

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 794**

FINAL READING

Introduced by DeKay, 40.

Read first time January 07, 2026

Committee: Agriculture

1 A BILL FOR AN ACT relating to natural resources; to amend sections 2-406,  
2 2-3232, 81-201, 81-2,162.27, and 81-2,164.03, Reissue Revised  
3 Statutes of Nebraska; to change provisions relating to the powers of  
4 and to provide duties for the Department of Agriculture; to provide  
5 for natural resources districts to establish programs relating to  
6 soil and water; to eliminate provisions relating to the Healthy  
7 Soils Task Force and fund transfers under the Fertilizers and Soil  
8 Conditioners Administrative Fund; to harmonize provisions; to repeal  
9 the original sections; and to outright repeal sections 2-401, 2-402,  
10 2-403, and 2-404, Reissue Revised Statutes of Nebraska.  
11 Be it enacted by the people of the State of Nebraska,

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

3           2-406 The Legislature finds that:

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

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

16           (3) This state's soil and abundant water are Nebraska's most  
17 critical natural resources. The quality of both is vital for productive  
18 and profitable agricultural production, rural and urban economic  
19 viability, long-term food security, natural resource resiliency, and the  
20 associated influences on human health and quality of life. The relative  
21 quality and availability of the state's ground water and surface waters  
22 are directly impacted by the health of the land, particularly its  
23 agricultural soil;

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

31           (5) The Healthy Soils Task Force created under Laws 2019, LB243,

1 ~~section 2, section 2-402~~ concluded that healthier soils produced through  
2 best soil management practices improve yield stability, produce greater  
3 financial returns over time, reduce the need for chemical inputs,  
4 increase water infiltration rates and water storage capacity making soil  
5 more resilient to drought, flooding, and erosion, and protect and improve  
6 water quality. The task force also concluded that two significant  
7 barriers to adoption of healthy soil management practices by agricultural  
8 producers are uncertainty of the positive economic return on investment  
9 in healthy soil management practices and the lack of education and  
10 information available to a broader audience; and

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

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

20 2-3232 Each district shall have the power and authority to:

21 (1) Make studies, investigations, or surveys and do research as may  
22 be necessary to carry out its authorized purposes, enter upon any land,  
23 after notifying the owner or occupier, for the purpose of conducting such  
24 studies, investigations, surveys, and research, and publish and  
25 disseminate the results. Entry upon any property pursuant to this section  
26 shall not be considered trespass, and damages are not recoverable on that  
27 account alone. In case of any actual or demonstrable damage to premises,  
28 the district shall pay the owner of the premises the amount of the  
29 damages. Upon failure of the landowner and the district to agree upon the  
30 amount of damages, the landowner, in addition to any other available  
31 remedy, may file a petition as provided in section 76-705. To avoid

1 duplication of effort, any such studies, investigations, surveys,  
2 research, or dissemination shall be in cooperation and coordination with  
3 the programs of the University of Nebraska, or any department thereof,  
4 and any other appropriate state agencies; ~~and~~

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

16 (3) Establish or participate in programs to educate residents about  
17 or research practices to improve water quality, water quantity  
18 management, or soil health practices. Such programs may include  
19 conducting demonstration projects as provided in this section and hosting  
20 educational events to inform agricultural producers and the general  
21 public about practices to protect and conserve natural resources in the  
22 state. A district may enter into agreements with agricultural producers,  
23 nonprofit organizations, companies, service organizations, political  
24 subdivisions, public or private postsecondary educational institutions,  
25 or state or federal agencies to establish or participate in such  
26 programs.

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

29 81-201 (1) The Department of Agriculture may:

30 (a) Encourage ~~shall have power (1) to encourage~~ and promote, in  
31 every practicable manner, the interest of agriculture;

1           **(b) Promote** ~~(2) to promote~~ methods of conducting the industry of  
2 agriculture with a view to increasing the production and facilitating the  
3 distribution thereof at the least cost;

4           **(c) Collect** ~~(3) to collect~~ and publish statistics relating to the  
5 production and marketing of agricultural products, so far as such  
6 statistical information may be of value to the agricultural and allied  
7 interests of the state, and ~~to~~ cooperate with the federal government in  
8 the matter of collecting and publishing such statistical information;

9           **(d) Publish** ~~(4) to publish~~ and distribute the Weeds of the Great  
10 Plains book and supplemental inserts thereto, for sale and distribution  
11 to the public. All money collected from the sale of the publications  
12 shall be remitted to the State Treasurer and credited as provided in  
13 section 81-201.05;

14           **(e) Inquire** ~~(5) to inquire~~ into the causes of contagious,  
15 infectious, and communicable diseases among domestic animals and the  
16 means for the prevention and cure of the same;

17           **(f) Execute** ~~(6) to execute~~ and enforce all laws relating to matters  
18 within its jurisdiction and ~~to~~ adopt and promulgate necessary rules and  
19 regulations for the administration and enforcement of such laws;

20           **(g) Employ** ~~(7) to employ~~ special investigators who shall be  
21 appointed deputy state sheriffs by the Governor and who shall, upon  
22 qualifying for such office, possess all the powers which attach to such  
23 office, except that their powers and duties shall be restricted to the  
24 enforcement of the laws of the State of Nebraska within the jurisdiction  
25 of the Department of Agriculture;

26           **(h) Perform** ~~(8) to perform~~ laboratory testing services as provided  
27 in section 81-2,293; and

28           **(i) Enforce** ~~(9) to enforce~~ the Foreign-owned Real Estate National  
29 Security Act.

30           **(2) Prior to January 1, 2027, the Department of Agriculture shall**  
31 **electronically submit, to the Clerk of the Legislature, the following**

1 relating to the Healthy Soils Task Force created under Laws 2019, LB243,  
2 section 2:

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

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

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

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

11 81-2,162.27 (1) All money received under the Nebraska Commercial  
12 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
13 Act shall be remitted to the State Treasurer for credit to the  
14 Fertilizers and Soil Conditioners Administrative Fund, which fund is  
15 hereby created. Money so received shall be used by the department for  
16 defraying the expenses of administering the Nebraska Commercial  
17 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
18 Act. ~~The fund may also be used to defray costs incurred by the department~~  
19 ~~directly related to administrative and budgetary support of the Healthy~~  
20 ~~Soils Task Force pursuant to sections 2-401 to 2-404, except that no more~~  
21 ~~than ten thousand dollars may be expended by the department from the fund~~  
22 ~~for such purpose. Transfers may be made from the fund to the General Fund~~  
23 ~~at the direction of the Legislature. The State Treasurer shall transfer~~  
24 ~~two hundred seventy-five thousand dollars from the Fertilizers and Soil~~  
25 ~~Conditioners Administrative Fund to the General Fund on or before June~~  
26 ~~30, 2019, on such dates and in such amounts as directed by the budget~~  
27 ~~administrator of the budget division of the Department of Administrative~~  
28 ~~Services.~~

29 (2) Any unexpended balance in the Fertilizers and Soil Conditioners  
30 Administrative Fund at the close of any biennium shall, when  
31 reappropriated, be available for the uses and purposes of the fund for

1 the succeeding biennium. Any money in the fund available for investment  
2 shall be invested by the state investment officer pursuant to the  
3 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
4 Act.

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

7 81-2,164.03 The Director of Agriculture is hereby authorized to  
8 receive voluntary gifts and contributions from the federal government,  
9 private agencies, farm industry associations, individuals, and any other  
10 person, or to collect fees or charges for services or publications from  
11 any source, including, but not limited to, the federal government, state  
12 governments, public agencies, and private entities or individuals for the  
13 purpose of defraying the expenses of carrying out subdivision (1)(c) ~~(3)~~  
14 of section 81-201 and sections 81-2,163 and 81-2,164.03. All advances so  
15 received shall be credited to the Agricultural Products Marketing  
16 Information Cash Fund, which fund is hereby created. Disbursements from  
17 such fund shall be made upon vouchers approved by the director and  
18 warrants issued thereon as provided by law. All money received from the  
19 federal government, local government agencies, private research agencies,  
20 farm industry associations, individuals, or any other person, which are  
21 reimbursements for expenditures made, shall be remitted to the State  
22 Treasurer for credit to the Agricultural Products Marketing Information  
23 Cash Fund. Any money in the fund available for investment shall be  
24 invested by the state investment officer pursuant to the Nebraska Capital  
25 Expansion Act and the Nebraska State Funds Investment Act.

26 **Sec. 6.** Original sections 2-406, 2-3232, 81-201, 81-2,162.27, and  
27 81-2,164.03, Reissue Revised Statutes of Nebraska, are repealed.

28 **Sec. 7.** The following sections are outright repealed: Sections  
29 2-401, 2-402, 2-403, and 2-404, Reissue Revised Statutes of Nebraska.