



The Nebraska Environmental Trust

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Nebraska Environmental Trust News

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Nebraska Environmental Trust Board to Hold a Hearing for Proposed Changes to Title 137 Rules and Regulations Governing Activities of the Nebraska Environmental Trust

The Nebraska Environmental Trust (NET) will hold a hearing for proposed changes to Title 137 Rules and Regulations Governing Activities of the Nebraska Environmental Trust. This hearing is intended for grant applicants and stakeholders, as well as the general public.

WHAT: Opportunity for public comment on proposed changes to Title 137 Rules and Regulations for NET

WHEN & WHERE: May 4, 2023, 245 Fallbrook Blvd, LL Room 031, Lincoln, Nebraska at 12:00 P.M.

WHO: Public, NET staff, and NET Board

ABOUT THE MEETING: The purpose of the hearing is to take testimony and evidence about amendments to Title 137, Chapters 1-10 relating to adopting and promulgating rules and regulations to carry out its duties to implement the Nebraska Environmental Trust Act. The subject matter and scope of the rulemaking action include the scope, funding, endowment, application, eligibility, evaluation, ranking, awards, administration, and definitions of NET grants.

Proposed rules will be available at the office of the Trust, 700 S 16th St, Lincoln, NE 68508, and online at <https://environmentaltrust.nebraska.gov>

COMMENTS: Interested persons may testify orally or by written submission at the hearing. All written comments must be submitted to the Trust prior to the hearing. Comments received by 5:00 p.m. on April 24, 2023, will be available before the hearing to the Trust Board. Written comments received after April 24, 2023, will still be accepted and included in the hearing record.

Send comments to the Environmental Trust, 700 S 16th St, Lincoln, NE 68508, or to env.trust@nebraska.gov

BACKGROUND ON PROPOSED RULES

The changes are being proposed as a response to a culmination of almost two years of effort by a number of people inside and outside of the Nebraska Environmental Trust (NET). Regulations are adopted in order to clarify and define processes and requirements outlined in state law. When a regulation restated a state statute, it was removed from Title 137 as the state statute is sufficient.

The State Audit of NET from July of 2021 identified areas for improvement. The Operational Assessment of NET in July of 2021 by the Department of Administrative Services identified multiple findings that included lack of clarity and consistency in grant administration. Key factors were eligibility, rating, and ranking of grant applications. There were also property tax concerns and implications from grant funding that needed to be addressed.

The NET established the Trust 22 Committee and requested assistance from the Nebraska Center of Operational Excellence to assist with NET's process improvements. As a result of those efforts, at least twelve items in the current Title 137 Rules and Regulations for NET were identified for additional efforts to resolve those issues.

In May of 2022 the NET Board created the Title 137 Committee to focus on the review of Title 137 over the next year to determine and recommend procedures, policies and efficiencies as well as alignment with state statutes of Title 137 to the NET Board. After elections of officers in August of 2022, the Title 137 Committee members were appointed in September of 2022, to begin their work.

The Title 137 Committee's first meeting in September of 2022 established a process to complete the task in accordance with the Nebraska Secretary of State steps for rules and regulations promulgation. The first decision was to conduct listening sessions in each Congressional districts prior to proposing any changes to the rules and regulations.

The first listening session was held in Congressional District 1 in October of 2022. The second listening session was held in District 2 in November of 2022. The third listening session was held in District 3 in November of 2022. A fourth listening session was held in December of 2022 and was offered as a Zoom meeting for anyone who could not attend a session in person. Also, written comments were submitted to the Title 137 Committee.

All written comments and summaries of the listening sessions were provided to the Title 137 Committee. The Committee met on six different occasions between January and March of 2023 to discuss potential changes to Title 137.

The next step is a public hearing on the proposed changes that will be held on May 4, 2023. A public notice was published as required and a press release was provided. The NET Board may take action on the proposed language after the public hearing process has been completed.