

Agenda Item: 8.C.  
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## MEMORANDUM

**Date:** March 13, 2014

**To:** Papio-Missouri River Natural Resources District Board

**From:** Tim Gay, Ron Sedlacek and Steve Grasz, Husch Blackwell LLP

**Re:** **Legislative Update**

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Today was the 43rd day of the 60-day legislative session. The Legislature is now in its full day debate schedule and is focused on priority legislation.

**LB710 – NRD Groundwater Projects** (Christensen) (Natural Resources Committee) adds a requirement that an NRD cannot enter into a groundwater augmentation project outside the district boundaries unless there was a public hearing and notices as required under the Nebraska Ground Water Management and Protection Act (46-743) and the project received two-thirds majority support. Hearing 1-30-14. **Placed on General File 3-7 with AM 2281. AM 2281 requires a public hearing for all groundwater augmentation projects and deletes the 2/3 vote requirement for projects outside an NRD's boundaries.**

**LB723 – Property Tax Valuation** (Christensen) (Revenue Committee) divides irrigated cropland into the various subclasses. The bill then adds a guideline for what determines comparable sale for determining value as follows: Whether the difference in well capacity or in water availability due to federal, state, or local regulatory actions or limited source affected the sale of the property. Hearing 2-19. **Placed on General File 3-7 with AM 2270.**

**LB756 – Bicycle Definition** (Smith) (Transportation Committee) would include in the definition of bicycle a device with two or three wheels, fully operative pedals for propulsion by human power, and an electric motor with a capacity not exceeding seven hundred fifty watts which produces no more than one brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground. The definition would allow their use on local trails. (NARD supports) **Placed on General File 3-7.**

**LB844 – Litter / Recycling Extension** (Schilz) (Natural Resources Committee) would extend the termination date of the Nebraska Litter Reduction and Recycling Act from October 30, 2015, to October 20, 2020. (NARD supports) Hearing 1-24-14. Advanced to General File on 1-27-14. **Natural Resources Committee Priority Bill. Placed on Select File 2-27. Placed on Final Reading 3-10.**

**LB896 – Erosion Control** (Carlson) (Referred to Natural Resources Committee) would amend provisions of the Erosion and Sediment Control Act. The intent of the bill is to address erosion in excess of the applicable soil-loss tolerance level which causes or contributes to an accumulation of sediment upon the lands of any other person. The bill changes the definition of soil loss limit to soil loss tolerance levels and maintains the same definition of the maximum amount of soil loss due to erosion by wind or water. The bill would require the Natural Resources Commission, in cooperation with other appropriate state and federal agencies, to develop a comprehensive state erosion and sediment control program. The bill adds authority to each district to petition the district court for a cease and desist order on an owner or operator if the district determines that the erosion is the result of an activity not normally associated with tillage, seeding, or cultivation of farm land and the immediate discontinuance of such activity is necessary to reduce or eliminate damage to neighboring property. The bill eliminates the exemption for owners and operators from the provision of compliance to the Act if there is not at least ninety percent cost-sharing assistance for the installation of permanent soil and water conservation practices needed to conform to the applicable soil-loss limit.

The bill would allow NRDs to provide cost-share to the owner or operator to comply with the Act. However, the lack of available cost-sharing assistance would not offset the requirement that the owner or operator of such land comply with the terms of an approved plan of compliance or an administrative order. (NARD supports) Committee hearing on 2-6-14. **Placed on General File 3-17 with AM2133. AM2133 requires a landowner to have refused to take action before an NRD can go to court.**

**LB 940 – Water Sustainability Fund - (Schilz) (Appropriations Committee).** Would provide funds directed at implementing projects identified by the Water Funding Task Force. **Hearing on 2-18. Testimony in support by John Winkler on behalf of NARD.**

**LB1003 – NRD Bonding Authority** (Kolowski) (Natural Resources Committee) would provide for natural resources districts to have the authority to issue general obligation bonds for the purpose of financing all or part of the cost of non-revenue-producing water projects authorized by law. Issuance of such bonds must be approved by two-thirds of the members of the board of directors of the district, and such bonds must be retired using the district's ad valorem tax revenue and other funds available to the district not pledged for another purpose. (NARD supports) **Hearing on 2-21-14. Testimony in support by John Winkler.**

**LB1008 – Climate Assessment** (Haar) (Agriculture Committee) would change duties of the Climate Assessment Response Committee. **Hearing on 2-4-14. Placed on General File 3-5.**

**LB1037 – Audits** (McGill) (Government Committee) Authorize Auditor of Public Accounts to examine certain entities formed under the Interlocal Cooperation Act. **Hearing on 2-12. (NARD opposes) Placed on General File 3-4.**

**LB1046 – Water Sustainability** (Carlson) (Appropriations Committee) This bill would create the Water Sustainability Fund and transfer \$50 million to it from the General Fund on 10-1-15. The Fund would be used for water sustainability projects under the administration of the Natural Resources Commission. **Hearing on 2-18. (NARD supports) Testimony by John Winkler emphasizing need for levee funding in Sarpy County/Offutt.**

**LB 1074 – Ground Water Management (Lathrop) Changes provisions relating to regulation of ground water. Lathrop priority bill. AM2360 filed 3-11. Hearing on AM2360 on 3-18. Requires basin-wide integrated management plans within 3 years. If goals are not met within 30 years, the state (DNR) takes complete management control over the entire river basin. Bill reduces authority and local control of NRDs. Letter in opposition being drafted.**

**LB1098 – Natural Resources Commission** (Carlson) (Natural Resources Committee) would change the membership and powers and duties of the Nebraska Natural Resources Commission and requires regulations be adopted to determine funding priority for water projects. (NARD supports) **Hearing 2-26-14. Carlson priority bill.**

**Testimony prepared for floor debate to establish legislative intent. Amendment drafted to ensure priority status of levee project in Sarpy County/Offutt.**