

## ENGROSSED LEGISLATIVE BILL 794

Introduced by DeKay, 40.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-406, 2-3232, 81-201, 81-2,162.27, and 81-2,164.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the powers of and to provide duties for the Department of Agriculture; to provide for natural resources districts to establish programs relating to soil and water; to eliminate provisions relating to the Healthy Soils Task Force and fund transfers under the Fertilizers and Soil Conditioners Administrative Fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-401, 2-402, 2-403, and 2-404, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

**Section 1.** Section 2-406, Reissue Revised Statutes of Nebraska, is amended to read:

2-406 The Legislature finds that:

(1) With over ninety percent of Nebraska's land base in cropland and rangeland agricultural production, its agricultural sector is foundational to the state's economy. Nebraska agricultural producers face many challenges, from shrinking profit margins, depletion of natural resources, and extreme weather events, to increased public interest concerning the impact of current agricultural practices on the environment;

(2) Since the prairie was plowed for farming, Nebraska has lost topsoil and organic matter to both water and wind erosion. Soil erosion reduces soil productivity and deteriorates water quality. Organic matter is vital to soil fertility, structure, and water retention ability and is only at one-half of its original level;

(3) This state's soil and abundant water are Nebraska's most critical natural resources. The quality of both is vital for productive and profitable

agricultural production, rural and urban economic viability, long-term food security, natural resource resiliency, and the associated influences on human health and quality of life. The relative quality and availability of the state's ground water and surface waters are directly impacted by the health of the land, particularly its agricultural soil;

(4) It is not uncommon to find nitrate levels in excess of federal drinking water standards in wells across the state. Elevated levels of nitrates in Nebraska's ground water are alarming as approximately eighty-five percent of Nebraska residents rely on drinking water pumped from the ground. While nitrate levels in Nebraska's ground water are gradually improving in some areas, they remain at troublesome levels elsewhere, particularly in the central and northeastern parts of Nebraska;

(5) The Healthy Soils Task Force created under Laws 2019, LB243, section 2, concluded that healthier soils produced through best soil management practices improve yield stability, produce greater financial returns over time, reduce the need for chemical inputs, increase water infiltration rates and water storage capacity making soil more resilient to drought, flooding, and erosion, and protect and improve water quality. The task force also concluded that two significant barriers to adoption of healthy soil management practices by agricultural producers are uncertainty of the positive economic return on investment in healthy soil management practices and the lack of education and information available to a broader audience; and

(6) With the general public's growing interest in how food is grown relative to human health and long-term resiliency of our natural resources, greater adoption of healthy soil management practices is beneficial to both rural and urban contingencies. A voluntary grassroots effort to accelerate the means to protect and enhance Nebraska's soil and receive the benefits described in the task force report should be encouraged and supported.

**Sec. 2.** Section 2-3232, Reissue Revised Statutes of Nebraska, is amended to read:

2-3232 Each district shall have the power and authority to:

(1) Make studies, investigations, or surveys and do research as may be necessary to carry out its authorized purposes, enter upon any land, after notifying the owner or occupier, for the purpose of conducting such studies, investigations, surveys, and research, and publish and disseminate the results. Entry upon any property pursuant to this section shall not be considered trespass, and damages are not recoverable on that account alone. In case of any actual or demonstrable damage to premises, the district shall pay the owner of the premises the amount of the damages. Upon failure of the landowner and the district to agree upon the amount of damages, the landowner, in addition to any other available remedy, may file a petition as provided in section 76-705. To avoid duplication of effort, any such studies, investigations, surveys, research, or dissemination shall be in cooperation and coordination with the programs of the University of Nebraska, or any department thereof, and any other appropriate state agencies;

(2) Conduct demonstration projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the owners of such land or the necessary rights and interest in such lands, in order to demonstrate by example the means, methods, and measures by which soil and water resources may be conserved and soil erosion in the form of soil blowing and soil washing may be prevented and controlled. Demonstration projects shall be coordinated with the programs of the Agricultural Research Division of the University of Nebraska Institute of Agriculture and Natural Resources; and

(3) Establish or participate in programs to educate residents about or research practices to improve water quality, water quantity management, or soil health practices. Such programs may include conducting demonstration projects as provided in this section and hosting educational events to inform agricultural producers and the general public about practices to protect and conserve natural resources in the state. A district may enter into agreements with agricultural producers, nonprofit organizations, companies, service

organizations, political subdivisions, public or private postsecondary educational institutions, or state or federal agencies to establish or participate in such programs.

**Sec. 3.** Section 81-201, Reissue Revised Statutes of Nebraska, is amended to read:

81-201 (1) The Department of Agriculture may:

(a) Encourage and promote, in every practicable manner, the interest of agriculture;

(b) Promote methods of conducting the industry of agriculture with a view to increasing the production and facilitating the distribution thereof at the least cost;

(c) Collect and publish statistics relating to the production and marketing of agricultural products, so far as such statistical information may be of value to the agricultural and allied interests of the state, and cooperate with the federal government in the matter of collecting and publishing such statistical information;

(d) Publish and distribute the Weeds of the Great Plains book and supplemental inserts thereto, for sale and distribution to the public. All money collected from the sale of the publications shall be remitted to the State Treasurer and credited as provided in section 81-201.05;

(e) Inquire into the causes of contagious, infectious, and communicable diseases among domestic animals and the means for the prevention and cure of the same;

(f) Execute and enforce all laws relating to matters within its jurisdiction and adopt and promulgate necessary rules and regulations for the administration and enforcement of such laws;

(g) Employ special investigators who shall be appointed deputy state sheriffs by the Governor and who shall, upon qualifying for such office, possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of the laws of the State of Nebraska within the jurisdiction of the Department of Agriculture;

(h) Perform laboratory testing services as provided in section 81-2,293;  
and

(i) Enforce the Foreign-owned Real Estate National Security Act.

(2) Prior to January 1, 2027, the Department of Agriculture shall electronically submit, to the Clerk of the Legislature, the following relating to the Healthy Soils Task Force created under Laws 2019, LB243, section 2:

(a) A copy of the comprehensive action plan submitted pursuant to section 2-404, as such section existed on January 1, 2021;

(b) A copy of the findings and recommendations reported pursuant to section 2-404, as such section existed on January 1, 2021; and

(c) A copy of the agendas, meeting minutes, and any other documents submitted by the task force to the department.

**Sec. 4.** Section 81-2,162.27, Reissue Revised Statutes of Nebraska, is amended to read:

81-2,162.27 (1) All money received under the Nebraska Commercial Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials Act shall be remitted to the State Treasurer for credit to the Fertilizers and Soil Conditioners Administrative Fund, which fund is hereby created. Money so received shall be used by the department for defraying the expenses of administering the Nebraska Commercial Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials Act. Transfers may be made from the fund to the General Fund at the direction of the Legislature.

(2) Any unexpended balance in the Fertilizers and Soil Conditioners Administrative Fund at the close of any biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding biennium. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

**Sec. 5.** Section 81-2,164.03, Reissue Revised Statutes of Nebraska, is amended to read:

81-2,164.03 The Director of Agriculture is hereby authorized to receive

voluntary gifts and contributions from the federal government, private agencies, farm industry associations, individuals, and any other person, or to collect fees or charges for services or publications from any source, including, but not limited to, the federal government, state governments, public agencies, and private entities or individuals for the purpose of defraying the expenses of carrying out subdivision (1)(c) of section 81-201 and sections 81-2,163 and 81-2,164.03. All advances so received shall be credited to the Agricultural Products Marketing Information Cash Fund, which fund is hereby created. Disbursements from such fund shall be made upon vouchers approved by the director and warrants issued thereon as provided by law. All money received from the federal government, local government agencies, private research agencies, farm industry associations, individuals, or any other person, which are reimbursements for expenditures made, shall be remitted to the State Treasurer for credit to the Agricultural Products Marketing Information Cash Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

**Sec. 6.** Original sections 2-406, 2-3232, 81-201, 81-2,162.27, and 81-2,164.03, Reissue Revised Statutes of Nebraska, are repealed.

**Sec. 7.** The following sections are outright repealed: Sections 2-401, 2-402, 2-403, and 2-404, Reissue Revised Statutes of Nebraska.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 794 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the ..... day of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**