

Agenda Item: 6.

Memo to: Personnel, Legislative and Public Affairs Subcommittee

Subject: Nebraska Association of Resources Districts 2016 Resolutions

Date: September 1, 2016

From: John Winkler



The following resolutions are to be voted on at the Nebraska Association of Resources District's 2016 Meeting:

NARD Resolution 2016-1 Water Well Professionals Resolution. Submitted by Lower Loup NRD. Recommendation that the Nebraska Association of Resource Districts pursue changes to statute that add a definition for Water Well Professional that would include all categories of individuals licensed under the Water Well Standards and Contractors Act; and that the definitions of supervisors be removed and contractors definition re-defined in Title 178 NAC 10 regulations.

NARD Resolution 2016-2 Funding Eligibility for Public Water Systems in Reference to the Clean Water Act and Nebraska Rev. Stat. 71-5322, Subsections 9 and 11. Submitted by Lewis and Clark NRD. Recommendation that the Nebraska Association of Resources Districts propose legislation changing the eligibility requirement, based on population, from ten thousand or fewer inhabitants of the political subdivision to ten thousand or fewer inhabitants of the public water system for federal funding loan forgiveness and/or federal grant dollars.

Recommendation that the Subcommittee recommend to the Board of Directors that the NARD Voting Delegate and/or Alternate be authorized to vote to Support Resolution 2016-1 Water Well Professionals Resolution and vote to Support Resolution 2016-2 Funding Eligibility for Public Water Systems in Reference to the Clean Water Act and Nebraska Rev. Stat. 71-5322, Subsections 9 and 11, at the 2016 NARD Annual Conference.



Nebraska's
Natural Resources
Districts

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August 19, 2016

TO: NARD Board and NRD Managers

FROM: Dean E. Edson, Executive Director

RE: 2016 ANNUAL CONFERENCE RESOLUTIONS

Attached are two resolutions that have been submitted to NARD for consideration at the 2016 Annual Conference as of August 19, 2016, which is the deadline for resolutions. Additional resolutions submitted, if any, will require 2/3rds vote of the delegates to be considered at the annual meeting.

The 2015 voting delegate list is on page 2. This is the list from last year's meeting. Please check the delegate list and provide any changes to our office September 15, 2016. The voting procedures to be used at the conference are on page 3.

Resolutions submitted by the August 19, 2016 deadline

1. ***NARD Resolution 2016-1 -- Water Well Professionals Resolution. Submitted by Lower Loup NRD.***
2. ***NARD Resolution 2016-2 - Funding Eligibility for Public Water Systems. Submitted by Lewis and Clark NRD.***

**Voting Delegate and Alternate
For
2015 Annual Conference**

	DELEGATE	ALTERNATE
Central Platte NRD	Jim Bendfeldt	Jay Richeson
Lewis & Clark NRD	Marcel Kramer	Jeff Steffen
Little Blue NRD	Lyle Heinrichs	Charles Rainforth
Lower Big Blue NRD	Larry Barta	Steve Kelley
Lower Elkhorn NRD	Bob Huntley	Dave Shelton
Lower Loup NRD	Dean Rasmussen	Virgil Gellermann
Lower Niobrara NRD	Sterling Schultz	Diana Wendt
Lower Platte North NRD	Bob Hilger	John Hannah
Lower Platte South NRD	Dave Potter	Larry Ruth
Lower Republican NRD	Roger Nelson	NONE
Middle Niobrara NRD	Dean Jochem	Martin Graff
Middle Republican NRD	Joe Anderjaska	Kevin Fornoff
Nemaha NRD	Dan Hodges	Don Siske
North Platte NRD	Jerry Dillman	Dave Ostdiek
Papio-Missouri River NRD	Rich Tesar	Patrick Bonnett
South Platte NRD	James Johnson	Larry Rutt
Tri-Basin NRD	Dave Raffety	Larry Reynolds
Twin Platte NRD	Robert L. Petersen	Dennis Schilz
Upper Big Blue NRD	Larry Moore	Gary Eberle
Upper Elkhorn NRD	Chris Dierks	Dale Wiles
Upper Loup NRD	Judy Ridenour	Todd Schipporeit
Upper Niobrara White NRD	Tod Dorshorst	Scott Berndt
Upper Republican NRD	Tom Gaschler	Terry Martin

RESOLUTION & VOTING PROCEDURES

1. **Each NARD member district that is in good standing shall be able to submit resolutions for consideration by the Association membership on policy issues pertinent to the mission and goals of the Association. A majority of the 23 districts shall constitute a quorum.**
2. **The voting delegate for the member district, or the alternate in the case of the delegate's absence, shall be the only individual to make the motion on behalf of their respective district. Any district representative may speak on the merits of a motion or issue during the discussion period once recognized by the chair.**
3. **We encourage more information on the issues. However, a non-voting participant may only speak on an issue and/or provide additional information at the request of a voting delegate of a district in good standing or at the request of the chair.**
4. **A copy of all resolutions submitted to the NARD Office prior to the Annual Meeting is included in the Resolutions Packet. Resolutions received by the deadline require a majority of the members voting for consideration. Resolutions received after the deadline must follow 5.b. below.**
5. **Additional resolutions may be submitted for consideration at the first Business Session at the Annual Conference for discussion provided that:**
 - a) **The member district is responsible for providing enough copies so members may read the resolution before discussion begins.**
 - b) **If 2/3 of the members voting approve the Motion to place the resolution before the body, the resolution shall be added to the agenda for consideration (example: 2/3rds of 115 = 77).**
6. **Resolutions shall be discussed and motions shall be made at the 1st Business Session. No final voting for approval of resolutions shall be taken on the first day. This provides discussion time at caucus before final approval.**
7. **Motions/resolutions shall be voted on at the 2nd Business Session.**
8. **Amendments may be made on either the first or second day during the Business Session. A written copy of the amendment(s) must be provided to the Chairman of the Legislative Committee.**
9. **Each member district shall have five votes.**
10. **To help avoid any distractions during the Business Session, all cell phones must be silenced during the session. Anyone whose cell phone rings during the Business Session will be fined \$5 for each occurrence and proceeds will be contributed to the NARD Foundation Account. Contributions to the NARD Foundation are tax deductible.**

NARD Resolution 2016-1

Water Well Professionals Resolution
Submitted by Lower Loup NRD

Whereas, the Nebraska Department of Health and Human Services are responsible to license professionals working in the water well industry; and

Whereas, Nebraska statutes provides for license categories of a Natural Resource Groundwater Technician; a Pump Installation Contractor; a Pump Installation Supervisor; a Water Well Contractor; a Water Well Supervisor; and a Water Well Monitoring Technician; and

Whereas, the supervisor categories were created to be a person that had the same testing requirements as a contractor but was not required to have the insurance coverage that a contractor needed because they worked under a contractor; and

Whereas, the statutes require the company to provide the insurance to the contractor and supervisor not the individuals, and

Whereas, license fees are now the same for all categories, and

Whereas, there is currently no testing or fee difference between a supervisor and contractor, and

Whereas, adding a title of “Water Well Professional” to encompass all of the categories with each individual licensed to their need (similar to the medical community) would reduce licensing and credentialing cost from the Department of Health and Human Services,

Now, Therefore be it resolved that the Nebraska Association of Resource Districts pursue changes to statute that add a definition for Water well professional that would include all categories of individuals licensed under the Water Well Standards and Contractors Act; and

Be it further resolved that the definitions of supervisors be removed and contractors definition re-defined in Title 178 NAC 10 regulations.

Monday Business Session: Motion _____ **Second:** _____
Other: _____

Amendment No. 1: _____
Amendment No. 2: _____

Tuesday Business Session: _____
Amendment No. 1: _____
Amendment No. 2: _____

NARD Resolution 2016-2

**Funding Eligibility for Public Water Systems in Reference to the Clean Water Act and Nebraska Rev. Stat. 71-5322, Subsections 9 and 11.
*Submitted by Lewis and Clark NRD***

Whereas, the vast majority of Nebraska’s population is supplied drinking water from public water systems which are under the oversight of political subdivisions.

Whereas, many of the public water systems, operated by political subdivisions, have a total population of ten thousand inhabitants or less.

Whereas, due to an oversight in a 2007 addition to the statute, eligibility for federal funding loan forgiveness and/or federal grant dollars based on population, was changed, in policy; from ten thousand or fewer inhabitants of the public water system to, in statute; ten thousand or fewer inhabitants of the political subdivision.

Whereas, this change has impacted the eligibility of public water systems operated by political subdivisions across the state.

Whereas, eligibility based on the public water system population is a more accurate reflection of the inhabitants with the potential need and access to the benefit of water provided by a public water system.

Now, Therefore be it resolved that the Nebraska of Association of Resources Districts proposes legislation changing the eligibility requirement, based on population, from ten thousand or fewer inhabitants of the political subdivision to ten thousand or fewer inhabitants of the public water system for federal funding loan forgiveness and/or federal grant dollars.

Motion _____ **Second:** _____

Other _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

FUNDING ELIGIBILITY FOR PUBLIC WATER SYSTEMS OPERATED BY POLITICAL SUBDIVISIONS

Support information for resolution proposed by: Lewis and Clark NRD

Nebraska Revised State Statute § 71-5322 assigns powers and duties to the Department of Environmental Quality for implementing the Drinking Water State Revolving Fund Act in support of the Safe Drinking Water Act. There are two basic funding categories under the Drinking Water State Revolving Fund.

1. Loan Program – for infrastructure.
2. Set aside programs which support the goals of the Safe Drinking Water Act which includes:
 - a. source water protection grants;
 - b. security grants;
 - c. engineering studies;
 - d. funding for technical assistance;
 - e. achieving compliance with state drinking water standards;
 - f. planning for regional water systems;
 - g. and others.

Each year the Departments Environmental Quality and Health and Human Services publish an “Intended Use Plan” for implementation of the Nebraska State Revolving Fund (SRF). Based on conversation with DHHS it has been noted that policy in that plan prior to 2016, indicated funding eligibility for Public Water Systems (PWS) is partially based on the population served, which must be 10,000 inhabitants or less. This policy included Public Water Systems operated by political subdivisions (NRDs and others). In 2007 the policy was added to statute which was implemented in FY2008, however a grammatical error in the statute placed the emphasis for the population eligibility on the political subdivision as opposed to that of the PWS. This error was identified sometime in FY2016 effectively making any PWS operated by a political subdivision with a population greater than 10,000 ineligible for funding through the SRF.

There are two subsections of the statute affected by the grammatical error. Below are those two subsections taken directly from statute. The text highlighted in gray in subsection 9 is the terminology that eliminates PWS operated by NRDs from eligibility for the SRF. Subsection 11 has been modified (highlighted in yellow) to indicate the change necessary to place the population requirement back on the PWS for SRF eligibility when operated by a political subdivision.

(9) The power to enter into agreements for the purpose of providing loan forgiveness concurrent with loans **to public water systems operated by political subdivisions with populations of ten thousand inhabitants or less** which demonstrate serious financial hardships. The department may enter into agreements for up to one-half of the eligible project cost. Such agreements shall contain a provision that payment of the amount allocated is conditional upon the availability of appropriated funds;

(11) The power to provide financial assistance consistent with the intended use plan, described in subdivision (7) of this section, for completion of engineering studies, research projects to investigate low-cost options for achieving compliance with safe drinking water standards, preliminary engineering reports, regional water system planning, source water protection, and other studies for the purpose of enhancing the ability of communities to meet the requirements of the Safe Drinking Water Act, **to public water systems, operated by political subdivisions, with populations of ten thousand inhabitants or less** which demonstrate serious financial hardships. The department may enter into agreements for up to ninety percent of the eligible project cost. Such agreements shall contain a provision that payment of the amount obligated is conditional upon the availability of appropriated funds; and

Support of this resolution should re-establish State Revolving Fund eligibility for Public Water Systems operated by political subdivisions, allowing funding to be distributed as originally intended.