

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

DeKAY: We'll go ahead and get started. Welcome to the Agriculture Committee. I am Senator Barry DeKay of Niobrara, Nebraska. I represent the 40th Legislative District. I serve as chair of this committee. The committee will take up the bills and confirmations in the order posted on the agenda at the door. Our hearing today is your public part of the legislative process. This is your opportunity to explain your position on proposed legislation before us today to offer insights and information for our consideration. The committee members might come and go during this hearing. This is just part of the process, as members can have bills to introduce in other committees. I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Introducers will make initial statements, followed by proponents, opponents, and neutral testimony. Closing remarks are reserved for the introducing Senator only. If you're planning to testify, please fill out a green sign-in sheet that is on the table at the back of the room before you come up to testify. Please print, and it is important to complete the form in its entirety. When it is your turn to testify, hand the sign-in sheet to a page or to the committee clerk. This will help us make more accurate public record. If you do not wish to testify today but would like to indicate your position on a bill, there are yellow sign-in sheets at the back of the room. These sheets will be included in the hearing record. If you have a written statement or other handouts, please have 12 copies and hand them to a page when you come up to testify, and they will distribute those to the committee. If you do not have enough copies, a page will make sufficient copies for you. Please speak clearly into the microphone. Tell us your name, and please spell your first and last name to ensure that we get an accurate record. We will be using the light system for all testifiers. You will have 4 minutes to make initial remarks to the committee. When you begin, the green light will be on. When you see the yellow light, that means you have one minute remaining, and the red light indicates your time has ended and you should conclude your remarks. Questions from the committee that follow will provide an opportunity to further explain your position. No displays of support or opposition to a bill, vocal or otherwise, are allowed at a public hearing, and you may be asked to leave. The committee members with us today will introduce themselves, starting with my far left.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office

Agriculture Committee January 27, 2026

Rough Draft

IBACH: Teresa Ibach, District 44, which is 8 counties in southwest Nebraska.

HANSEN: Senator Ben Hansen, District 16, the best district in the state of Nebraska, Washington Count-- Washington County, Burt County, Cuming County, parts of Stanton County.

KAUTH: Kathleen Kauth, LD 31, the Millard area of Omaha, which is actually better.

STORM: Jared Storm, District 23, Saunders, Butler, Colfax County.

F. MEYER: Fred Meyer, District 41. Everybody already knows District 41 is superior, so [INAUDIBLE].

DeKAY: To my immediate right is the committee research analyst, Rick Leonard, and our, and our committee clerk, Linda Schmidt, is seated at my far left. Our pages for the committee are-- and they will introduce themselves.

DEMET GEDIK: Hi, my name is Demet Gedik. I'm a student at UNL, and I study poli sci.

ESTEN HYDE: Hello. My name is Esten Hyde. I'm from Auburn, Nebraska. I am a student at UNL, studying business law.

DeKAY: Thank you. With that, we will open the hearing for the first item on the agenda, LB807. Senator Ibach, you may proceed and open on your bill.

IBACH: Thank you, Chairman. Good afternoon, fellow members of the Agriculture Committee. My name is Senator Teresa Ibach, T-e-r-e-s-a I-b-a-c-h, and I represent Legislative District 44. Today I'm here to introduce to you LB807 and AM1757, a white copy amendment that will become the bill. Because of that, I will limit my comments to the amendment, which has been a collaborative effort between the Department of Agriculture and the Department of Water, Energy, Environment, and my office. AM1757 provides that the administration of the Noxious Weed Act remain with the Department of Agriculture, but amends the Water Resources Cash Fund to expand its uses, allowing the Department of Water, Energy, and Environment to provide grants to weed management entities. Priority will be given to applicants that are subject to an interstate compact or decree, such as the Republican River and the Platte River. With the adoption of AM1757, the Department of Water, Energy, and Environment is in support of LB807.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

This change will hopefully address the issue long term, as proponents of this program will no longer have to ask for General Fund appropriations. And I fully trust the Department of Water, Energy, and Environment to be good stewards of the Water Resources Cash Fund to ensure its viability going forward, even with the expansion, because water is life. With that, I thank you for your time, and I am open to any questions.

DeKAY: Thank you. Are there any questions for the senator? Seeing none-- oh, sorry.

KAUTH: Thank you, Chair DeKay.

DeKAY: Senator Kauth.

KAUTH: Senator Ibach, so the, the Water Resources Cash Fund, how is that, how is that funded?

IBACH: So--

KAUTH: It's not general funds, correct?

IBACH: That's a fund within the Department of Water, Energy, and Environment.

KAUTH: OK.

IBACH: And we have tapped into that for the initial nitrate bill that I had, as well. And right now, if you look at the balance, it's about \$39.5 million. And Director Bradley is in charge of the department and any of the allocations that come out of it, and does it very thoughtfully.

KAUTH: And how does money go into that fund? Is it a tax or is it a-- where, where does that money come from?

IBACH: Well, it's an, it's an allocation from-- I should know this question.

KAUTH: Just-- if you could just let me know, just-- so it doesn't dry up later on. Get it? Dry up?

IBACH: Yes. I'm sure someone will testify to that.

KAUTH: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

DeKAY: Any other questions? Will you be here for closing?

IBACH: Yes, for sure. Thank you.

DeKAY: With that, we will have our first proponent.

JON CANNON: Good afternoon, Chairman DeKay, members of the Ag, Ag-- I'm already messed up-- members of the Agriculture Committee. My name is Jon Cannon, J-o-n C-a-n-n-o-n. I'm the executive director of the Nebraska Association of County Officials, also known as NACO, here to testify in support of LB807. We certainly appreciate the effort that Senator Ibach has made on this bill, and working with NDWEE and with NDA to see that this transfer is going to go through adequately. Our interest is in the-- of course, the Water Management Cash Fund and the uses that it can be put toward. And you've heard me testify as to this before. The reason that we take that interest is because of the state's obligation to the state of Kansas through the Republican River Compact that led us to litigation back in 2006, 2007. That sort of litigation originates in the U.S. Supreme Court. The state of Kansas, Kansas, because we had not been able to provide them with the allocation of water that they were required under the compact, had sued the state of Nebraska for \$100 million, which, you know, back then, was a heck of a lot of money and, and today, that's probably a zillion dollars when you adjust it upward for inflation. That was ori-- that originated with the U.S. Supreme Court. And through mitigation efforts that were undertaken by the state of Nebraska, in particular, Senator Tom Carlson, I believe, had, had spearheaded that, that program back in the day for riparian vegetation management, on-- through negotiation, that lawsuit was settled with the state for Kansas for \$7 million, a heck of a return on your investment if you can, you know, reduce a \$100 million liability, which they were probably going win, down to \$7 million. That suit, by the way, that was the state of Kansas v. the state of Nebraska. It was not a suit against Red Willow County. It wasn't a suit against Harlan County. It wasn't a suit against Furnas County. You know, that was, that was an obligation of the state of Nebraska. And so, the Constitution of the, of the State of Nebraska provides in Article VIII, Section 1A, that no property tax shall be levied for a state purpose. And that has, you know, carried through. There was a litigation shortly thereafter, after that 2007 case with the state of Kansas. That was Garey v. Department of Natural Resources. They were trying to impose an occupation tax down in that area of the, of the state. And that was found to be unconstitutional because it was levying a, a property tax for a state purpose. And so, what we have done instead is we've said,

well, we'll let the weed, the Weed Management Areas, we'll them handle spraying for phragmites and whatnot in the Republican River Basin. Guess what? Those associations and those agencies are primarily funded by property taxes. So from our perspective, having this being part of a cash fund that's going to be under-- pardon me-- administered under NDWEE is certainly going to be something that, that we would support. There-- it's a viable cash fund that we'd, we'd be able to draw from. We think that we'd be able to accomplish our purposes a lot more easily. Under NDA, it was administered through a grant program, and, and I, I think this will probably satisfy our obligations a little bit clear-- more clearly, especially when you've got that provision in there that says priority will be given to those agencies that are subject to a, a compact with another state. We're all acutely aware of spending. You know, I like to talk about tax policy primarily, which is why I'm not talking about ag, I'm talking about taxes, so my apologies of that. But the very clear message in the last several years is that local officials need to prioritize spending. And so, when the suggestion even went up that we might-- that a weed management association might not spend money spraying for phragmites in the river basins, people just about lost their minds. And so we want to make sure that people don't lose their minds, we want to make sure that we're funding the things that, that we have an obligation to other states as part of our union, and fulfill our obligations under our compact. We appreciate-- we've appreciated working with NDA. They've had great leadership and, and they're assoc-- a great department to work with. We look forward to working with NDWEE, and I'm happy to take any questions you may have.

DeKAY: Thank you. Are there any questions for-- Senator Raybould.

RAYBOULD: Yes. Thank you, Jon, for being here. I wonder if you know, what is the annual amount that gets spent on the Republican River fulfilling our obligations of like, keeping the river stream and channels clear and clean from phragmites and other invasive things that happen there?

JON CANNON: Senator, I do not know the answer to that. I'm happy to volunteer the guy that's going to be coming up next to me, Mr. Brent Meyer, from Lancaster County.

RAYBOULD: OK. Terrific. Thank you.

JON CANNON: Yes, ma'am.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

DeKAY: Thank you. Any other questions? Senator Storm.

STORM: Thank you, Chair. And I-- so reading the fiscal note on this, it says it's going to be a \$6 million increase in appropriation? Is that correct?

JON CANNON: That's the appropriation that had been asked for, at, at one point. That sounds about right. Back when Senator Carlson had undertaken this program, I believe that appropriation was quite a bit higher. As we've been working-- and, and again, I'll let Mr. Meyer and, and Mr. Reed talk on this a little bit more fully, but as we've gone on, we're, we're really starting to move into the tributaries and, and all the streams of rivers that feed into it, and so the, the price tag has gone down just a little bit, but, but the obligation still remains.

STORM: OK. Thanks.

JON CANNON: Yes, sir. Thank you

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

JON CANNON: Thank you very much.

DeKAY: Next proponent.

BRENT MEYER: Good afternoon, Senator DeKay and members of the Agriculture Committee. My name is Brent Meyer, B-r-e-n-t M-e-y-e-r. I serve as the Noxious Weed Control Superintendent for Lancaster County. I'm here today to support LB807 and the amendment, AM1757, and I appreciate the opportunity to testify on behalf of the Nebraska Weed Control Association, the Lancaster County Board of Commissioners, and the 11 counties in eastern Nebraska represented in the Lower Platte Weed Management Area. I want to thank Senator Ibach for introducing LB807 and Senator Brandt for his continued support. I appreciate the Legislature's ongoing commitment to riparian funding. It's rewarding to be part of legislation that benefits all corners of Nebraska. Senator Tom Carlson first introduced riparian, riparian vegetation management legislation in '07. Nebraska has seen significant improvements in riparian areas statewide. That work began with meeting our water obligations to Kansas, as Jon Cannon just spoke about, but it is growing into a nationally recognized success. Our flowing waters are waters of the state, and it is the state responsibility to ensure those systems can function and convey water as intended. LB807, as amended, makes practical improvements and strengthens coordination,

clarifies eligibility, and ensures funding is directed toward effective, science-based vegetation management. Most importantly, it reflects how this work actually happens on the ground. This amendment provides needed clarity for riparian vegetation management. It is not about indiscriminate removal, it is about targeted management so streams can safely and efficiently convey water, especially in high-flow events. This represents an exciting new working relationship with the Department of Water, Energy and Environment, who has been an engaged and, and constructive partner in developing this language, ensuring the work is technically sound, environmentally responsible, and consistent with broader water goals. Across Nebraska, excessive invasive vegetation in riparian corridors has reduced channel capacity, increased flood risk, displaced wildlife, and damaged adjacent farmland and infrastructure. This amendment appropriately, appropriately focuses funding on organized vegetation management programs carried out by weed management entities, local weed control authorities, and natural resource districts-- the entities already equipped and authorized to do the work. LB807 with AM1757 also address the growing intersection between vegetation management and Nebraska's water obligations, particularly in river basins subject to interstate compacts and decrees. Prior-- prioritizing these basins is essentially to meet legal obligations while protecting agricultural and local, local communities. This amendment is also a strong fit for the Water Resources Cash Fund, improving stream flow, conveyance, directly supports flood mitigation, water management, and protection of public infrastructure. Proactive vegetation management can reduce long-term flooding costs, emergency response, and potential litigation. Finally, nothing in this bill changes responsibilities under the Noxious Weed Control Act. It does not remove landowner, county, or state duties. It provides additional tools and partnerships to address statewide challenges. In closing, LB807 with AM1757 take a balanced, practical approach that strengthens partnerships, aligns with the Water Resources Cash Fund, and empowers local entities already doing the work effectively. I "respect-ly" urge the committee to advance LB807 as amended with AM1757. I thank you for your time, and I'll be happy to answer any questions.

DeKAY: Thank you. Are there-- Senator Raybould.

RAYBOULD: Good to see you, Mr. Meyer. I'm hoping you could tell us, about how much do we have to spend to maintain the Republican River on an annual basis?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

BRENT MEYER: OK. And just the Republican River, I'm going to--

RAYBOULD: Just the-- yeah.

BRENT MEYER: --take a really educated guess on that. I used to be part of that project that was-- as it first began, when Senator Carlson was working on that. With landowner buy-in, grants, funding from the state, NET grants and other funding, all the way from the state line to where it goes into Kansas by Harding, Nebraska, I'm gonna estimate it's around \$200,000 a year, just to maintain that section. The wa-- the water's flowing freely down the Republican today. We cannot take a step back on that program. When we started on that program, you could only put 300 cubic feet per second down the Republic River System without it going out of its banks at Franklin, Nebraska. Today, we put 1,100 cubic feet per second down that same river system. So the river's been cleared. It's a very narrow channel. It won't take long for vegetation to encroach back in and, and slow that water down again. So these are continuing projects. Phragmites is the most aggressive plant I've dealt with in the 30 years I've been doing this. It's not a one and done thing, so it's continued. We need continued state support. We need continued grant support from other sources like NET, and then, of course, the landowner buy-in support. And a lot of our NRDs contribute very heavily to this. So hopefully, that answers your question.

RAYBOULD: It does. So are we winning the war on phragmites, or it-- we win a few battles, and they win a few battles, and how does that look?

BRENT MEYER: Well, Senator, I know I was-- I've been in Lancaster County a while, and, and we've worked together on phragmites. I'd like to think we're winning small battles. It continues to spread. It continues to move up the, the riparian areas, up the side channels. On the main river system, on the Platte River system, you still see a lot of phragmites, but a lot that is treated phragmites. It still stays standing for 2-3 years afterwards. So the main channel is flowing pretty freely. It's all the tributaries coming into that. In Lancaster County alone, we don't have a major river system, but we have over a 1,000 parcels with phragmites on them, so a lot of wastewater treatment lagoons, tributaries, just private landowner drainages. So again, I'll go back to this is the most aggressive plant that I've ever been around. If we just let it go, it's going to win and take out every other plant.

RAYBOULD: OK. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

DeKAY: Any other questions? I got one or two. Real quick, on the Republican River, going off of what Senator I-- or Raybould talked to you about. Did you treat the river by cleaning up the phragmites and other noxious weeds? Did that self-flush itself, or did you have to do any dredging to start to increase the flow?

BRENT MEYER: That's a great question. I appreciate that. So a lot of work went into that river system, other than just treating the vegetation. So there was a lot of fallen trees that had fallen that were restricting water flow, as well. Some of the tributaries were cleaned out to help the natural springs start flowing back into the river, which contributed to the flows now that we get credit for at Kansas. The helicopter applications and the, and the applications of the vegetation were, I would say, 90%, 80% of the project. A lot of the fallen vegetation-- and, and just the log jams from years, you know. And that's been kept, kept clean. We had a lot of excavators down in that river system working to clean that river out, so it was a lot of, a lot of components to that project.

DeKAY: All right. Thank you. Any-- Senator Hansen.

HANSEN: Eight years being on this committee, I love talking about phragmites. And these, these end up turning into like hour-long conversations, so I'm trying not to get too excited. But it, it's usually the same thing. Every year, we, we come here talking about, you know, noxious weed control, phragmites, and some of the same stuff you just talked about-- how it's almost getting worse. Is, is there anything that you're seeing on the horizon, or like, emerging technologies, or other kinds of things, to not just treat it, but to actually-- like is there some kind of other competing type of plant, or weed, or grass, or something that you are seeing at all to help mitigate the problem, instead of just trying to treat it every year?

BRENT MEYER: I would like to give you some really positive spin to that. What I, what I can tell you is we're very fortunate that we have herbicides in Nebraska that are aquatic-approved herbicides that we can use to treat phragmites. The phragmites that we treat with a helicopter this year will not have to be treated in those same spots for at least 2 years out and going into that third year, so it's very effective on it. The problem with phragmaties, the plant's 12-15 feet tall. 70-80% of it is still below the ground surface in the root system. It's like a big, white, tangled-up garden hose. So we're really trying to get herbicide down into that root system. The herbicide that we use does get down into that and holds it back, but

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

it doesn't eliminate it. Now, you can eliminate new infestations, and that's what we want to do-- early detection, rapid response, get rid of those. I don't have a glorious answer to-- it, it will out-compete all other vegetation. We see that in the waterways all the time, is, is if we have the other noxious weed, purple loosestrife and Canada thistle in the river system, phragmites will out-compete them. We take out the phragmites, and those two are the first to come back, so it's, it's, it's continued.

HANSEN: That's crazy. I remember-- I think 8 years ago, we were like, looking at appropriating like a million or \$2 million for this and now we're talking about paying 3-6 it seems. So I can, I can only imagine 5 or 10 years down the road, and now we're appropriating \$20 million. I--which is fine. I get it. I mean, if-- we need to do what we need to do. You know, but I'm always kind of curious to see if there's anything else coming along that might actually fix it, but it doesn't look like it so far.

BRENT MEYER: I wish I had a really good answer for that. What it's gonna take--

HANSEN: [INAUDIBLE] to advance.

BRENT MEYER: It's going to take continued work. And it takes a lot of landowner buy-in. And that's a lot of what we do is education to landowners. Because once you get outside the state's responsibility in those river systems, it's private landowners, but that's all feeding into those river systems, so we gotta-- we're fighting the fire from the center of the fire, unfortunately. You know, we, we, we need to start working on the outer edges of the fire to stop the seed source, if that makes sense.

DeKAY: I do, I do have one more question. With the phragmites, is that a runner system that spreads that plant, and how deep are the root system? Is that like leafy spurge that goes 25-30 feet in the ground, or how deep does--

BRENT MEYER: Yeah. And I've, I've seen it up to 15-20 feet deep. They did some work out in north Lincoln on a, on a levee and down with the excavators, and they were still pulling up the root fragments that deep. This plant spreads 3 different ways, so it's-- if we take away the root system, it's going to spread by seeds. And if you slow down the seed source, it also spreads by runners that run across the top of the ground right down to the water and pop up into the plant about

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

every 8 to 10 inches. So it, it's amazing in its defense capabilities. So, yeah, it's a very deep-rooted root system, and, and that's what we're trying to battle, is that-- we're trying to battle what's below the ground, you know? A lot of landowners are always like, oh, I sprayed it and killed it. Well, maybe this year.

DeKAY: So it's one tough, it's one tough hombre, huh? Any other questions? Seeing none, thank you.

BRENT MEYER: Thank you.

DeKAY: Next proponent.

MIKE REED: Good afternoon, Committee Chair, members of the Agriculture Committee. My name is Mike Reed, M-i-k-e R-e-e-d. I am from Senator Kauth's district in Millard, and I also represent the Governor's Riparian Task Force. I'm the chair of the-- I'm the chair of the Governor's Riparian Vegetation Management Task Force. I have been for the last 2, 2 terms, and I also represent the Nebraska Weed Control Association. Senator Ibach has attended the Riparian Task Force meetings during her time in the Nebraska Legislature, and she understands the necessity and responsibility that the state has to fund this legislation that is critical for 3 reasons. The first reason is for maintaining water conveyance for our water compacts. The proposed legislation would place the grant program under the Nebraska Department of Water, Energy and Environment, NDWEE, that oversees the state's water compact. And this is a positive development because the weed management area projects will receive both support and administration from the department that oversees ongoing management of Nebraska's 6 water compacts. NDWEE has stated that they are the-- that they are the department for everything water. One of their engineers, Matt Manning, spoke at the Riparian Task Force meeting last July. Mr. Manning spoke about the need to protect Nebraska's water infrastructure, but also about how Nebraska's water conveyance, storage, and flood control are all interconnected. The western part of Nebraska's irrigation and flood control are directly connected to ongoing vegetation management practices in conjunction with the Perkins County Canal Project. Second-- secondly, NDWEE intends on continuing the work of the Riparian Vegetation Management Task Force goals and objectives to improve and maintain stream flow, channel conveyance, riparian-area ecosystem health and water availability, and prioritize fully and over-appropriated river basins. Their intent is to meet with the stakeholders-- and I've listed all those stakeholders in my notes for everyone. But for those, for those listening, that's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

Department of Agriculture, State Forestry, Nebraska's Resource, Resource Districts, University of Nebraska, the Weed Control Association, and the Nebraska Environmental Trust. The intent is crucial to the transparency and process of these projects to keep all those stakeholders together moving forward, and NDWEE intends on having those stakeholder meetings at least annually. I think that's really important for the ongoing management of these projects, as we continue to understand answers for phragmites and what that looks like in the future. Finally, and most importantly, this move to the Water Resources Cash Fund will identify a much needed funding source for these riparian projects. Rick Leonard, research analyst for the Agriculture Committee, provides study, LR168, which outlined how efficient and effective riparian projects have been over the last 15 years, and dollars from the Water Resources Cash Fund will be matched by project partners all across the state and by out-of-state dollars, as well. I thank Senator Ibach for bringing this legislation to committee, and for Senator Brandt for his support. I believe the Ag Committee understands the importance of funding this state responsibility that is shared by weed management areas and their partners across the state. It's good legislation that makes sense, both from a technical perspective and from a perspective of setting up ongoing work to uphold Nebraska's water compacts, river and tributary work throughout the state into the future under administrat-- and under the administration of the Department of Water, Energy and Environment. Thank you.

DeKAY: Thank you. Are there any questions for Mr. Reed? Seeing none, thank you.

MIKE REED: Thank you.

DeKAY: Next proponent.

JOHN THORBURN: Good afternoon, Chairman DeKay, Senators. I am John Thorburn, J-o-h-n T-h-o-r-b-u-r-n. I'm the manager of Tri-Basin NRD in Holdridge. Tri-basin Natural Resources Districts, along with all-- most of Nebraska's NRDs, is an active participant in and strong supporter of managing invasive vegetation in riparian areas to reduce flooding potential by ensuring that stream channel capacity is maintained. Controlling invasive species also protects critical riparian wildlife habitat and reduces nonbeneficial water consumption during droughts. Tri-Basin NRD is responsible for protecting the soil and water resources in Gosper, Phelps, and Kearney counties in south-central Nebraska. Our NRD helped organize both the Platte Valley

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

and Twin Valley's Weed Management Areas. NRD staff worked with these entities, helping to identify areas that need treatment and making contact with affected district landowners to secure their cooperation with phragmites control efforts. We, as a district, have budgeted \$20,000 of our local funds annually for the past 15 years in support of the Platte Valley and Twin Valley's Weed Management Areas, but Tri-Basin is not exceptional in this respect. Overall, Nebraska's NRDs spent more than \$500,000 local-- dollars of local funds and over 3,000 hours of staff time controlling noxious weeds and invasive weeds in the past fiscal year. Over the past 15 years, weed management areas have received modest but steady funding from several sources and have utilized these dollars extremely effectively, keeping invasive riparian plants under control in our river systems. Steady, predictable funding is key to effective management of invasive plants. This can't be an on-again, off-again process. Missing even one spray season can unravel the progress that we've achieved over the past 15 years. We don't expect the state to pay all the cost of managing invasive riparian plants, but we do need a reliable, predictable partner. Because phragmites control is so closely related to flood control efforts, we believe that the, that the Department of Water, Energy and Environment is a good choice to administer the Riparian Weed Management Grant funds. Nebraska's Natural Resource Districts work closely with DWEE on a variety of issues. Adding this program increases opportunities for collaboration on flood control efforts. I want to thank Senator Ibach for introducing LB807, and we urge you to advance the bill as amended out of the committee to the floor of the Unicameral. Thank you very much.

DeKAY: Thank you Mr. Thorburn. Are there, are there any questions?
Senator Storm.

STORM: Thank you. So you're out of Holdrege?

JOHN THORBURN: Yes, that's right.

STORM: So, you know, you have the-- Alma, and then you have the, the reservoir there.

JOHN THORBURN: Our, our own [INAUDIBLE], yes.

STORM: Yeah. So is that on the west side of that? Because I drive over that bridge when I go to-- home, sometimes, and Kansas. So where I-- not home, but where I grew up. So is that phragmites all along the west bank there, you know, that area? Is that full of phragmites?

Transcript Prepared by Clerk of the Legislature Transcribers Office

Agriculture Committee January 27, 2026

Rough Draft

JOHN THORBURN: There, there certainly is some there, yeah. We had a worse problem with, with Russian olives and saltcedar, actually, in Harlan County. We managed to get those under control, and then phragmites came right in behind them. So yeah, it's, it's one invasive to the next.

STORM: Because on the west side of that, that's pretty much all phragmites, it seems like.

JOHN THORBURN: Now, as, as Brent pointed out, in, in a lot of cases, you can see phragmites standing, but they may very well be dead, if they've been treated. I don't know that I can speak specifically to the Corps of Engineers property, but there are complications oftentimes, with dealing with federal properties and, and doing work on them, as well. So I-- that may be a limitation of, of the work Twin Valleys can do.

STORM: OK. Thanks.

DeKAY: Thank you. Any questions? Seeing none, thank you.

JOHN THORBURN: OK.

DeKAY: Next proponent.

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, and I am still the president of Nebraska Farmers Union and its lobbyist, and we are in support of LB807 with the amendment. And that amendment changed our position on the bill, and so we appreciate it and really, just sort of second the-- kind of the historical view that Jon Cannon offered. But this was a, a big-time problem for the state of Nebraska. It was a big-time mess. And thanks to the leadership of Senator Carlson, we, we tackled it, and we have made substantial progress. But for, for those folks who have been in the fighting weeds business, it's neverending. You, you slack one year, population goes up, you have more seeds, you have a bigger problem next year, so it's one of those things where it really does pay to stay at it year after year. And what we have been doing, for the most part, I think, has been working reasonably well, and thank the department for its role and, and all the other entities, the NRDs, the, the weed boards, the, the Weed Association, all those folks that are helping-- the Weed Control Association-- that are helping do this collaboratively. And at the end of the day, if you look at the, the cumulative impact of what

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

they're doing, they're saving the state of Nebraska a ton of money, when you look at what the legal, potential downside would be if we don't. So, a good investment in our view, and we support the, the bill as amended. Be glad to answer any questions if I could.

DeKAY: Thank you, Mr. Hansen. Are there any questions? Seeing none, thank you.

JOHN HANSEN: You bet. Thank you.

DeKAY: Next proponent. Any other proponents? Seeing none, first opposition. Any opposition to this bill? See none. Anyone testifying in the neutral capacity?

SHERRY VINTON: Good afternoon, Chairman DeKay, members of the Ag Committee. My name is Sherry Vinton, S-h-e-r-r-y V-i-n-t-o-n, and I am Director of the Nebraska Department of Agriculture. I'm here today regarding LB807 and would like to thank the committee for hearing my testimony. The department would be concerned with LB807 as it was introduced. The bill takes away all the Department of Agriculture's responsibilities under the Noxious Weed Control Act and gives them to the Department of Water, Energy and Environment. These responsibilities have been performed by the Department of Agriculture since 1989 and include establishing which plants are noxious weeds and monitoring the county control authorities. Our department has provided administrative infrastructure and subject matter expertise from other plant health programs at no additional cost to the Noxious Weed Program, since other positions within the department support this program. Efficiencies created by the relationship between subject matter expertise would be lost if the program were to be moved to DWEE and would likely utilize additional full-time employees to make up for their loss of efficiency. If LB807 is amended to keep the Noxious Weed Program within the Department of Agriculture, we would support it. We would also be in favor of the repeal of the Riparian Vegetation Management Task Force and the new language allowing the use of the Water Resources Cash Fund for purposes of riparian vegetation removal. Thank you again, Chairman DeKay and members of the Agriculture Committee for allowing me to testify on this bill.

DeKAY: Thank you, Director Vinton. Are there any questions? Seeing none, thank you. Anyone else wishing to testify in the neutral capacity? Seeing none, Senator Ibach, you are welcome to close. As she's coming up, LB807 had 5 letters of support, no letters opposing it, and no one in the neutral position.

IBACH: Thank you, Chair DeKay. And I made notes along the way, and thank you, Senator Kauth, for your question on the funding. It allowed us to kind of dial down into it while we were visiting. I, I knew that it previously was general funds. But now, it's a 50-- it was 50-50 general funds and NET, and now it's 100% Environmental Trust. And so, that's really the primary reason that we moved it over. Because as much as Senator [SIC] Vinton is happy that I'm going to go away from this issue from the Department of Agriculture's conversations, she has been a, a proponent for having me communicate the importance of applying to NET for those funds. And so-- and many weed districts have, and so now this will be the source for that funding. Last year we-- or the Department of Agriculture granted \$353,000. Now we can go back up to that \$5 million ask, just so that we can remediate more in a shorter amount of time and hopefully get a handle on it again. Because as was mentioned-- Mr. Cannon mentioned that this is very historical. It goes back to '06-07, when Kan-- when Kansas sued us, because we were not delivering the, the cubic feet per second that they were requesting and that was in the compact. By remediating those waterways on the Republican River, we were able to deliver that amount of water. So it reduced the, the lawsuit, and going forward, we've been able to deliver that amount of water successfully. I would also like to mention, Senator Storm, to your point, that fiscal note does go away with the amendment, and so there will not be a fiscal note attached to it. I always appreciate Brent Meyer from Lancaster County. I've attended a lot of the, the meetings with him. He's so well-versed and I consider him an expert on this, and his comments were, were spot-on, in that \$200,000 annually, just in Lancaster County. If you drive down the Interstate even through more western counties, Dawson County, Lincoln County, you can see exactly where they've, they've treated the phragmites and exactly where they haven't. Because it's a tubular, tubular plant, it just continues to, to spread. So thank you for that. Mr. Reed-- John Thorburn, I really consider him an expert, too. He's the one that actually called my attention to the fact that Colorado and Wyoming contribute to that fund. And we are in jeopardy of losing that funding, just because we-- it-- their opinion is if we aren't going to fund it, why should they? John Hansen always comes in in support of, of this measure, because he has very historical accounting of this bill and where it's come and where it's going to go. Appreciate that. So as Director Vinton mentioned, it was an oversight on my part to include the noxious weed. We do not want to move noxious weeds from the Department of Ag. They do an amazing job identifying those noxious weeds and keeping a, a handle on what those noxious weeds are and how, how they affect our Nebraska ecosystem,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

much better than you can imagine, so appreciate that. With that, I would be open to any additional questions, but I think the testifiers spoke to a lot of those questions.

DeKAY: Thank you. Are there any questions? Senator Hansen.

HANSEN: Thank you. Just, just to make sure I'm wrapping my head around this. The amendment is going to-- it replaces the bill.

IBACH: Yes.

HANSEN: OK. And you're looking to keep it within the Department of Ag.

IBACH: No. So noxious weeds will stay at the Department of Ag. Invasive species will move to the Department of Water, Energy and Environment.

HANSEN: OK.

IBACH: 2 diff-- 2 separate, 2 separate programs, which I originally got confused, too. What-- why isn't a noxious weed an invasive species? They are not the same.

HANSEN: OK. And then maybe a technical question, about line 5 on the first page. Do you know why they crossed 2-97 and then 2-96 here? Is that just technical in nature?

IBACH: On the LR or the bill?

HANSEN: On the amendment. I'm just trying to find [INAUDIBLE]-- that must be a technical correction, because it would--

IBACH: Yes.

HANSEN: --rearrange some stuff? OK. Thanks.

IBACH: Thank you.

DeKAY: Thank you. Any other questions? Seeing none, that ends the hearing on LB807. Next bill up will be LB949 [SIC], and Rick Leonard will be introducing on behalf of the Ag Committee. Go ahead.

RICK LEONARD: Thank you, Chairman DeKay and members of the Agriculture Committee. I am Rick Leonard, R-i-c-k L-e-o-n-a-r-d, research analyst for the committee. I'm opening on LB947 on behalf of the committee. LB947, like LB948 to follow, is introduced by the Ag Committee at the

request of the Department of Agriculture. Last week, I distributed briefing items that I would invite you to reference as this hearing proceeds. LB947 is an element of the Governor's budget recommendations to reconcile the anticipated General Fund shortfall. Director Vinton will follow me to represent the administration and the department's rationale behind the changes being sought in this bill and to provide a more thorough technical detail and explanation of its provisions, but I hope to give a quick overview. First, LB947 would revise the schedule of license, inspection, and certification fees under the Plant Protection and Plant Pest Act. I won't go into detail now, but you-- would point you to a chart included in the Section-by-Section Summary of a bill-- of the bill for comparison of current fees and statutory maximums and how these are revised by the bill. LB947 would also authorize the director to annually revise fees out-- outside rule and regulation process consistent with fee-setting criteria already in law within the new fee-- consistent with fee-setting criteria already in line within the new fee caps established, which is similar to other programs. Pesticide product registration fees collected under the Nebraska Pesticides Act are also revised. Again, a chart comparing proposed fees in LB947 to the current fee and its allocation is included in the Section-by-Section Summary. Next, LB947 eliminates a duty to publish the Weeds of the Great Plains book. Current law provides that proceeds from the sale of the book are split between a cash fund that is built over time to pay for future additions of the publication and a portion of our allocation to the Noxious Weed Cash Fund. The department will be authorized to dispose of any remaining books and remaining-- and funds remaining in the Weed Book Cash Fund and the proc-- would be-- are directed to be placed in the Noxious Weed Cash Fund. Finally, LB947 directs that any funds remaining in the Potato Development Fund due to termination of the Potato Development Act on July 1, 2026, by act of the Legislature, last session, be transferred to the Plant Protection and Plant Pest Act. I've handed out an amendment that is related to this last part of the bill, Section 6 of the bill, of LB947, amends Section 2-1808 of the Potato Development Act, directing the transfer to the Plant Pest Cash Fund. And this would conflict with LB905, introduced in another committee, which outright repeals the Potato Development Act. LB905 would therefore repeal 2-1808, but without any instructions to transfer any residual funds. In that case, by general law, any money left in the fund would default to the General Fund. Should LB905 be enacted subsequent to LB947, it would prevail with regard to the disposition of remaining funds and essentially negate Section 6 of the bill. AM1790 would strike Section 6 of LB947 and place the instructions for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

the transfer within the Plant Pest and Plant Protection Act, and would not be affected by the enactment of LB905, LB905. AM1790 also strikes reference to a transfer to the Plant Pest Cash Fund contained in earlier versions of the bill that are omitted from the introduced bill. The language on page 10, line 30, is residual text inadvertently, inadvertently left in. And with the omissions elsewhere, it's no longer needed. With that, I'd respond to any questions.

DeKAY: Thank you. Are there any questions? Senator Kauth.

KAUTH: Thank you, Chair DeKay. How much is in the-- that Potato Fund?

RICK LEONARD: We can ask Director Vinton. When we first brought this up with the department last year, we thought there might be \$80,000 to \$100,000. I'll let them know. It depends on how much the Potato Board obligates that fund before July 1, 2026. There might be \$80,000, there might be not much left, but.

KAUTH: So then if you get rid of the Potato Fund, then it would be done and over. So would there still be money coming into the [INAUDIBLE] protection fund?

RICK LEONARD: This would be a one-time transfer from the potato development fund. The Potato Development Fund Act terminates. We'll no longer collect the assessments and no longer have the authorization to spend it for promotion of potatoes.

KAUTH: OK.

RICK LEONARD: We did that by act of the Legislature last year. The bill, LB905, just outright repeals the statutes, but we did put-- amended the act to say it terminates-- last year, and the other bill just cleans up the statutes, too, accordingly.

KAUTH: Thank you.

DeKAY: Any other questions? See none. I hate to ask, are you going to be here to close? First proponent.

SHERRY VINTON: Good afternoon again, Chairman DeKay, Vice Chair Ibach, and other members on the Agriculture Committee. My name is Sherry Vinton, S-h-e-r-r-y V-i-n-t-o-n, and I am the director of the Nebraska Department of Agriculture. I would very much like to thank Senator DeKay and the Agriculture Committee, and Rick Leonard, for bringing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

this bill at the request of the Department of Agriculture. LB947 increases the statutory ceiling fees charged under the Plant Protection and Plant Pest Act to cover the cost of the program without needing to request additional general funds. A breakdown of the specific fee changes can be found in the department's fiscal note. The fees will be set based on budgetary requirements for the existing program, and ceiling increase is not associated with growth and program activities. These fees are set each July 1st, based on a statutory formula with a specified maximum ceiling for each type of fee. The current statutory ceiling was established in 2013, and pursuant to the statutory formula, the fees are currently at the maximum. Our most recent projection showed that without these changes, the program would need a General Fund increase of roughly \$139,000. And this projection would continue to grow in the coming fiscal years. Also under the bill, the pesticide product registration fee would increase from \$160 to \$200, and the cap would go to \$250. Of the \$40 increase, \$20 would go to the Noxious Weed Cash Fund, and \$20 to the Pesticide Administrative Cash Fund. Currently, only \$25 of each pesticide registration fee goes to the Pesticide Fund, while \$30 goes to Noxious Weed Fund, \$50 goes to Buffer Strip Incentive Fund, and \$55 goes to the Natural Resources Water Quality Fund, which is administered by DWEE. These proposed fee changes are intended to keep the programs operating without causing a revenue shortfall or need for additional general funds. LB947 also eliminates the department's responsibility to publish and sell the Weeds of the Great Plains hard copy books. The department has had trouble selling the books, so the bill would allow the department to freely distribute the remaining 7,000 books. The bill also eliminates the cash fund and would transfer approximately \$30,000 to the Noxious Weed Cash Fund. LB947 would transfer funds from the Nebraska Potato Development Cash Fund to the Plant Protection and Plant Pest Cash Fund. With the passage of LB346 last year, the Nebraska Potato Development Act and the associated cash fund are set to terminate on July 1, 2026. When LB346 passed, there was no language designating the disposition of the remaining funds. Transferring the remaining funds to the Plant Protection and Plant Pest Program is appropriate because that program conducts potato "nema cyst"-- nematode cyst inspections. Again, thank you to Chairman DeKay and to the committee and-- for allowing me to testify, and I'll be happy to answer any questions that you might have.

DeKAY: Thank you. Are there any questions for Director Vinton? Senator Ibach.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

IBACH: Thank you very much. Thank you, Director, for being here. And this is very thorough. I appreciate your updating in-- on the numbers. I just have one question, and it relates to some emails that I've gotten. And when I say some, it's two. But I've got a couple folks that are concerned about the noxious weed book. And I'm sure you've gotten some questions, too. One of the suggestions was that we publish it every 5 years instead of every year. Is it published every year, or is it just renewed every year?

SHERRY VINTON: Thank you for asking that question, Senator Ibach. And I'm sure that, that people would be concerned. However, we do not publish this book every year. The last time this book was published was 2019. Previous to that, it was published in 2003. And I can tell you that we currently have 7,000 books. Many of those are in storage in a bunker. As you can imagine, there's, there's issues with humidity control and, and paying for the storage of the bunker. So it's interesting how things have really changed over time with technology. We talk about precision agriculture, but we've also had a huge change in publishing. And I see Senator Storm has his cell phone up. And honestly, that is how-- you know, we have GrassSnap. We have different ways that people are communicating. So we still have a great stockpile of books should we need them. And I will tell you I have proposed giving these books to FFA chapters, to any group that would benefit from them-- because a hard copy book is still a great thing to have. But I do believe we have a, a good supply in our doomsday bunker, should we need them. And I don't think we would anticipate publishing it for a long time. But it's almost more, more burdensome from a, a cost standpoint to inventory and pay for the storage of these books than it would be to start working on giving them to someone who can use them.

IBACH: That makes perfect sense. Thank you. And just one followup question. How many new noxious weeds are ever introduced to our environment in our state? Are there, quote unquote, outdated noxious weeds? Are there new noxious weed species? How often does that change-- that landscape change?

SHERRY VINTON: Not frequently. I mean, sericea lespedeza, in the southeast corner of the state is a new one. There are new invasives that come in all the time. I think we all remember a time before, there was leafy spurge that was, that was a problem, because of modern transportation and water conveyance and all sorts of things. Things change. Things that start as an ornamental can turn into an invasive or a noxious weed. I think kudzu was originally supposed to be

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

something for erosion control. At one time, we, we had Bessey Nursery cranking out millions of cedar trees that we used for wind breaks, and now we're, we're considering them a problem. So while the landscape changes, I think your basic plant ID and identification-- I'm not sure how often a new species is discovered. However, that's the reason for some of our inspections, is so that new things aren't introduced from foreign countries, as well.

IBACH: Thank you. That's just a curious question on my part. Thank you, Mr. Chair.

DeKAY: Thank you. Senator Meyer.

F. MEYER: Thank you. Thank you for being here, Sherry. Just a question, if there were somebody from NRD here, I would ask them. But it seems kind of contradictory to me that we, we subsidize planting eastern red cedars and then we pay them to take the red cedars out. So is there any way that the department could have some influence on changing that dynamic within the NRDs?

SHERRY VINTON: Well, I can tell you that I am a strong proponent of our NRDs because they are locally-elected boards in each of our water basins. So I have always sung the praises of our NRD boards, and I think that it is a matter of education. Maybe 10 years ago, on the Environmental Trust, we held one of the first ever workshops at Halsey, at Bessey Nursery, to start educating on this topic. And so people are learning and they are looking for alternatives to those types of windbreaks. So thank you for that question.

F. MEYER: All right. I, I would hope they would hurry the process. Two-thirds of Nebraska is rapidly becoming-- when you look at an aerial photo--

SHERRY VINTON: Yes.

F. MEYER: And I'm sure you've seen that. There's areas of Nebraska that are almost useless for grazing purposes, just because the eastern red cedars have taken over. And I'm sure that those landowners appreciate it for hunting purposes for a little while, until they realized that that's not helpful for hunting.

SHERRY VINTON: You're absolutely--

F. MEYER: And, and then, it's almost too late. But yet, the taxes go on. I know that's another topic for another day, but.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

SHERRY VINTON: You're absolutely correct. Dr. Dirak Twidwell at the University of Nebraska has done most of the groundbreaking work leading on those studies, and I think NRCS has a new program to defend the areas that we have, and truly keep the cedars from taking over.

DeKAY: Thank you. Senator Hansen.

HANSEN: Thank you. I've got a couple questions about the fees. But first, I didn't know we even had the Weeds of the Great Plains book. How do I get one of those? I want one of those. Before you start-- before they're out, before they're out of date and you don't publish them anymore, I'm going to have to ask your department how I can buy one of those.

SHERRY VINTON: How many would you like? And we will have them delivered at no charge to your office.

HANSEN: I guess you should be careful what you, careful what you ask for, I guess. Some of these fees seem like it's quite a significant jump-- from a \$5 current base to a cap of \$50 for additional acres, and then maybe also for phyto certificates. Is-- has there been much pushback against any of that at all, or like, what's that-- how's that going to affect Nebraskans or people who have to pay for this? Is that significant or not? I just don't know.

SHERRY VINTON: Percentage, percentage-wise, I would agree. You know, it looks like a, a large percentage jump. But when you look at our phytos going from \$30 to \$60-- correct? You need to understand the range in, in 11 other states-- surrounding states-- is \$26 to \$125.

HANSEN: OK.

SHERRY VINTON: So we were at the minimum. And when we're talking about those, you can request a phyto in any state regardless of where you're at, so Nebraska was a very economical option. And so, this is a good change and it has not impacted--

HANSEN: OK.

SHERRY VINTON: --our abilities at all. And then on the nursery acres, for the each additional acre, that is a big jump. What we have realized through analysis, is that when you're, you're inli-- it's not like acres of a cornfield. We're talking additional nursery sites. So as you can see, the \$5 fee would cover about a step, so.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

HANSEN: OK. All right. OK.

SHERRY VINTON: Thank you.

HANSEN: Yeah. Thanks for [INAUDIBLE] that.

DeKAY: Thank you. Any other questions? Seeing none, thank you. Next proponent.

SHERRY VINTON: Thank you.

DeKAY: Any other proponents? First opponent. Any other-- any opponents? Seeing none, anyone testifying in the neutral capacity? Seeing none-- there were 2 positions of record-- letters sent. Both of them were in the opponent category. No proponents, no-- none in the neutral. So with that, that closes the hearing on LB947. Next, we will open on LB948. Rick Leonard will, again, open on behalf of the Ag Committee.

RICK LEONARD: Thank you, Chairman DeKay, again, and members of the Agriculture Committee. Again, I'm Rick Leonard, R-i-c-k L-e-o-n-a-r-d, research analyst for the committee. I'm opening on LB948 on behalf of the committee. LB948 is introduced by the Agriculture Committee at the request of the Department of Agriculture. Again, I've included a fairly detailed overview of the bill, including a, a pretty detailed Section-by-Section Summary in briefing items distributed to you last week, and those are available as well in the committee shared drive. Following my opening, again, Director Vinton will go into greater detail regarding the items included in the bill and the purposes behind them. I'll quickly walk through the elements of the bill. First, LB948 would rename the Nebraska Fertilizer and Soil Conditioners Act as the Fertilizer and Beneficial Substances Act. Much of the bulk of this bill is the result of har-- of harmonizing internal references within the act to this name change. The name change reflects that the act and its labeling and quality regulations are extended to encompass beneficial substances, rather than the more narrow soil conditioners. Beneficial substances refer to substan-- products and compounds that stimulate or aid plant growth processes independently of nutrient content, through, for example, improving the efficiency of nutrient uptake or improving stress tol-- tolerance. These include, for example, microbial products. LB948 would also change the fees charged under the act. The bill will do-- add a new product registration fee of \$50, increase the minimum inspection fee from \$5 to \$10 per ton of projects distributed through-- distributed,

although maintaining the existing statutory cap at \$15 a ton. The bill also increases annual license free-- fee from \$15 to \$25. LB948 would further authorize use of the program's associated cash fund to exclude expenditures for any plant health program administered by the department. Next, LB948 would outright repeal the Poultry and Egg Resources Act, except for the section creating the cash fund that receive-- receives checkoff assessments currently collected under the act. That section is terminated on December 31st and any unspent funds remaining, if any, are transferred to the Agricultural Products Marketing Fund. Finally, LB948 would outright repeal Sections 2-2812-- 2-2801 through 2-2812, except for Section 2-2808. These sections were first enacted in 1969 to authorize appropriations to support various agricultural organizations. Except for the Nebraska Crop Improvement Associations, these organizations are either inactive and the statutes have fallen into disuse. Like LB947, LB948 is included as an item of the Governor's budget to help close the gap in the, the state's anticipated General Fund short-- shortfall. The general funds-- general administrat-- the administration's budget rec-- recommendations include a reduction in general funds allocations to the department and, in part, recommends replacement of general funds with increased cash funds. I'll end there and respond to any questions.

IBACH: Thank you very much, Mr. Leonard. Are there questions from the committee? Senator Raybould.

RAYBOULD: Yes. Rick, you mentioned that those funds would go into the Ag Marketing Fund. One of the email oppositions, they, they, they say that they use those funds for the Nebraska Poultry Industry Conference every year, and also for a education fund for youth. So, just because you're taking the funds from the Nebraska poultry industry section and putting it into the ag marketing, will they still be able to access funds to continue their conferences and educational outreaches?

RICK LEONARD: I'm sorry. I, I don't have an answer for that. But I'm sure Director Vinton will be able to--

RAYBOULD: Oh, OK.

RICK LEONARD: --to talk to that. We'll see if there's-- we won't know if there are any funds remaining in the poultry, in the Poultry and Egg Cash Fund by December 31st, at the end of the year. So this is just saying if there is any money left over-- the question-- I think the more direct question is, should that program be discontinued?

RAYBOULD: OK. Thank you.

DeKAY: Any other questions? Seeing none, first proponent.

SHERRY VINTON: Good afternoon, again, Senator DeKay, and members of the Agriculture Committee. My name is Sherry Vinton, S-h-e-r-r-y V-i-n-t-o-n, and I am the Director of Agriculture in the state of Nebraska. I'm testifying today in favor of LB948 and would like to thank Senator DeKay and the Agriculture Committee for bringing this bill at the request of the Department of Agriculture. LB948 amends the Nebraska Commercial Fertilizer and Soil Conditioners Act to include modernized language-- modernized regulatory language for beneficial substances. The bill aligns with the Association of American Plant Food Control Officials definition of beneficial substances to provide consistency across the industry and to address bio-stimulant products that are applied as foliar or seed treatments, which are currently unregulated. These changes will provide consumer protection by assuring the products being purchased are of the quality and standards accepted by the industry. The bill amends the name of the act throughout the bill to the Nebraska Commercial Fertilizer and Beneficial Substances Act. LB948 adds a registration fee of \$50 per product to cover the department's costs of reviewing product labels. The department already reviews these labels but does not charge a fee for doing so. The bill also increases the minimum tonnage inspection fee from \$5 to \$10, and licensing fees for the manufacturing distribution of products under this act from \$15 to \$25. These fees were set in the 1980s. The need to be increased to reduce the need for additional general funds. The bill also amends the associated cash funds so the fund can be used for other plant health programs administered by the department, rather than increasing General Fund appropriations for the current plant health programs. The fee changes proposed in this bill are in line with the fees charged by surrounding states. LB948 repeals the Nebraska Poultry and Egg Resources Act and provides time to expend the remaining funds before transferring funds from the Associated Poultry and Egg Development Cash Fund to the Nebraska Agricultural Products Marketing Cash Fund on December 31, 2026. The need for this proposed change came to the attention of NDA when Nebraska Poultry Industries expressed interest in joining the North Central Poultry Association, a larger regional association. The NCPA provides greater learning and networking opportunities than NPI because funding generated from the egg checkoff program continues to dwindle. It was the understanding of NDA that most current producers, already NCPA members-- are already NCPA members, so this would remove duplicative fees. Fee collection has been conducted in accordance with

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

statute with industry consolidation. Requests outweigh-- refund requests are outweighing PED cash funds that are actually retained. The repeal of the Poultry Resources Act will not impact USDA indemnity benefits for producers in any way. Those benefits are part of the National Poultry Improvement Plan, NPIP program. The sole designation as the official state agent for NPIP, a federally funded employee of the department, conducts audits of biosecurity plans for producers in our state. Removal of the PED Cash Fund has no impact whatsoever on these audits. And furthermore, the department will continue to provide inspections, audits, and educational support to the poultry industry in our state without interruption. Our animal health team is always available to facilitate meetings at any time with industry representatives to discuss biosecurity issues, plans, or emergencies. Lastly--

DeKAY: And that is your time. Could you wrap up real quick?

SHERRY VINTON: I will talk as fast as I can. LB948 repeals obsolete stat-- statutes relating to the Nebraska Dairymen's Association, State Horticultural Society, Nebraska Livestock Feeders and Breeders Association, Nebraska Home Economics Association of Organized Agriculture, Western Nebraska Agriculture Organize-- Association, and the Nebraska Potato Council. These specific agricultural organizations are no longer functioning groups and have found representative through other associations and organizations. Thank you very much, Chairman DeKay, and the Ag Committee.

DeKAY: Thank you. Are there any questions for Director Vinton? Senator Ibach.

IBACH: Thank you, Chair DeKay. I'm just looking over the opponent letters that we got--

SHERRY VINTON: Sure.

IBACH: --with some really fundamental questions, and I, I want to be sure we address some of those concerns. With avian influenza becoming more common, I know that that's a concern for the poultry industry. But more than anything, most of the letters support that portion of this bill, because it really does give them an opportunity to get together every year and to talk about challenges in the industry. And like any industry, I think it does allow them to get together. What would you say to the opponents that really don't want this fund to go away? How would you help them have confidence that, that the industry

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

is not going away, and their ability to get together every year to discuss these issues doesn't go away?

SHERRY VINTON: I would say that this bill would offer them more flexibility in the future, because it allows producers to choose where to use their funds and what to use those funds for, what types of meetings, whether they want to use this for workforce development, for education, or for opportunities to get together. And if they want a venue or a place to meet and discuss true industry animal health issues or H5N1, the department is always open for that. And I can assure you that our state vet and our animal health team spend a lot of hours on the phone dealing with those issues, and those services will not be impacted at all by this bill.

IBACH: Very good, thank you very much. I just wanna be able to respond to some of those concerns. Thank you, Chair.

DeKAY: Thank you. Any other questions? Senator Hansen.

HANSEN: Thank you, Chair DeKay. Your comment about the sole designation as the official state agent for NPIP, the state currently are-- so--we-- is that already in place, or is that something that's changing?

SHERRY VINTON: No, that is actually in place.

HANSEN: OK.

SHERRY VINTON: Our current state veterinarian was in charge of the Nebraska poultry program, so he's very in tune with this. We do have an official state agent. He became state vet 5 years ago, 4 years ago. And so there is a new state agent that was designated then. And this is a program that is in place through APHIS, through U.S. Veterinarian Services.

HANSEN: That's the federally funded employee you're talking about? OK.

SHERRY VINTON: This is the federally funded employee I'm talking about. It's nothing new. It's been in place. It will continue to be in place.

HANSEN: OK. And then there's no weird jurisdictions issues between them and the department at all? Like, are they-- do they have any kind of ability to conduct audits for biosecurity that would supersede,

like, what the state would recommend, or any changes? Like, what's the relationship between them, and the state-- the, the department?

SHERRY VINTON: I would say it's very good. They work hand-in-hand. He's housed within our department, and we have input into the biosecurity plans or the plans that APHIS--

HANSEN: OK. [INAUDIBLE].

SHERRY VINTON: --administers.

DeKAY: Any other questions? One quick one. Does this take away any charges for duplicate fees or anything or not?

SHERRY VINTON: Any-- well, there would no longer be a charge--

DeKAY: OK.

SHERRY VINTON: --for this program, but it would allow producers to join other regional programs without paying twice for this one.

DeKAY: OK. Thank you. Next proponent. Any other proponents? First opponent. Go ahead.

JULIE KELLY: Thank you, Mr. Chairman and members of the Agriculture Committee. And thank you for this opportunity to speak with you today. My name is Dr. Julie Kelly, J-u-l-i-e K-e-l-l-y. I am the veterinarian for Michael Foods, an egg products company based in Wakefield. Today, I am here representing Nebraska Poultry Industries. This is an organization made up of producers and allied industries. Our organization's mission is simple, but vital: to foster, promote, improve, and protect all branches of the poultry industry within our state. We serve as a unified voice for Nebraska's poultry community, advocating for policies and initiatives that strengthen the sector, whether that involves producers, processors, educators, or consumers. But we also serve as the board of advisors for the Poultry and Egg Development, Utilization, and Marketing Fund, which plays a critical role in the healthy function and growth of Nebraska's poultry and egg industries. Therefore, it is with the utmost respect to the authors and sponsors of this bill that Nebraska Poultry Industries Board of Directors has voted to oppose this bill as originally introduced. The [INAUDIBLE] and Egg Development Fund-- I would like to refer to that as PED moving forward-- is produced-- producer-paid, producer-led, and producer-managed. Every egg producer in Nebraska supports maintaining this fund. This is not taxpayer money. These are producer dollars

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

invested back into Nebraska's poultry industry. One of PED's greatest accomplishments is connecting directly and indirectly with Nebraska's youth, the future of agriculture. Specifically, PED supports youth and education by providing egg reader curriculum materials to elementary classrooms, supporting the UNL urban embryology program, funding and partnering with Ag in the Classroom, supporting the Nebraska Agriculture Youth Institute, providing scholarships, supporting FFA and 4-H, and many other programs. These are not passive financial contributions. Every person on the NPI board of directors, which is a completely volunteer board, gives their time to support the programs that PED sponsors because they are passionate about poultry, passionate about agriculture, and passionate about Nebraska's future. The work we do with PED strengthens the foundation on which all these programs and the next generation of agricultural leaders are built. Education is not the only investment PED makes. They also fund, in part or in whole, poultry research within Nebraska. These projects have included welfare, health, nutrition, and food safety, just to name a few. As a result, many graduate students, professors, and researchers have published peer-reviewed papers coming out of our state. Eliminating PED would remove a structure that has helped the poultry industry remain coordinated, progressive, and connected since 1976. Without it, checkoff dollars from out-of-state first purchasers would not be captured, and important development, marketing, and educational initiative would lose support, expertise, and focus. In other words, all of, all of supported programs would no longer exist, and it would severely limit or handicap the growth, job development, and retention of the poultry industry here in Nebraska. For these reasons, and in alignment with both our mission and our responsibility to Nebraska's poultry producers, educators, and consumers, Nebraska Poultry Industries must oppose LB948 as currently written. We strongly believe in collaboration and we welcome conversations about modernization or improvement, but the full elimination of PED would create gaps that would harm, not help, the future of poultry and egg industries in Nebraska. Thank you for your time, your service, and your consideration. I would be happy to answer any questions.

DeKAY: Thank you. Are there any questions from the committee? Senator Kauth.

KAUTH: Thank you, Chair DeKay. Dr. Kelly, is that right?

JULIE KELLY: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

KAUTH: Dr Kelly. So Michael Foods, are-- how do they participate in the-- this organiza-- it, it sounds like this is an organization that could run on its own, independently, to do the education as an association, and doesn't necessarily need to be in the state statute. So I'm wondering what Michael Foods' attachment is to it, or, or what you get from the relationship.

Yes. So Michael Foods is a large contributor in the form of checkoff dollars, but we are not the only contributor in the form of checkoff dollars. Our out-of-state first purchasers also support this program, and those are the funds that we are worried about capturing to continue to improve our industry here, in Nebraska.

KAUTH: And do you apply for the refund?

JULIE KELLY: Michael Foods does apply for a refund above and beyond the contracted or negotiated number of cases.

KAUTH: Thank you.

DeKAY: Any other-- Senator Raybould.

RAYBOULD: Yes. Dr. Kelly, I know Director Vinton mentioned that there's other organizations that you can partner with that might deliver on the educational side of it, as well as the conference side of that. Is that something that is also ongoing or does it duplicate your current efforts that you've been involved in?

JULIE KELLY: So Nebraska Poultry Industries did explore that possibility. And at that time, we did not know how the future of Nebraska poultry was going to play out. We were just looking at some opportunities. Is this going to benefit the industry as a whole or not? And though there may be duplicates for some companies here in Nebraska, not all companies are going to be represented or have affiliations currently with North Central Poultry Association. So, in our discussions, that was an opportunity that we decided was not going to be beneficial for all of our producers here in our state.

RAYBOULD: OK. Thank you. And I, I did ask Director Vinton if the funds, instead of going to the appropriate designation, it sounds like they're going to go to the Nebraska Agricultural Products Marketing Cash Fund. And I don't know if, if the PED can actually tap into the funds in that, I guess, category, for a continuation of your programs or not. Is that something you're aware of or is that something I need to ask Director Vinton again?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee January 27, 2026
Rough Draft

JULIE KELLY: Yeah. That is not something that I am aware of. I think that that is something we could research, as well.

RAYBOULD: So basically, with LB948, the poultry checkoff fees are eliminated, but the out-of-state first-time funds, they would be directed to the Nebraska Agricultural Products Marketing Cash Fund, or you're not aware of where those funds would be directed to.

JULIE KELLY: My understanding is that the statute would go away and that checkoff dollars are no longer captured.

RAYBOULD: OK.

JULIE KELLY: That is my understanding.

RAYBOULD: OK. Thank you.

DeKAY: Senator Ibach.

IBACH: Thank you, Chair. I just have one quick question. Is there a national organization that you could affiliate with? I'm thinking, like Cattlemen have NCBA, and they have checkoff dollars that are not directly affected through the state or through the government. Is there some type of a national organization that you affiliate with, currently?

JULIE KELLY: So we work with the American Egg Board, and we actually do get grant funding from them for some of our programs, as well.

IBACH: Thank you. That answers my question.

DeKAY: Thank you. Any other questions? Is there a national egg and poultry checkoff program or not?

JULIE KELLY: Not that I am aware of.

DeKAY: OK. All right. Thank you. Any questions? Thank you. Next opponent. Any other opponents? Anyone testifying in the neutral capacity? Seeing none, that ends our hearing on LB948. If the committee would stay for just a minute, we will have a quick conversation. We're going to exec.