

**KATIE TORPY:** They were held up by paperwork. The grants have been-- the contracts have been distributed, and they now have a new troubling provision that clarifies that those funds can be pulled back. When I say that 2027 the trust begins to deteriorate, that is because it is clear to the administra-- administrators there that they-- I mean, depending on the, the revenues from our-- the lottery proceeds, which vary, they do not feel confident, from my understanding, that they would-- will always have that in-hand, hence the need for that provision in those contracts.

**DeKAY:** OK, appreciate it. Thank you. Any other questions?

**CLOUSE:** Just--

**DeKAY:** Senator Clouse.

**CLOUSE:** Yeah, thank you Vice Chair. You know, I, I got Sarpy County, so if anybody else has got Buffalo County, we'll trade. I think that [INAUDIBLE]

**KATIE TORPY:** Oh, sorry if I got it mixed up.

**CLOUSE:** But do you find out-- find it as hard to get approvals of grant applications?

**KATIE TORPY:** It has tightened over time. So, there was an, an executive director who has since left, since moved on, and they, I bel-- tightened the eligibility requirements and also made it more challenging to get reimbursement on those grants. There were mid-contract changes to some of the, the requirements, reporting requirements, so it has become more difficult at the same time, yeah.

**CLOUSE:** So, so you think that with the money that comes in, we ought to be getting it working? You think-- in other words, do you feel that we have just too much sitting there that's not being worked?

**KATIE TORPY:** Correct. The, the, the-- one of the charts in the package I gave you describes the demand, so the interest in this, the application-- or, the funds versus what's granted out. And so, that has-- at one point, there was, I want to say a whopping 46 percent of applications that were deemed ineligible when they were-- the trust was revising its rules and regulations. And I, I am confident that the new executive director is working to restore trust and, and working to right-size some of those rules and regulations as she gets her feet under her. But yes.

**CLOUSE:** So, the, the swiping of the funds has really changed the shift in how you're going to manage the NET, is your opinion?

**KATIE TORPY:** I think it just-- it, it happened both-- you know, there's-- the, the board is appointed, and I think wanted to see tighter rules and regulations around the administration of the fund. I think it's achieved that. I hope that it right-sizes, but yes, there's a reason that there's a balance there to be

taken, and it's not because of lack of interest or good projects on the ground.

**CLOUSE:** OK. Thank you.

**KATIE TORPY:** Mm-hmm.

**DeKAY:** I have a follow-up to Senator Clouse. You-- the tightening of requirements, is that-- do you think-- feel that's coming from the state level, or is that coming from the federal level, to be awarded matching funds?

**KATIE TORPY:** So, this is less my area of expertise, and more folks behind me might be able to speak to it better, because we do have a dedicated grants administrator at the Nature Conservancy. But my understanding is that it was from, from the Nebraska state government and our own rules and regulations that we were enforcing to a stricter level than actually federal grant programming often times. And, and, and strange mismatches also, of, you know, what is allowable in terms of reimbursement on personnel or other types of categories. Again, this is less my area of expertise, but I, I don't think it came from the federal, federal oversight.

**DeKAY:** OK. Somebody following might-- if there's a change, they can address that, so.

**KATIE TORPY:** Yep. Thank you.

**DeKAY:** Appreciate you being here. Thank you.

**KATIE TORPY:** Thank you.

**DeKAY:** Any other questions? Senator Raybould.

**RAYBOULD:** Thank you, Ms. Terpy [SIC], for being here. You know, one of my constituents sent me a letter. I think they had been-- received funding from the Nebraska Environmental Trust for their grant application, but then they got a letter saying hold off. Maybe you've already talked about that, or other testifiers have. I'm sorry, I was in another hearing. But have-- has the Nature Conservancy received something similar, or have you heard of other individuals who've been approved a grant, but then said, whoop, hold on, we, we may not have the funds?

**KATIE TORPY:** Yes. We did receive that notice. We have two projects that were put on hold. Just this week, Monday, there was a, a, a new communication with a revised contract, and that contract allows for any granted funds to be pulled back without any cause or through any fault of our own. It's because it-- they're allow-- the, the contract allows for the funds to be pulled back, recognizing that they may not be available.

**RAYBOULD:** So, how does that work for projects that you want to initiate with other partners?

**KATIE TORPY:** It is an open question. I think grant recipients or, or would-be grant recipients are having to ask that question, if they're comfortable with that degree of uncertainty. You know, the bigger the award, the more financial risk, so the state is essentially passing that financial risk onto our local organizations. And, and really, they are, you know, one leg of a three-legged school-- stool. It's the-- our state agencies that we're partnering with to deliver these environmental outcomes, and we're also simultaneously defunding the trust. It, it, it-- it's, it's a crisis point, frankly.

**RAYBOULD:** OK. Thank you.

**KATIE TORPY:** Mm-hmm.

**DeKAY:** Thank you. Any other questions? Seeing none. Thank you.

**KATIE TORPY:** Thank you.

**DeKAY:** Next proponent.

**JOHN BENDER:** Good afternoon, Vice Chair DeKay and committee. My name is John Bender, J-o-h-n B-e-n-d-e-r, and I represent the friends of the Nebraska Environmental Trust. I was also a volunteer technical reviewer of grant apps for the trust from its inception until 2023. We strongly support LR298CA, and hope it can be sent to the voters for adoption. We want to thank Senator Brandt, Conrad, Raybould, Wordekemper, and Juarez for bringing this issue to the Legislature. In 1992, Nebraska voters approved the Nebraska lottery for purposes of funding environmental and educational projects outside of normal state programs and agency operating budgets. The Nebraska Environmental Trust holds Nebraska lottery dollars to conserve, enhance, and restore the natural environments of Nebraska. The

Nebraska Environmental Trust grants funds to worthwhile projects that are designed to attain this mission. You know, the trust was created to protect habitat, improve water quality, and promote conservation, particularly focusing on areas where local resources might be insufficient. It allows private conservation organizations and local governments to apply for grants to fund projects that will fulfill the mission of the trust, sometimes in partnership with state and federal agencies. Projects are supposed to go beyond the scope of normal state government operations. Too often, however, past years, the money has been directly transferred from the trust fund to fill holes in the state budget, leaving worthwhile grant applications out of consideration for funding. Just this year, LB1072 Sections 124 and 125 proposed raiding the trust for \$40.3 million to backfill current agency activities. These direct transfers will have the effect of breaking the Environmental Trust, making it unable to fund worthy projects. If adopted, the constitutional amendment will prevent such raids on trust fund dollars. It would stop the gradual erosion of the purpose for which the trust was originally established, and it would make sure the trust operates in a manner keeping with why citizens voted to establish it. Because the voters of this state established the trust, it only makes sense that the voters should have a voice in deciding whether the Environmental Trust fund should be reserved for projects as originally envisioned, or if the Legislature raids are to be allowed. This trust has benefited every county in Nebraska over the past six years. Your districts have all had projects that positively affect your constituents. Please send this resolution to the floor to help restore the citizens' trust in the Nebraska Environmental Trust. As an aside, there's a saying on the outside of this building that says the salvation of the state is the watchfulness of its citizen. This may be so, but without legislative action, that watchfulness is primarily a source of frustration to the people.

**DeKAY:** Thank you. Any questions? Seeing none. Thank you. Next proponent.

**DAN KLOCK:** Thank you, Senator Brandt, and the rest of the Natural Resources Committee. I appreciate this opportunity to testify. I'm testifying on behalf of Nebraska Ducks Unlimited, and I'm doing so as a volunteer. I've been a long-term volunteer since-- I believe it dates back to 1975, which, if my math is correct, it's about 51 years now. And I owe that, I guess, passion for Ducks Unlimited-- I, I guess I owe that ultimately

to my father, who was an avid waterfowl hunter. And when I was a young boy, about 9 or 10 years old, he took me out waterfowl--

**DeKAY:** Sir, could we have you pronounce your name and spell it for us?

**DAN KLOOCK:** Oh, I'm sorry. I thought I did that. Dan Kloock, K-l-o-o-c-k. Anyway, as a result of that, it, for whatever reasons, lit a passion in me for, for waterfowl. And as a result, I've been a long-term volunteer for Ducks Unlimited. In case you don't know, Ducks Unlimited is a waterfowl-- or, is a wetland conservation organization that enhances and conserves wetland and the surrounding grasslands-- wetland-- that surround the wetland habitat. We do a lot of work in Nebraska, and we have several projects. Many of our projects depend quite a bit on the contributions we get from NET. During my work as a volunteer, especially at the state level, I became acutely aware of the importance to our project that the NET funding has. When we become aware of a potential project, we evaluate it for its, its feasibility, cost, and its impact on the environment. If it passes that test, many times, we'll submit an application to NET for funds to help do this project, a particular project. And I, I should mention at this time that when we submit an application, we don't always get them approved. This process, application process, is real competitive, in my opinion, so it's tough to get funds. But when we are successful and, and get funding or a grant from NET, we bring-- Ducks Unlimited brings a couple things to the table. One is our expertise in developing wetlands, enhancing wetlands from an envi-- from an engineering standpoint and also from a biological standpoint. We have--

**DeKAY:** That's your time.

**DAN KLOOCK:** Excuse me?

**DeKAY:** That's your-- your red light went off.

**DAN KLOOCK:** Oh, OK.

**DeKAY:** So I will ask, are there any questions? Senator Raybould.

**RAYBOULD:** Thank you Mr. Kloock, for being here today. Can you tell us a little bit, does Ducks Unlimited get involved with the Sandhill Cranes as well?

**DAN KLOOCK:** Yes, yes.

**RAYBOULD:** In, in what way or what capacity do you help out with that?

**DAN KLOOCK:** Well, we certainly are aligned with their-- what they do and everything. We also-- you know, and, and many of our projects are designed to be sympathetic to that type of activity. So, yeah, we're very familiar with that.

**RAYBOULD:** Would, would you agree that with the migration of the Sandhill Cranes and their stopping in Nebraska that that's one of our biggest tourist draws?

**DAN KLOOCK:** Well, it's a-- in my opinion, it's a, it's a world-class migratory spectacle. And it, it has to draw-- I don't know the numbers, but it has to draw significant interest from outside Nebraska. I think it's a worldwide deal.

**RAYBOULD:** OK. Thank you.

**DeKAY:** Thank you. Any other questions? Sir, I have just one for you. You talked about the application process.

**DAN KLOOCK:** Yeah.

**DeKAY:** What's the time frame from the time you submit an application until you know if you've received that grant or not, on an average?

**DAN KLOOCK:** Oh, I'm not-- I'm, I'm not sure I could give you a good answer on that. It, it involves months, I know that.

**DeKAY:** OK.

**DAN KLOOCK:** But exactly how long, I-- I'm not sure I could answer that.

**DeKAY:** OK. I appreciate it.

**DAN KLOOCK:** Uh-huh.

**DeKAY:** Seeing no other questions. Thank you.

**DAN KLOOCK:** Thank you very much.

**DeKAY:** Next proponent.

**MATTHEW GRUNTORAD:** Good afternoon, members of the Natural Resources Committee. My name is Matthew Gruntorad, M-a-t-t-h-e-w G-r-u-n-t-o-r-a-d. As president of the Nebraska Chapter of the Wildlife Society, I'm here today to represent them and support LR298CA. This resolution is necessary because the governor's current budget proposal represents only the latest diversion of trust dollars away from their constitutionally-directed purpose. Most concerning is LB1072, which would effectively defund the trust entirely and redirect \$32.5 million to the Water Recreation Enhancement Fund to cover them, financial obligations for the already-contracted Lewis and Clark Marina project. An additional \$10 million would be used to supplant General Fund support for the Department of Water, Energy, and Environment. These proposals shift core state responsibilities onto a fund that was never intended to serve as a backfill for general appropriations or previously-obligated projects. Trust dollars enable community-driven projects that would not otherwise move forward. In our communities, these investments have restored habitat, improved water quality, expanded conservation education, and strengthened local partnerships. These are not substitute expenditures; they are investments that create measurable environmental benefits. Trust-funded projects generate compounding returns. Most trust projects leverage additional investment, unlocking federal funds, foundation grants, and private contributions. This stacking of resource multiplies the impact of every trust dollar, and brings outside funding into Nebraska communities. Redirecting trust funds eliminates this leveraging effect and undermines long-term environmental and economic gains. The trust is a constitutionally-directed fund. Its purpose is clear. Using the trust to fulfill existing contractual obligations or to offset General Fund spending contorts the Nebraska Trust Act [SIC] and skirts the state's responsibility to fund its own commitments. This resolution is needed to preserve the sustainability of the trust. We respectfully urge you to support LR298CA and protect this resource for Nebraska communities, land, and water. Thank you for your leadership and consideration.

**DeKAY:** Thank you. I'll see if there's any questions. Are there any questions? Seeing none. Thank you. Next proponent.

**ALEX McKIERNAN:** I love chairs with wheels. They're perfect for me. My name is Alex McKiernan, A-l-e-x M-c-K-i-e-r-n-a-n. Thank

you, Senator Brandt, for prioritizing this bill, and thank you to the committee for your time. My family owns Robinette Farms in Martell, Nebraska. We farm and graze livestock in Lancaster and Pawnee counties, and our mission is great food that transforms people and the land. LR298CA confronts an existential threat to Nebraska Environmental Trust, which are ongoing transfers out of the trust, as we've heard. Nebraska has these unique funds to encourage competitive, locally-led projects that invest in environmental health. This is rare and powerful, and we need to work to strengthen it. Without LR298CA, NET funds will be swept and swept and swept until there's nothing left. NET has made huge investments in the environmental quality of working lands, the health and affordability of small rural communities, and improving every urban area, every NRD, every large city, every county; every legislative district has benefited from NET investments and the matching dollars they attract. Between lottery proceeds and match dollars, nearly \$1.5 billion in environmental spending has landed all across the state, and that work falters when NET is swept year after year until it becomes useless. This death by a thousand cuts is ongoing. Case in point, NET released contracts this year that contain a new stipulation for board-approved grants. Because of ongoing funding uncertainty, for the first time in the history of NET, the contract now says grants can be canceled at any time if the funds aren't available. These are reimbursement grants, so I don't know how you can invest in programming and spend money that may not be reimbursed. This is why LR298CA is so important right now. The main thrust of LR298CA, the key provision that we must enact, is simply to require state agencies to go through the same process as every other NET applicant. Game and Parks does it all the time, and we want other agencies to do the same. Write a grant, bring outside match, and compete against all the other ideas in the marketplace for improving our environment. Don't shortcut, don't sweep, compete alongside everyone else. On working grasslands like mine, competitive NET grants support prescribed fire, woody encroachment management, and other tools that improve wildlife habitat and diversity, water quality and quantity, and prevent soil erosion. If we took all of NET's annual funding and put it towards this year's \$5.5 billion in property taxes, our bills would be reduced by a whopping 0.45 percent. My family's \$28,000 property tax bill would drop by \$125. With \$125, I might take my wife and three daughters out to a decent dinner; I could fuel up my truck one-and-a-half times; I could buy a good pair of boots, if they were on sale. These are all nice treats, I suppose, but what do we lose if NET no longer exists? Too much. We lose far

too much. Without NET, we'll struggle to repel the green glacier of eastern red cedars destroying our grasslands, we'll fall behind on supporting habitat for the Sandhill Crane migration that draws tens of thousands of people to the Platte, rural communities may fail to affordably manage recycling and waste streams, and urban areas will have less tools to deal with the environment that most Nebraskans inhabit each and every day. Please, keep my \$125 and keep NET intact by improving LR298CA and sending it to the floor. And I'd be happy to speak to many of the questions you brought up already.

**DeKAY:** OK, thank you. Are there any questions? Seeing none, thank you for being here.

**ALEX McKIERNAN:** Thank you.

**DeKAY:** Next proponent.

**RUSS SOUCHEK:** I'm Russ Soucheck, R-u-s-s S-o-u-c-h-e-k. I'm here on behalf of the Nebraska Wildlife Federation in strong support of LR298CA. Our organization has seen the Environmental Trust impact firsthand. With NET funding, we parted-- partnered with local groups to build four monarch and pollinator demonstration gardens in Lincoln, projects that exist because the trust allowed a clear conservation message and honors voter intent. For decades, the trust has been one of the-- of Nebraska's most effective conservation tools, but year after year, its dollars have been diverted to state agencies for purposes outside that mission. LB1072 continues and expands that pattern. Two sections of LB1072 require the State Treasurer to transfer more than \$40 million out of the trust to unrelated projects and the Water Recreation Enhancement Fund and the Water Resources Cash Fund. These are dollars Nebraskans dedicated specifically to conservation. The bill goes further. On page 140, lines 9 through 12, it authorizes transfers from the trust into four funds: the Nebraska Soil and Water Conservation Fund, the Water Recreation Enhancement Fund, the Water Resources Cash Fund, or the Water Sustainability Fund. This creates a standing pipeline out of the trust, permanent authority for future legislators to move NET dollars into those four funds at any time without voter approval. Over time, that authority could financially gut the trust. I want to highlight the Water Recreation Enhancement Fund in particular. Allowing trust dollars to flow into that fund opens the door to recreation-oriented construction projects-- boat ramps, docks, fueling stations, parking lots. These are

worthwhile, and I have enjoyed using those facilities myself. But they are not conservation projects; they are capital, capital infrastructure and should be funded through other sources, not by draining a voter-approved conservation fund. And if any project truly has a conservation value, it can apply for NET funding like anybody else. These provisions create three serious problems. They override voter intent, redirecting tens of millions of dollars away from the trust. Second, they "destabilize"-- destabilize long-term conservation work. The trust supports multi-projects statewide, and sudden withdrawals jeopardize "ongrowing" commit-- ongoing commitments. Third, they set a precedent. If one voter-approve-- if one voter-approved fund is swept today, others will be swept tomorrow. LR298CA exists to prevent exactly that. For these reasons, we respectfully urge the committee to advance LR298CA and remove Sections 124, 125, the transfer language, and any other provisions in LB1072 that weakens the foundation of this constitutional amendment. Thank you for your time and consideration.

**DeKAY:** Thank you. Are there any questions? Seeing none, thank you. Next proponent.

**CARMEN MILLER:** Good afternoon, Vice Chair DeKay, and members of the committee. My name is Carmen Miller, C-a-r-m-e-n M-i-l-l-e-r, and I'm the director of, of public policy for Ducks Unlimited's Great Plains region. I've been in this position for 12 years, and in that time, I've able to work in all seven states of the region, the Dakotas, Nebraska, Kansas, Montana, Wyoming, and Colorado. And I'm here today to ask you to support this constitutional amendment, but also to tell you how lucky you are to have the Nebraska Environmental Trust. It's not about luck; luck has nothing to do with it. Over 30 years ago, Nebraskans had the wisdom and the leadership and the courage to commit revenue from their new lottery program to their natural environment. And since then, you've been able to invest in your water and your air and your soil health and, and waste management and education in ways that has inspired other states to try to do the same thing as they're looking to also make similar investments in what is really critical quality-of-life infrastructure. So, just to give you a couple of examples of the types of things that your neighbors have been doing based on your leadership, in 2013, North Dakota established its own Outdoor Heritage Fund using a portion of oil and gas tax revenue. Your neighbors in Iowa and Kansas have been looking to

Nebraska for years and trying to get something similar established. Very recently, within the past month, in Kansas, the Kansas, Kansas-- the Kansas House Agriculture and Natural Resources Committee passed a bill that would establish a brand new Kansas, Kansas Conservation Fund. These efforts are ongoing, but they are examples of what other states are doing. Little further afield, Louisiana Outdoors Forever and the Mississippi Outdoor Stewardship Trust Fund are other examples. The Nebraska Environmental Trust is, is the envy of the Midwest, and other states are looking to you and trying to do something similar and build on your leadership. So, I passed out an exam-- a, a letter to the editor that was written by-- about a year ago by Brad Loveless, who was the former Secretary of Kansas Department of Wildlife and Parks, where he talks about the envy that he and his department had looking north to what you all have done. So, at a time when other states are looking to replicate what you have, these recurring transfers are really quite concerning, and this proposed constitutional amendment is an attempt to address that. The trust was a gift to the future of Nebraska, and you now are that future, and we would encourage you respectfully to continue the legacy of the trust by advancing LR298CA. Thank you for considering this issue. Thanks to Senator Brandt for his leadership in, in bringing the bill and also in prioritizing it. Thanks you-- thank you for having a hearing and considering this. I'd be happy to answer any questions.

**DeKAY:** Thank you for being here. We'll see if there's any questions. Seeing none, thank you. Next proponent.

**AL DAVIS:** Good afternoon, Senator DeKay, members of the Natural Resources Committee. I'm going to just kind of skip along through my notes. You've heard a lot of great testimony here today already about the trust, but I kind of want to take us back to 1992. When the trust was put in place and these lottery dollars came along, this fund was set up, and it was split between the education group and Environmental Trust. So, the Environmental Trust was formed as a separate entity; the education piece is-- was mixed in with General Fund dollars, and so you vote on those every five years, I think, because it's, like, the innovation funding education, or something. That was done because the people who were designing this, this entity recognized that there would always be an, an attempt by the administration to co-opt the money and use it for some other purpose. So, the, the-- it was laid out and designed very, very intelligently and very strictly to fund environmental projects

through a strict grant process. There are, I believe, 14 members on the board, 5 of whom are agency people and, and 9 others, 9 individuals who come from the 3 congressional districts. So, that kind of gives you an idea of what the trust was. Very successful entity, and very much removed from the Legislature. So, I will tell you, when I was here, I, I thought I might try to do a project that might-- we might be able to take somebody from the trust, and that was just verboten at the time. You just didn't do that. We've seen this erosion coming, coming along. There was a significant change a few-- several years ago. Some grants were moved up above other grants who did not deserve to be placed there; good grants were pulled, others were shifted up. That caused a lot of grief with a lot of people, and ultimately, I think there was the lawsuit involved with that, and I believe that was a settlement that was paid by the state. So, the state knows when it's doing things right and doing things wrong. They know, the governor's staff knows that unless there's a lawsuit against them, these things can just simply go forward. So, that's what we've seen. We've seen escalation from a few years ago to-- last year, I think it was \$8 million, now this year, it's the entire \$40 million. So, the argument sometimes is, well, they're not spending the money. Well, you know, you go back to that time when there was some turmoil about 5 years ago, and the new administration then basically, I think, defunded-- or, I should say denied about 60% of the grants, something like that. So then, people just ended up saying we're not going to get money from them anyway, well, let's not apply. It's a wonderful entity that we have. It's done tremendous things all across the state. It's helped in my district, in, in, in Hyannis and Cherry County, really great projects there through the Sandhills Task Force. We need this because we need to send a message that-- hands off this, or else we're going to have to go to a lawsuit, which I don't want to do. It costs us money. I'm, I'm not-- we're not a recipient of grant funds, Sierra Club, but we're here as an advocate for the entities who are. That document I passed out show-- was something that we presented to the Appropriations Committee when LB1072 was up. One of the things that is most outrageous to me is that in that governor's bill, there's language to try to [INAUDIBLE] the ability of the [INAUDIBLE] be an independent entity, and that should be-- if you're going to do that, that should be before the entire body so that it doesn't become incorporated into the Appropriations bill. So, we, we appreciate Senator Brandt prioritizing the bill. I've talked to most of you and think we're on board, and I appreciate that very much. Thank you for your time, Senators.

**DeKAY:** Thank you. Are there any questions? Senator Raybould.

**RAYBOULD:** Senator Davis, did you testify in Appropriations as well?

**AL DAVIS:** I did.

**RAYBOULD:** You did?

**AL DAVIS:** Yes. Our organization's not on that list, and I'm not sure why we're not, we should [INAUDIBLE].

**RAYBOULD:** OK. Did there-- were there other people in opposition to all the transfers at the Appropriation hearing?

**AL DAVIS:** It was a full house, pretty much.

**RAYBOULD:** Full house. OK. Thank you.

**AL DAVIS:** And we went twice, you know, if-- there was a [INAUDIBLE] was on a Monday, and Wednesday was the agency, Game and Parks, which is where they're handled.

**RAYBOULD:** OK. Thank you.

**AL DAVIS:** Thank you.

**DeKAY:** Any other questions? Seeing none, thank you.

**AL DAVIS:** Thank you.

**DeKAY:** Next proponent.

**KATIE LAMKE:** Hello.

**DeKAY:** Good afternoon.

**KATIE LAMKE:** My name is Katie Lamke, K-a-t-i-e L-a-m-k-e, and I'm a conservation biologist with the Xerces Society here in Lincoln. We, too, are--

**DeKAY:** Katie, could you speak up a little bit? I'm a little hard of hearing.

**KATIE LAMKE:** Yes. I get that all the time.

**DeKAY:** Thank you.

**KATIE LAMKE:** We, too, are a recipient of an NET grant, and we received our contract that was revised, saying the funds could be pulled back. And I'm here to support this amendment today because I have benefited from trust dollars both as a student at UNL, and now as a professional here. So, I did a master's degree at UNL thanks to a large competitive NET grant, and that project leveraged match dollars that allowed myself and several other undergraduate and graduate students to undertake research, earn our degrees while aiding state departments in managing prairie habitat for specific pollinators, benefiting community engagement through conservation storytelling, and projects like that that use trust dollars to sort of compound returns, right? So, engaging the community, giving back to conservation, and being able to unlock additional federal dollars is a really efficient use of the trust. And then immediately following graduation, I was fortunate enough to be hired right here in Lincoln in my field of expertise, again thanks to a competitive NET grant. That grant allowed us to launch the Nebraska Bumble Bee Atlas back in 2019, and since then, we've engaged hundreds of Nebraskans across the state to learn about our native pollinators, help track them, and ultimately help conserve them. My partners and I have essentially given out trainings across the entire state. Our volunteers have surveyed every single county; we've found species in the state that haven't been seen in 20 years, and the information that we're gathering is helping Nebraska Game and Parks effectively manage those species. And through that small \$300,000 grant, we have-- excuse me, I'm getting nervous here.

**DeKAY:** Take your time.

**KATIE LAMKE:** We've been able to sort of broaden our horizons here; we're working with Missouri, Iowa, Kansas, the Dakotas. All these other surrounding states have heard of our efforts and want similar projects. So, we're still running the Atlas today, we're going into our eighth season, and it's all thanks to that initial NET grant. And those are really happening because of the competitive process, right? We're able to engage volunteers who track thousands of mileage and hours participating in our research project that myself and my colleagues would not be able to do on our own. Game and Parks would not be able to do this on our own. So, we're really getting creative in how we can design these projects and maximize the use of these funds, but we're

only being awarded those because we're competing against others who are doing similar projects. Thank you.

**DeKAY:** Thank you. Senator Raybould.

**RAYBOULD:** Thank you, Ms. Lamke, for being here. So, when you travel to the other states, Missouri, Dakota, Kansas, and Iowa, do they have-- we heard one other speaker talk about everybody wants to replicate our environmental trust fund, so do-- how do these other states get their funding?

**KATIE LAMKE:** So, we actually work with a variety of partners, but none of them have anything that I know of like Nebraska Environmental Trust. So, we work with agencies more similar to Game and Parks or Fish and Wildlife Service or Forest Service, but nothing like NET.

**RAYBOULD:** OK.

**KATIE LAMKE:** Yeah. It's quite special.

**RAYBOULD:** Yeah.

**KATIE LAMKE:** Yeah.

**RAYBOULD:** Thank you.

**DeKAY:** Any other questions? Could you repeat one more time what states you traveled to to do some of your projects?

**KATIE LAMKE:** So, I work in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri, Minnesota, but we're in 21 states for this project.

**DeKAY:** OK.

**KATIE LAMKE:** Yeah.

**DeKAY:** Appreciate it.

**KATIE LAMKE:** Yep.

**DeKAY:** Thank you. Next proponent. Seeing none. Any opponents? Seeing none. Anyone testifying in the neutral position?

**SHELLY KELLY:** Hello, Vice Chair, and members of the Natural Resources Committee. My name is Shelly Kelly, S-h-e-l-l-y K-e-l-l-y, and I'm a rancher from the Broken Bow area where there's a snow day even before we got here, so I had company come with me. And I'm also the executive director of the Sandhills Task Force. I'm testifying in a neutral capacity today for LR298CA. I strongly, strongly support preserving the Nebraska Environmental Trust. However, I don't believe it is appropriate to restrict who can apply for the funds. Projects should be evaluated based upon their merit and public benefit they provide, not on the type of applicant. The NET board already has a robust, robust checks and balances in place. Applications are carefully reviewed for their value to the Nebraska's environment, and grants are closely monitored to prevent fraud or misuse. A simple amendment to the proposed constitutional amendment would ensure that all Nebraskans can access NET funds, allowing the best conservation projects to move forward. This change requires only the removal of the restrictive list currently appearing on lines 8, 9, and 10 of the proposal. See the redline versions on the back page of my handout. The Sandhills Task Force is a rancher-led nonprofit organization dedicated to promoting sustainable ranching and conservation across the Nebraska Sandhills. We've been around for over 30 years, about the same time that the Nebraska Environmental Trust was formed. I don't think that's a coincidence. With NET funding, we've accomplished the following. We helped ranchers control the pesky invasive eastern red cedars. What-- we don't care if they cut, burn, we want to try to help them get rid of them. We help to improve grazing systems that improve and enhance the beautiful prairies and wetlands that we get to call home. We restore degraded streams and wetlands and improve the natural hydrology of those to bring it back to the vibrant, productive state that our wetlands have. We place approximately 13 bright and talented interns annually on Sandhills ranches throughout-- through our Sandhills Ranch Internship and Apprenticeship Program, and we've hosted tours, workshops, and meetings to educate land stewards and the public on innovative natural resource stewardship practices. Our organization currently employs four full-time staff-- soon to be five-- who directly support ranchers and the public in advancing our mission. Roughly 30 percent of our budget comes directly from NET grants, and this is seed funding that enables us to leverage the remaining 70 percent from other sources. Those other sources would disappear largely if we lost our NET funding, and we need-- we help to improve stewardship on nearly 100,000 acres of Sandhills land every year. These-- excuse me. These on-the-ground projects address needs that far

exceed what government programs alone can cover. Without NET funding, we would lose not only that direct support but also the majority of our leverage dollars, likely forcing our organization and many others like this to cease operations. Nebraska's natural resources are healthy and vibrant, but they face serious threats. Passing LR298CA with the proposed amendment would ensure continued funding for effective landowner-driven conservation efforts like ours. Thank you very much for your time. Happy to answer any questions if you have any.

**DeKAY:** Thank you. Are there any questions? Senator Clouse.

**CLOUSE:** Yes, thank you, Vice Chair Brandt [SIC]. Thank you for being here.

**SHELLY KELLY:** Yes.

**CLOUSE:** So, the red line is-- is this where you changed that so that individuals, private individuals can-- I mean, I, I heard something along that line, that--

**SHELLY KELLY:** Yeah.

**CLOUSE:** --individuals weren't allowed to get-- participate and get grants?

**SHELLY KELLY:** Currently, there is no restriction on, on who can apply. And so, if you list-- if you add the list that's currently in the, the proposed constitutional amendment, it would eliminate the ability for individuals, businesses, and smaller nonprofits that haven't gone through the tax-exempt status. And so, I think of, like, FFA organizations, prescribed burn associations, and things like that.

**CLOUSE:** So, it'd take the list out?

**SHELLY KELLY:** Yeah.

**CLOUSE:** OK. Thank you.

**SHELLY KELLY:** That's it. And, and-- yep. And it's very clearly stated in, in current statute, who can and cannot apply.

**CLOUSE:** Thank you.

**DeKAY:** Any other questions? Seeing none, thank you.

**SHELLY KELLY:** Thank you.

**DeKAY:** Next person in the neutral capacity. Seeing none. As Senator Brandt comes up to close, on LR298CA there were-- for, for the record, there were 110 proponents, 7 opponents, 2 in the neutral capacity, and no ADA testimony.

**BRANDT:** And in reviewing those opponents online, I think they got confused because virtually all of them support LR298CA. So, kind of take that with a grain of salt. The last testifier, I'd like to say, that is precisely the area of the CA that we're working on to make sure that people are still eligible, and so we are reviewing that and going through that to make sure that that gets changed. I'm not sure who did the handout by district, if this was the Audubon Society, but I can-- I, I really appreciate this handout. It's by legislative district, and they got mine right, Senator Clouse. But since the trust, from '94 to 2025, just in LD32, which are my four counties, we've been awarded \$15 million of trust money, and we've gotten matched \$25 million of other monies. That's a \$40 million impact just on my little legislative district. So, kind of reviewing a couple of my notes here. Traci Bruckner, National Audubon Society, NAT, they got \$3.7 million and they leveraged that to \$6.7; used federal money, so they've gotten over \$10 million. I kind of liked what Alex had to say about the "green glacier" of cedar trees. I've never quite heard it expressed by-- like that, but the glacier is in my pastures too, so if anyone wants to come down and, and see that, they're welcome to come down, fight that. Ms. Miller, Ducks Unlimited, NET is the envy of the Midwest. I think we all believe that. I certainly do. So, anyway, those are just a few of the notes I had. I really have nothing else to add. If you have any questions, I'd certainly be happy to answer them.

**DeKAY:** Are there any questions? Senator Clouse was ahead. Go first.

**CLOUSE:** Thank you, Senator Brandt-- or, Senator DeKay. So, you did mention-- in the amendment, because I was reading in the notes, and I think I picked up on that, that the state funds, they can use cash funds for their match. I think there was some question about that.

**BRANDT:** You-- are you asking if the amendment--

**CLOUSE:** Yeah.

**BRANDT:** --will address that?

**CLOUSE:** Yeah.

**BRANDT:** It will tighten that, yes. It won't make the state ineligible, but they'll have to play on a level playing field, if that's your question. The way--

**CLOUSE:** They will be able to use cash funds, if it's a state agency and they have cash funds available for the match?

**BRANDT:** Oh, let me look at it.

**CLOUSE:** I was thinking that it was [INAUDIBLE]--

**BRANDT:** Yeah, it's on page-- it's-- basically, the whole bill is on page 2--

**CLOUSE:** We, we can talk about that.

**BRANDT:** Well, I'll read you the one sentence. A project proposed by a Nebraska state agency shall not be awarded a grant from the Nebraska Environmental Trust unless at least 50 percent of the project's funding is provided for by a political subdivision, the federal government, or private donors. So, that keeps the sweep from happening, or kind of.

**CLOUSE:** OK. We need to talk. We'll talk.

**BRANDT:** That's fine, yeah.

**DeKAY:** Senator Raybould.

**RAYBOULD:** Thank you. Senator Brandt, we heard from one of the other proponents of it that this is something that transcends party lines. I kind of can attest to that. I've, I've run in two statewide races, and Environmental Trust fund, the Nature Conservancy, the League of Conservation Voters, now the Conservation Voters of Nebraska [SIC], everybody is really focused on preserving and protecting our amazing natural environment. So, the question to you is-- I'm a co-sponsor of

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your, your legislation here, but are you seeing the same unification across party lines for the rest of the members in our Chamber?

**BRANDT:** Well, I hope so. And the reason I say that is I haven't worked the bill yet.

**RAYBOULD:** OK.

**BRANDT:** OK? First, we've got to get it out of committee. I'm pretty confident we've-- we can probably get that done. And then, we've got to get it to the floor. And everybody has their own style, and my style usually is to get all of the groups behind us to help us get this thing across the finish line, and I'm sure they would be willing to do that. They, they know senators, or their groups can contact senators. And then, to meet with people individually to see where they're at on this.

**RAYBOULD:** So, who do you think are some of your major opponents on trying to get this accomplished and across the finish line?

**BRANDT:** We're still looking. There was no opponents today. Maybe you noticed that.

**RAYBOULD:** OK.

**DeKAY:** Any other questions? Seeing none, that ends the hearing on LR298CA. And with that, that end our hearings for today.