

Agenda Item: 6.

MEMORANDUM

TO: Personnel, Legislative and Public Affairs Subcommittee

SUBJECT: LB 325, LB 449 and LB 152

DATE: February 2, 2013

FROM: John Winkler, General Manager

This legislative session several bills have been introduced which may have a direct impact on the Papio Missouri River NRD's operations and structure, as well as, the operation of every Natural Resources District throughout the State.

A basic summary of these bills are as follows with the position taken by the NARD at its Legislative Conference and the recommended position of management:

LB 152 - (Dubas). The intent of the bill is to ensure damages for condemned property are accurately assessed by courts considering the purpose that the property will be used for, that the purpose and scope of the project does not change after property is condemned and an award made by the court, and that property is not unnecessarily condemned for projects that may never come into existence. The bill would require that a condemner shall not attempt to negotiate with a condemnee unless the condemner has a present plan and a present public purpose. The condemner has a present plan and a present public purpose only after all agencies required to have approved the project have done so and all necessary permits have been granted. The condemner shall provide the condemnee copies of all granted and necessary permits upon request of the condemnee.

There are several issues with this bill as written that would have a negative impact on the District. One is that it treats all negotiations for right of way as an eminent domain case and is silent on negotiating with willing buyer and seller. Second negotiations could not begin until all permits have been approved. This would be an issue for the District as some of the permits we are granted have expiration dates (i.e. 404 and DNR permits). **The NARD recommended to oppose this bill.**

Therefore, management recommends that the subcommittee recommend to the full Board of Directors that the Papio Missouri River Natural Resources District officially opposes LB 152 and directs the General Manager and Government Relations Consultant to take such appropriate action to indefinitely postpone this bill in the Judiciary Committee and/or to kill the bill in the full legislature if necessary.

LB 325 - (Brasch) - amends Neb. Rev. Stat. sec. 2-3211 by deleting the current requirement that "No change in boundaries, division, or merger as provided for my sections 2-3207 to 2-3212 shall take place unless the boards of the affected districts favor such change, division, or merger." The apparent purpose of the bill is to allow for changes in NRD boundaries without approval of the boards of the affected districts. Oddly, however, the bill does not delete similar language in two related statutes. Neb. Rev. Stat. sec. 2-3207 states, "With the approval of the affected natural resources districts, the commission may change the boundaries of natural resources districts"

(emphasis added) Likewise, Neb. Rev. Stat. 2-3212 states, “If the boards of the affected districts favor a change of boundaries . . . the various affected district boards shall each present to the Secretary of State an application . . .” (emphasis added). Therefore, it is questionable whether LB 325 is drafted properly to accomplish its apparent purpose.

From several conversations with Senators and other stakeholders it appears this bill was introduced with the Papio NRD in mind (see attached media article). Senator Brasch indicated that many of her constituents do not feel that they are being properly represented by the Papio NRD and that there may be interest in some counties of the District to form their own NRD or to join another District. The bill proposes to eliminate from the current boundary re-alignment process the approval of the duly elected body which is affected the most by any NRD boundary change. In addition, Natural Resource District Boundaries are drawn by watersheds not political jurisdictions like counties and cities. Furthermore, the District conforms to State Statute and to the democratic philosophy of one person one vote when drawing sub-districts within the District. In fact, the current Papio NRD sub-districts represent the closest percentage to one person one vote than ever in its history. Another significant consequence of this bill is that one area of a Natural Resource District that doesn’t want to abide by the rules and regulations of that District can then form their own NRD or join a less restrictive NRD without either affected Board of Directors approval. **The NARD recommended to oppose this bill.**

Therefore, management recommends that the subcommittee recommend to the full Board of Directors that the Papio Missouri River Natural Resources District officially opposes LB 325 and directs the General Manager and Government Relations Consultant to take such appropriate action to indefinitely postpone this bill in the Natural Resources Committee and/or to kill the bill in the full legislature if necessary.

LB 449 - (Avery) Redefine high elective office for restrictions on multiple office holding. The bill adds the airport authority, metropolitan utilities district, natural resources district, and public power district to the list of higher offices. Those elected to these positions would be prohibited from holding a second public office. If the bill would pass, those holding more than one higher office would be able to serve out their terms.

A similar bill was introduced two years ago which focused solely on NRD Boards being designated as higher offices. It appeared at that time that the bill focused on two of the Papio NRD Board members who held offices on community college and learning community boards as well. This bill never made it out of committee and expired at the end of last session. Although expanded to other offices the same issues apply to this bill. This bill further reduces the potential pool of qualified candidates to seek office, for example, in many rural areas of the State candidates for public offices is very limited. In any democracy the decision of representation should be left to the wisdom of the voters. **The NARD recommended to oppose this bill.**

Therefore, management recommends that the subcommittee recommend to the full Board of Directors that the Papio Missouri River Natural Resources District officially opposes LB 449 and directs the General Manager and Government Relations Consultant to take such appropriate action to indefinitely postpone this bill in the Government Affairs Committee and/or to kill the bill in the full legislature if necessary.

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 152

Introduced by Dubas, 34.

Read first time January 11, 2013

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to eminent domain; to restrict negotiations of a
- 2 condemner as prescribed; and to provide a duty for the
- 3 Revisor of Statutes.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. It is the intent of the Legislature to ensure
2 damages for condemned property are accurately assessed by courts
3 considering the purpose that the property will be used for, that the
4 purpose and scope of the project does not change after property is
5 condemned and an award made by the court, and that property is not
6 unnecessarily condemned for projects that may never come into
7 existence. The importance of private property rights must be balanced
8 with Nebraskans' need for infrastructure projects. Condemnation
9 affects a property owner's use of their remaining property rights.
10 When condemnation is necessary, landowners should be given complete
11 and accurate information regarding the purpose of the condemnation.

12 Sec. 2. A condemner shall not attempt to negotiate with a
13 condemnee unless the condemner has a present plan and a present
14 public purpose. The condemner has a present plan and a present public
15 purpose only after all agencies required to have approved the project
16 have done so and all necessary permits have been granted. The
17 condemner shall provide the condemnee copies of all granted and
18 necessary permits upon request of the condemnee.

19 Sec. 3. A condemner found to be noncompliant with section
20 2 of this act or found coercive or to be threatening the condemnee
21 with condemnation shall entitle the condemnee to injunctive relief
22 from the condemner, attorney's fees, and actual damages as prescribed
23 by the court.

24 Sec. 4. The Revisor of Statutes shall assign sections 1
25 to 3 of this act within Chapter 76, article 7, and any reference to

LB 152

LB 152

1 such article shall be deemed to include such section.

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 325

Introduced by Brasch, 16; Bloomfield, 17; Johnson, 23; Schilz, 47.

Read first time January 17, 2013

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to natural resources districts; to amend section
- 2 2-3211, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to board approval of boundary
- 4 changes, division, or merger; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3211, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-3211 After the hearing, as provided in section 2-3210,
4 the commission shall determine, upon the basis of the proposed
5 change, upon the facts and evidence presented at such hearing, upon
6 consideration of the standards provided in section 2-3203 relative to
7 the organization of districts, and upon such other relevant facts and
8 information as may be available, whether such changes in boundaries,
9 division, or merger would promote the public interest and would be
10 administratively and financially practicable and feasible. The
11 commission shall make and record such determination and shall make
12 such other determinations as are required by sections 2-3211.01 and
13 2-3211.02. The department shall notify the boards of the affected
14 districts of such determinations in writing. ~~No change in boundaries,~~
15 ~~division, or merger as provided for by sections 2-3207 to 2-3212~~
16 ~~shall take place unless the boards of the affected districts favor~~
17 ~~such change, division, or merger.~~

18 Sec. 2. Original section 2-3211, Reissue Revised Statutes
19 of Nebraska, is repealed.

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 449

Introduced by Avery, 28.

Read first time January 22, 2013

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to elections; to amend section 32-604, Revised
- 2 Statutes Cumulative Supplement, 2012; to redefine high
- 3 elective office for restrictions on multiple office
- 4 holding; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-604, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-604 (1) Except as provided in subsection (2) or (4) of
4 this section, no person shall be precluded from being elected or
5 appointed to or holding an elective office for the reason that he or
6 she has been elected or appointed to or holds another elective
7 office.

8 (2) No person serving as a member of the Legislature or
9 in an elective office described in Article IV, section 1 or 20, or
10 Article VII, section 3 or 10, of the Constitution of Nebraska shall
11 simultaneously serve in any other elective office, except that such a
12 person may simultaneously serve in another elective office which is
13 filled at an election held in conjunction with the annual meeting of
14 a public body.

15 (3) Whenever an incumbent serving as a member of the
16 Legislature or in an elective office described in Article IV, section
17 1 or 20, or Article VII, section 3 or 10, of the Constitution of
18 Nebraska assumes another elective office, except an elective office
19 filled at an election held in conjunction with the annual meeting of
20 a public body, the office first held by the incumbent shall be deemed
21 vacant.

22 (4) No person serving in a high elective office shall
23 simultaneously serve in any other high elective office, except that a
24 county attorney may serve as the county attorney for more than one
25 county if appointed under subsection (2) of section 23-1201.01.

1 (5) Notwithstanding subsection (4) of this section, any
2 person holding more than one high elective office upon July 15, 2010,
3 or the effective date of this act, shall be entitled to serve the
4 remainder of all terms for which he or she was elected or appointed.

5 (6) For purposes of this section, (a) elective office has
6 the meaning found in section 32-109 and includes an office which is
7 filled at an election held in conjunction with the annual meeting of
8 a public body created by an act of the Legislature but does not
9 include a member of a learning community coordinating council
10 appointed pursuant to subsection (5) or (7) of section 32-546.01 and
11 (b) high elective office means a member of the Legislature, an
12 elective office described in Article IV, section 1 or 20, or Article
13 VII, section 3 or 10, of the Constitution of Nebraska, or a county,
14 city, airport authority, community college area, learning community,
15 metropolitan utilities district, natural resources district, public
16 power district, or school district elective office.

17 Sec. 2. Original section 32-604, Revised Statutes
18 Cumulative Supplement, 2012, is repealed.

**NARD CA & BILL SUMMARY of NEW
LEGISLATION**

2013 LEGISLATIVE SESSION

**SUMMARY OF
LEGISLATIVE BILLS**

**NARD LEGISLATIVE
CONFERENCE
EMBASSY SUITES HOTEL**

**LINCOLN, NE
JANUARY 28-30, 2013**

Voting Procedures

Any cell phone ringing during session will require the owner to submit a tax-deductible \$5.00 donation to the NARD Foundation.

Tuesday Morning Business Session

- 1) The first session on Tuesday morning will be spent going through the list of bills. Please wait for motions until we are completely through the outline.
- 2) After the Legislative Chairman has finished the outline, districts may make motions to vote on bills individually with a stated position. A second will be required to advance for a vote. Prior to the break for caucus, a motion and a second will be required to accept the balance of the NARD Legislative Committee recommendations. Final votes will be taken after the caucus period.
- 3) Only the voting delegate of the district, or the alternate in the case of the delegates' absence, can make a motion and vote on behalf of a district. Other NRD directors and employees can speak on issues once recognized by the chair.

Tuesday Afternoon Caucus

- 4) Caucus rooms are available in Chancellor Rooms I, II & III on a first come/first serve basis. Please share the rooms and feel free to move chairs as needed. The Atrium area may also be available, but is not reserved specifically for our group. You may also use any part of Regents A, which is the area where the general sessions are.

Tuesday Afternoon Business Session

- 5) At the session following the caucus, votes will be taken on motions made in the morning session. Each district will have five votes and a simple majority is needed to pass a motion. Simple majority is 58 of 115.
- 6) After the individual motions are voted on, and before final action is taken on the remaining NARD Legislative Committee recommendations, a final opportunity to vote on any other bill separately will be provided. Following a second, a majority vote will be required to consider the motion. Again, a simple majority vote will be used to determine whether the motion to take action on that bill passes or fails.
- 7) After a motion and second, a final vote will be taken to accept the recommended position of the NARD Legislative Committee on the remaining bills. A simple majority vote will be used to determine whether this final motion passes or fails.

2013 NARD Voting Delegates
NARD Legislative Conference
January 28-30, 2013

District	Delegate's Name	Alternate's Name
<i>Central Platte NRD</i>	Jim Bendfeldt	Jerry Wiese
<i>Lewis & Clark NRD</i>	Dan Kollars	Mary Ann Wortmann
<i>Little Blue NRD</i>	Lyle Heinrichs	Charles Rainforth
<i>Lower Big Blue NRD</i>	Steve Kelley	Norman Stokebrand
<i>Lower Elkhorn NRD</i>	Ken Peitzmeier	Bob Huntley
<i>Lower Loup NRD</i>	Dean J. Rasmussen	Virgil W. Gellermann
<i>Lower Niobrara NRD</i>	Sterling Schultz	Tom Higgins
<i>Lower Platte North NRD</i>	Dave Saalfeld	Bob Hilger
<i>Lower Platte South NRD</i>	Ron Case	David Potter
<i>Lower Republican NRD</i>	Nelson Trambly	NONE
<i>Middle Niobrara NRD</i>	Dean Jochem	Martin Graff
<i>Middle Republican NRD</i>	John Palic	NONE
<i>Nemaha NRD</i>	Donald Siske	Duane Sugden
<i>North Platte NRD</i>	Gerald Dillman	Dave Deines
<i>Papio-Missouri River NRD</i>	Rich Tesar	Jim Thompson
<i>South Platte NRD</i>	James C. "Jim" Johnson	Larry L. Rutt
<i>Tri-Basin NRD</i>	Dave Nelson	Dave Raffety
<i>Twin Platte NRD</i>	Joe Wahlgren	Bob Petersen
<i>Upper Big Blue NRD</i>	Larry Moore	Gary Eberle
<i>Upper Elkhorn NRD</i>	Ted Hughes	Jerry Childers
<i>Upper Loup NRD</i>	Judy Ridenour	Wynn Wiens
<i>Upper Niobrara White NRD</i>	Curt Roth	Tod Dorshorst
<i>Upper Republican NRD</i>	Terry Martin	Tom Gaschler

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LB 63	Change distribution of motor boat sales and use tax revenue	Schilz	26
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LB 78	Eliminate a task force, an authority, a board, committees, a commission, and a council.	Avery	27
LB 102	Change requirements for certain water permit applications	Watermeier	32
LB 152	Change eminent domain negotiations	Dubas	25
LB 160	Provide for electronic signatures on recall, initiative, and referendum petitions	Schumacher	6
LB 185	Authorize state assistance for streamflow enhancement projects undertaken by natural resources districts	Christensen	11
LB 186	Restrict rule and regulation authority of natural resources districts	Christensen	30
LB 194	Provide for deficit appropriations	Speaker Adams, on behalf of the Governor	8
LB 195	Appropriate funds for state government expenses	Speaker Adams, on behalf of the Governor	8
LB 199	Provide fund transfers, create funds, and authorize the sale of land	Speaker Adams, on behalf of the Governor	11
LB 203	Change provisions relating to solid waste under the Environmental Protection Act	Scheer	29
LB 222	Change provisions regarding certain reports submitted electronically to the Legislature	McCoy	21
LB 235	Change precinct size requirements and procedures for drawing political subdivision boundaries and changing polling places and provide for election advisory committees	Howard	18
LB 272	Change provisions relating to chemigation permits and fees	Carlson	6
LB 284	Change provisions of the Political Subdivisions Tort Claims Act relating to limits on actions and amounts recoverable	Conrad	21
LB 294	Change provisions relating to use of public resources by public officials and public employees	Seiler	7
LB 322	Require the Department of Natural Resources to conduct and environmental study on the Blue River	Karpisek	31
LB 325	Change provisions relating to natural resources district boundary changes	Brasch	19
LB 353	Restrict rule and regulation authority of natural resources districts	Christensen	30
LB 363	Change provisions relating to access to public records	Avery	20
LB 364	Permit government bodies to set limits on certain contracts	Avery	19
LB 387	Eliminate provisions relating to constructing drainage facilities and taking other control measures on public roads.	Christensen	31

LB 391	Change water law provisions relating to water storage	Davis	31
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LB 492	Appropriate funds to carry out the Nebraska Youth Conservation Program	Cook	33
LB 493	Authorize transfer of portions of the Cowboy Trail	Davis	32
LB 494	Change number of districts and members of Game and Parks Commission	Davis	33
LB 513	Change notice provisions under the Nebraska Ground Water Management and Protection Act	Carlson	30
LB 514	Provide for new funding mechanisms under the Wastewater Treatment Facilities Construction Assistance Act	Carlson	13
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LB 517	Create the Water Sustainability Project Task Force	Carlson	16
LB 521	Require cities and villages and other public bodies that maintain web sites to publish ordinances and other information as prescribed	Christensen	21
LB 522	Provide state financial assistance to irrigation districts to compensate water appropriators	Christensen	32
LB 549	Change the scrap tire recycling sunset provision and fees	Schilz	29
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LB 580	Change certain condemnation procedures	Johnson	25
LB 583	Change provisions relating to membership on the Climate Assessment Response Committee and provide duties for the committee	Harr	33
LB 601	Require notice for natural resources district subcommittee meetings	Bloomfield	21
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LB 635	Provide powers and duties regarding hydraulic fracturing to the Nebraska Oil and Gas Conservation Commission	Wallman	29
LB 636	Provide restrictions for application of certain herbicides	Wallman	28
LB 637	Require an economic analysis of rules and regulation proposed by the Department of Environmental Quality	Wallman	24

Chemigation & Wells

LB 272 - Change provisions relating to chemigation permits and fees. Carlson. The bill proposes to allow the Nebraska Environmental Quality Council to set the fees for the Chemigation permits with a cap of no more than \$250 for new, special, renewal permits. The bill also outlines that no more than 20 percent of the fee shall go to the department. The fee for an emergency permit is proposed to be \$500, with \$100 going to the department (20%).

The fees for chemigation permits have not changed since the Nebraska Chemigation Act was put into effect in 1986. Current fees are \$30 for new and special permits (\$25 to the NRD and \$5 or NDEQ), \$10 for renewal (\$8 to the NRD and \$2 to NDEQ) and \$100 for an emergency permit (\$80 to the NRD and \$20 to NDEQ).

The bill also proposes to clarify that emergency permits must be approved within two working days rather than 48 hours. The change is proposed to clarify that emergency permits cannot be issued on Saturday, Sunday or a federal or state holiday. A definition of working day is provided in the proposed statute change.

The intent of the bill is to increase fees for the chemigation program to off-set the cost of administering the program and costs of the annual inspection programs. Some other fees currently set by the Nebraska Environmental Quality Council include, but not limited to: the Solid Waste Management Fee; National Pollutant Discharge Elimination System permit (\$200 Maximum); and livestock waste management inspection fee (\$100 minimum, \$500 maximum and may be set according to animal capacity).

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

Directors & Elections

A. Petitions

LB 160 - Provide for electronic signatures on recall, initiative, and referendum petitions. Schumacher. The bill proposes to establish a process to use electronic signatures on petitions and electronic verification of signatures on petitions used in the recall, initiative, and referendum processes. The bill would require the Nebraska Secretary of State to establish a secure website to and server to operate the new program.

A signer at the time of submitting the electronic signature would have to submit: (a) his or her name, address, county of residence, political party affiliation, and date of birth as shown on his or her voter registration record, (b) his or her assent to the petition document, and (c) a unique identifier which (i) can be verified against other state-qualified data associated with the signer or (ii) would be acceptable in commercial financial transactions involving the transfer of money between financial institutions such as credit card transactions;

The electronic signature would have to be correlated with the signer as evidenced by a reasonable match with voter registration records and voting records which correspond to at least one item of state-qualified data or by the execution of an electronic financial transaction initiated under the signer's name.

Once an electronic signature was obtained, the Secretary of State would also have to send out a postcard to the individual that electronically signed a petition, recall or referendum giving them 10 days to withdraw the signature on the ballot.

Hearing Date: 1/31/13 **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

B. Public Resources

LB 294 - Change provisions relating to use of public resources by public officials and public employees. Seiler. The bill amends the accountability and disclosure statutes and prohibit a public official or public employee from using or authorizing the public resources for a campaign for or against a candidate or a ballot question to allow such an individual acting under the direction of the government body or public employee from communicating authorized information for the purpose of educating the public and to participate in a public forum concerning issues germane to the office.

Hearing Date: Not Posted **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

C. Higher Office

LB 449 - Redefine high elective office for restrictions on multiple office holding. Avery. The bill adds the airport authority, metropolitan utilities district, natural resources district, and public power district to the list of higher offices. Those elected to these positions would be prohibited from holding a second public office. If the bill would pass, those holding more than one higher office would be able to serve out their terms.

Hearing Date: Not Posted **Committee:** Government Bill **Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

Funding & Taxes

A. General Fund Appropriations

(NOTE: The General Fund Appropriations Bills will be taken up together – LB's 194, 195 & 199)

LB 194 - Provide for deficit appropriations. Speaker Adams, on behalf of the Governor.

The Governor's recommendations for the current FY 2012-13 budget represents a reduction of \$3.6 million in General Fund appropriations and re-appropriations.

LB 195 -- Appropriate funds for state government expenses. Speaker Adams, on behalf of the Governor.

The Governor's recommendations for the 2013-2015 biennium represent a two-year average growth in General Fund spending of 4.9%. The \$185.3 million or 5.1% annual increase in FY 2013-14 is comprised of \$77.6 million for education (K-12 Aid, University System, State College System, Community College Aid). This is 41.8% of the total additional General Fund appropriations recommended for that year. The amount of additional General Fund appropriations included for health and human services is \$98.7 million. This is 53.3% of the total additional General Fund appropriations recommended for that year. The \$180.8 million or 4.7% annual increase in FY 2014-15 is comprised of \$81.1 million for education. This is 44.9% of the total additional increase for that year. The amount of additional General Fund appropriations included for health and human services is \$89.1 million. This is 49.3% of the total additional increase for that year.

The summary for all programs can be found at:

http://budget.nebraska.gov/das_budget/budget13/summary.pdf.

The following is a summary of agencies and funding related to natural resources. A chart also follows.

- **Department of Natural Resources** -- The recommendation includes the agency request to reduce cash fund aid appropriation by \$1,400,000 in FY 2013-14 and FY 2014-15. This amount of cash fund authority was provided to the Water Resources Cash Fund by LB 950A (2012 Session Laws) for FY 2012-13. This amount is not necessary in FY 2013-14 and FY 2014-15. The recommendation includes the agency request to increase the federal fund operations appropriation by \$222,983 in FY 2013-14 and FY 2014-15. Federal grant funding for the agency's floodplain management and dam safety program from the Federal Emergency Management Administration (FEMA) increased in the last two years and the current funding level is expected to continue. The base appropriation of \$511,923 needs to be increased by \$222,983 in order to fully utilize the federal grant funding for the agency's floodplain management and dam safety programs.
- **Nebraska Environmental Trust Fund** -- Lottery proceeds to the NEFT program have increased in recent years. In addition, \$900,000 in annual interest earnings and \$800,000 was returned to the Nebraska Environmental Trust per the grant agreement from the sale of the Horse Creek Fen Ranch. The agency request to increase cash fund aid appropriation \$2,500,000 in FY 2013-14 and FY 2014-15 is recommended.
- **Department of Environmental Quality—In the 2011 Special Session, LB 4A** appropriated \$2,000,000 General Fund in FY 2011-12 for an oil pipeline route study. LB 1161 (2012 Session Laws) subsequently appropriated \$2,000,000 cash funds in FY 2012-13 for the same purpose. The recommendation includes a \$1,746,613 reduction of FY 2012-13 General Fund appropriations, the unexpended amount of the LB 4A appropriation (Included in LB 194).

Included in LB 195 is the agency requested reduction in cash fund operations appropriation of \$2,000,000 in FY 2013-14 and FY 2014-15 for the pipeline study. LB 1161 (2012 Session Laws) increased cash fund appropriation in the base year FY 2012-13 to allow the agency to complete an oil pipeline study. This appropriation does not need to be built into the base appropriation for the biennium. The agency advises that this pipeline study costs are in the \$4,000,000 to \$6,000,000 range and the agency has sufficient carry-over cash fund appropriation to address this cost.

The recommendation includes the agency request to decrease General Fund aid appropriation by \$369,650 in FY 2013-14 and \$305,650 in FY 2014-15 due to reduced Superfund non-federal cost share. The agency requested rent increase is recommended with the following operations fund increase in FY 2013-14: General Fund \$3,646, cash fund \$356 and federal fund \$26,772; FY 2014-15: General Fund \$7,429, cash fund \$723 and federal fund \$54,547. The recommendation includes an increase in cash fund operations appropriation of \$4,699 and federal fund operations appropriation of \$34,455 in FY 2013-14 and FY 2014-15 for Microsoft software upgrade and record storage expenses.

	FY 12-13 Appropriation	FY 13-14 Proposed	Change	FY 14-15 Proposed	Change
DNR Operations Funding					
General Fund	10,397,171	10,524,446	127,275	10,654,585	130,139
Cash Fund	776,125	777,861	1,736	779,636	1,775
Federal Fund	439,596	671,378	231,782	680,375	8,997
Total Operations Funding	11,612,892	11,973,685	360,793	12,114,596	140,911
Small Watersheds					
General Fund	0	0	0	0	0
Cash Fund	475,000	475,000	0	475,000	0
Total	475,000	475,000	0	475,000	0
Soil and Water Conservation Fund					
General Fund	2,318,036	2,318,036	0	2,318,036	0
Cash Fund	50,000	50,000	0	50,000	0
Total	2,368,036	2,368,036	0	2,368,036	0
Water Well Decommissioning					
General Fund	0	0	0	0	0
Cash Fund	100,000	100,000	0	100,000	0
Total	100,000	100,000	0	100,000	0
Nebraska Resources Development Fund					
General Fund	3,140,325	3,140,325	0	3,140,325	0
Cash Fund	47,500	47,500	0	47,500	0
Total	3,187,825	3,187,825	0	3,187,825	0
Natural Resources Water Quality Fund					
General Fund	0	0	0	0	0
Cash Fund	1,187,500	1,187,500	0	1,187,500	0
Total	1,187,500	1,187,500	0	1,187,500	0
Inter-related Water Management					
General Fund	500,000	500,000	0	500,000	0
Cash Fund	0	0	0	0	0
Total	500,000	500,000	0	500,000	0
Water Resources Cash Fund (\$1.4 million was added to the baseline in 2012 via LB 950A and removed in the budget for FY's 13-15	4,700,000	3,300,000	(1,400,000)	3,300,000	(1,400,000)
Nebraska Environmental Trust Fund	15,548,247	18,054,258	2,506,011	18,060,395	6,137
Nebraska Dept of Environmental Quality (Total Funding – Includes Federal \$)	68,624,028	67,170,098	(1,453,930)	67,795,479	625,381

LB 199 - Provide fund transfers, create funds, and authorize the sale of land. Speaker Adams, on behalf of the Governor. The bill outlines transfers and authorized the sale of the Hastings Regional Center. For natural resources the bill authorized the transfer of \$3.3 million from the General Fund to the Water Resources Cash Fund for fiscal years 2013-14 and 2014-15.

Hearing Date: Not Posted **Committee:** Appropriations **Bill Status:** Committee

Manager Recommendation: Support. With a recommendation to add back \$1.4 million to water resources cash fund.

NARD Legislative Committee Recommendation: Support. With a recommendation to add back \$1.4 million to water resources cash fund.

NARD Position: Support. With a recommendation to add back \$1.4 million to water resources cash fund.

D. NRD Levy Authority

LB 574 - Provide that certain assessments are levied and collected as special assessments. Harr. The bill proposed to clarify that certain assessments levied by a natural resources district, sanitary drainage district, sanitary and improvement district, special improvement district, county, city, or village would be levied and collected as special assessments. For NRDs, this would have included special assessments under the Improvement Project Area.

Hearing Date: Not Posted **Committee:** Revenue **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

C. Occupation Tax and Bonding

LB 185 -- Authorize state assistance for streamflow enhancement projects undertaken by natural resources districts. Christensen. The bill creates a loan programs to local NRDs for projects that enhance stream flows for the purpose of compliance with compacts, agreements, and decrees and to assist in the management, protection, and conservation of the water resources of river basins. Under the bill, \$40 million would be the Cash Reserve Fund to the Water Contingency Cash Fund to create the program.

To be eligible for the program, a NRD would have to have an integrated management plan and entered into contracts to construct or implement stream flow enhancement project. The NRD would submit a request in writing to the department certifying the amount of financial assistance necessary to meet its obligations under such contracts by or through obligations of joint entities or joint public agencies formed for the purposes.

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The loan would have to be repaid from the occupation tax or by other by such means as are provided by the Legislature. The loan would have to be paid no later than June 30, 2018.

The legislation is similar to a bill passed in 2008 that provided a \$9 million dollar loan to the Republican Basin NRDs to purchase water until the occupation tax was cleared by the Nebraska Supreme Court as constitutional in September of 2011. That loan will be paid off by June 30, 2013.

Hearing Date: 2/1/13 **Committee:** Appropriations **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

LB 474 - Change provisions relating to occupation taxes. Krist. The bill provides that funds collected from an occupation tax levied for municipal purposes may not be provided to another political subdivision, state government entity, or nonprofit entity unless the funds will be used for (a) a building that will become property of the municipality or (b) infrastructure or public utilities upgrades or public service support for the municipality.

The bill also provides that any occupation tax adopted on or after July 19, 2012 and prior to the operative date of this act shall terminate on January 1, 2015, unless the tax complies with the requirements of this section prior to January 1, 2015. The changes made to this section by this legislative bill do not apply to occupation taxes imposed prior to July 19, 2012.

The bill also prohibits a municipality from imposing an occupation tax based upon: a) a certain percentage of the gross receipts or sales volume of the person, partnership, limited liability company, corporation, or business; (b) tobacco or tobacco products; and (c) alcoholic liquor or those licensed to dispense alcoholic liquor.

For occupation taxes on the activity of irrigation levied by NRDs, the bill eliminates the term “occupation” and leaves it defined as a “tax”. The bill makes no other changes to the use of the occupation tax by NRDs.

Hearing Date: Not Posted **Committee:** Revenue **Bill Status:** Committee

Manager Recommendation: Oppose – Only language relating to NRD Occupation Tax

NARD Legislative Committee Recommendation: Oppose – Only language relating to NRD Occupation Tax

NARD Position: Oppose – Only language relating to NRD Occupation Tax

LB 488 - Change provisions relating to municipal occupation taxes. Revenue Committee.

The bill proposes to change the procedures for cities on applying occupation taxes. First, the bill would require that cities implementing an occupation tax to make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax.

Second, the bill provides a list of items that would exempt from occupation taxes. These would include beer, wine, alcohol, motor fuels and tobacco products.

The bill is in response to the City of Omaha imposing an occupation tax to provide to the UNL Cancer Center. The bill does not change anything with the occupation taxes imposed by NRDs (See LB 474 – Krist).

Hearing Date: Not Posted **Committee:** Revenue **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

D. Water Resources Funding

LB 514 - Provide for new funding mechanisms under the Wastewater Treatment Facilities Construction Assistance Act. Carlson. The bill creates a Wastewater Treatment Facilities Construction Assistance Linked Deposit Program to promote loans by eligible financial institutions for the construction, rehabilitation, and enhancement of nonpoint source control systems for public or private owners.

When an eligible financial institution has executed a linked deposit agreement with the director, the director may deposit a portion of the Wastewater Treatment Facilities Construction Loan Fund with the eligible financial institution in low-yielding deposit accounts, certificates of deposit, or other authorized deposits as set forth in the linked deposit agreement between the director and the eligible financial institution. Such deposits shall not be subject to the requirements of the Public Funds Deposit Security Act.

In the linked deposit agreement, the eligible financial institution shall make loans available at an interest rate lower than the otherwise prevailing interest rate for construction, rehabilitation, and enhancement of nonpoint source control systems.

An eligible financial institution is defined as a bank that agrees to participate in the linked deposit program and which is chartered to conduct banking in this state pursuant to the Nebraska Banking Act or any national bank authorized to do business in Nebraska.

Linked deposit program loans may be made to public or private owners by eligible financial institutions for the construction, rehabilitation, and enhancement of nonpoint source control systems including: (a) Onsite wastewater and private septic systems; (b) Local water protection projects, including best management practices for nutrient controls; and (c) Eligible nonpoint source activities under the Livestock Waste Management Act.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

LB 516 - Adopt the Nebraska Water Legacy Act. Carlson. The bill creates the Nebraska Water Legacy Commission. The bill is part of the recommendations from the LB 229 Water Funding Study completed in December 2012.

The purpose of the commission is to identify water resources programs, projects, and activities that will achieve the goals of water sustainability, increasing water use productivity, and otherwise maximizing the beneficial use of Nebraska's water resources for the benefit of its citizens. The commission would be required to evaluate every project, rank them, and determine if they were eligible for funding.

The bill states the commission shall have no jurisdiction over matters pertaining to water rights and no approval authority or control over any local projects. However, the bill does provide the commission with authority to review water projects and programs.

The commission would consist of seven members appointed by the Governor with the approval of a majority of the Legislature. The members shall have knowledge of and experience with and represent municipal water use, surface water irrigation, ground water irrigation, agriculture, educational or research institutions, instream flow uses, residential water use, and natural habitat and conservation. The Governor shall provide for a geographic balance in the appointments. Commission members shall have demonstrated knowledge and experience necessary in order to identify statewide management goals, undertake further study and analysis to identify a priority listing of water management funding needs that would lead to achieving identified water management goals, and administer the Nebraska Water Legacy Fund.

The commission would be required to conduct a water management and funding needs assessment to systematically identify water management plans and programs, projects, and activities to be funded by money in the Nebraska Water Legacy Fund to achieve the goals of water sustainability, increase water use productivity, and otherwise maximize the beneficial use of Nebraska's water resources for the benefit of its citizens.

The assessment shall include the funding needs identified by the commission, according to the criteria defined in the bill. These include, but are not limited to, the following:

- (a) The nature and purpose of the proposed water management program, project, and activity;
- (b) the quality of the plan for development of the proposed program, project, or activity, together with engineering, economic, and financial feasibility data and information;
- (c) estimated costs of construction or implementation of the proposed program, project, or activity;
- (d) whether the entity proposing the program, project, or activity has the necessary easements and rights-of-way and related lands and has or may acquire all water rights necessary for the proposed program, project, or activity;
- (e) whether the entity proposing the program, project, or activity possesses all necessary authority to undertake or participate in the proposed program, project, or activity; and

- (f) Whether the entity proposing the program, project, or activity has demonstrated the probable environmental and ecological consequences that may result from such proposed program, project, or activity.

Based on the assessment, the board shall determine funding priorities. The commission shall maximize the use of available organizational, agency, technical, and professional consultation whenever possible in carrying out its responsibilities.

It is the intent language of the bill also allows: (a) The commission utilize the product of the state water planning and review process pursuant already authorized in statute and assistance from any private individual, organization, political subdivision, or agency of the state or federal government as appropriate; (b) the public have maximum input into the formulation of state water policy, and (c) that one or more public hearings be conducted prior to the completion of any recommendations to the Legislature with respect to use of the fund.

On or before December 31, 2014, the commission shall submit a report electronically to the Legislature containing a plan for the Nebraska Water Legacy Fund, including a detailed process identifying criteria to be used for production of a priority listing of water management programs, projects, and activities eligible for allocations from the fund. The report shall include recommendations for legislation necessary to carry out the funding plan.

The Nebraska Water Legacy Fund created under the act would consist of credit monthly the proceeds of the sales and use taxes from a sales tax rate of one-quarter of one percent sales tax, other funds appropriated by the Legislature, and money paid to the state as fees, deposits, payments, and repayments relating to the fund, both principal and interest, and donated as gifts, bequests, or other contributions to such fund from public or private entities. Funds made available by any department or agency of the United States may also be credited to this fund if so directed by such department or agency.

The commission may create or direct the creation of accounts within the fund as it determines to be appropriate and useful in administering the fund.

The money credited to the Nebraska Water Legacy Fund each fiscal year shall be used as follows:

- (a) For science, technology, and research to gather and manage data needed for modeling of the state's water resources and water quality threats and problems;
- (b) For rehabilitating or restoring quantity and quality related to water infrastructure or new infrastructure and infrastructure maintenance;
- (c) For new projects in areas related to conjunctive management, storage, quality protection, and integrated management; and
- (d) For compliance with interstate compacts or agreements.

The money credited to the Nebraska Water Legacy Fund each fiscal year shall be used to fund water management programs, projects, and activities determined by the commission to be of the highest priority. The commission shall provide for an application process and the standards and criteria on which the applicant's program, project, or activity will be judged.

When considering funding for new water management programs, projects, and activities, the commission shall give greater consideration to regional programs, projects, and activities or programs, projects, and activities that have a multipurpose impact. The commission shall also require that applications for funding for water management programs, projects, and activities have a local match requirement.

The commission shall determine the priority in which funds are allocated for eligible programs, projects, and activities. No funds would be allocated to applicants pursuant to this subsection before the board has completed the assessment required in the act.

The Department of Natural Resources, on the recommendation of the commission, may adopt and promulgate rules and regulations to carry out the Nebraska Water Legacy Act.

Hearing Date: Not Posted **Committee:** Revenue **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose – Stand on Policy Statement on page 34

NARD Position: Monitor – Stand on Policy Statement on page 34

LB 517 - Create the Water Sustainability Project Task Force. Carlson. The bill is intended to be a back-up to LB 516, the Nebraska Water Legacy Act in case that bill does not move forward this year.

The bill states that Nebraska's water resources are finite and must be wisely managed to ensure their continued availability for beneficial use. The bill requires the state must invest in:

- (a) Research and data gathering;
- (b) Further integrating the management of Nebraska's water supplies;
- (c) Improving the state's aging and antiquated water supply infrastructure; (d) building new water supply infrastructure;
- (e) Promoting coordination and collaboration among all water users; and
- (f) Providing information to policymakers to justify a stable source of project funds;

The bill requires an appraisal of the state's water needs must be conducted utilizing research done by, but not limited to, the natural resources districts, the Department of Natural Resources, and the Legislature through an interim study.

The bill creates the Water Sustainability Project Task Force. The task force shall consist of fifteen voting members, twelve of whom shall be appointed by the Natural Resources Committee of the Legislature and three of whom shall be appointed by the Governor. There shall be four members from each of the state's congressional districts and three at-large members.

Voting members of the task force would have to demonstrate knowledge and experience with and represent municipal users of water; surface water users; ground water users; agriculture; recreation; and conservation. Members shall begin serving immediately following notice of appointment. The Director of Natural Resources, the chairperson of the Nebraska Natural Resources Commission, and the secretary of the Game and Parks Commission shall be ex officio, nonvoting members of the task force. Members of the task force would be reimbursed for their actual and necessary expenses incurred in carrying out their duties.

For administrative and budgetary purposes only, the task force would be housed within the Department of Natural Resources. Additional advisory support may be requested from appropriate federal and state agencies.

The task force may hire a consultant to facilitate the work and meetings of the task force and enter into agreements with the Department of Natural Resources to utilize planning division staff of the department to achieve the objectives of the task force.

The task force would be required to identify water resources programs, projects, and activities in need of funding to meet the long-term statewide goals of water sustainability, increased water use productivity, and otherwise maximize the beneficial use of Nebraska's water resources for the benefit of its citizens.

A final report from the task force would be required by January 31, 2014. The report would have to include the following:

- (1) A listing of programs, projects, and activities in each river basin related to the state's water supply, both ground water and surface water, in need of funding to meet the long-term goals described in the act;
- (2) Such programs, projects, and activities shall be grouped into four broad areas: (a) Research, data, and modeling needed to assist the state in meeting its water management goals; (b) rehabilitation or restoration of water supply infrastructure, new water supply infrastructure, or water supply infrastructure maintenance; (c) conjunctive management, storage, and integrated management of ground water and surface water; and (d) compliance with interstate compacts or agreements; and
- (3) Recommendations for the prioritization of programs, projects, and activities to be funded. The recommendations shall consist of three time periods: (a) Programs, projects, and activities the task force recommends to be funded for implementation during the period of January 1, 2015, through December 31, 2016; (b) programs, projects, and activities the task force recommends to be funded for implementation during the period of January 1, 2017, through December 31, 2021; and (c) programs, projects, and activities the task force recommends to be funded for implementation during the period of January 1, 2022, through December 31, 2026.

The task force shall develop a statewide map that identifies the location of the programs, projects, and activities identified for funding pursuant to this section.

To identify recommendations for statewide funding priorities under the bill, the Water Sustainability Project Task Force would be required to establish criteria based on, but not limited to, the following factors:

- (1) The extent to which the program, project, or activity assists the state in meeting its obligations under interstate compacts or decrees or other formal state contracts or agreements;
- (2) The cost-effectiveness of the program, project, or activity relative to achieving the state's water management goals;
- (3) The extent to which the program, project, or activity contributes to the state's ability to leverage state dollars with local or federal government partners or other partners to maximize the use of its dollars; and
- (4) The extent to which the program, project, or activity contributes to multiple water supply management goals, including, but not limited to, flood control, recreation benefits, wildlife habitat, conservation of water resources, and preservation of water resources for future generations.

The task force would terminate on February 1, 2014. Funding for the task would come by a transfer from the Severance Tax Fund to the task force. However, the bill does not specify dollar amount.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose –Stand on Policy Statement on page 34

NARD Position: Monitor – Stand on Policy Statement on page 34

General Administration

A. Boundaries

LB 235 - Change precinct size requirements and procedures for drawing political subdivision boundaries and changing polling places and provide for election advisory committees. Howard. The bill adds a public hearing requirement to changes in sub-district boundaries for political subdivisions. The hearing would have to be public noticed at least one week prior to the hearing in a newspaper of general circulation in the affected political subdivision or other method determined to provide adequate notice to the residents of the affected political subdivision.

The bill also change the population counts for county clerk or election commissioner when they set voting precincts within legislative districts. The maximum registered voters for voting precincts would be lowered from 1,750 voters to 1,000 voters.

Finally, the bill establishes a six-member advisory committee for each county having more than 100,000 inhabitants. Two members would be appointed by the political party that has the highest number of votes, two members would be appointed by the political party that has the second highest number of votes, and two members would be appointed by the election commissioner. The role of the committee would be to advise the election commissioner on matters relating to voter registration and the conduct of elections in the county.

Hearing Date: Not Posted **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

LB 325 - Change provisions relating to approval of natural resources district boundary changes. Brasch. The bill eliminates the language that requires board approval for district boundary changes, divisions or mergers. Changes, divisions and merge decisions will rely solely with the Natural Resources Commission.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

B. Contracts

LB 364 - Permit government bodies to set limits on certain contracts. Avery. The bill would allow a government body to prohibit contracts over a specific dollar amount in which a public official or a public employee of such body may have an interest.

Hearing Date: Not Posted **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

LB 482 - Prohibit the state and political subdivisions from adopting certain policy recommendations. Kitner. The bill prohibits the State of Nebraska and all political subdivisions from adopting or implementing any policy that deliberately or inadvertently infringe or restrict private property rights without due process, as may be required by policy recommendations originating in or traceable to Agenda 21, adopted by the United Nations in 1992 at its Conference on Environment and Development, or may be required by any other international law or ancillary plan of action that contravenes the Constitution of the United States or the Constitution of the State of Nebraska.

The bill would also prohibit the State of Nebraska and all political subdivisions from entering into any agreement, expend any sum of money, receive funds, contract for services, or give financial aid to or receive financial aid from nongovernmental and intergovernmental organizations as defined in Agenda 21.

NOTE: For those not familiar with Agenda 21, it is essentially a blueprint for a “sustainable world” that was introduced at the UN Conference on Environment and Development in Rio de Janeiro, Brazil in 1992. Since then, it has been adopted by more than 200 countries and it has been modified and updated at other UN environmental summits. The philosophy behind Agenda 21 is that our environmental problems are the number one problem that we are facing, and that those problems are being caused by human activity. Therefore, according to Agenda 21 human activity needs to be tightly monitored, regulated and controlled for the greater good.

Hearing Date: Not Posted **Committee:** Judiciary **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Support

C. Public Records & Notices

LB 363 - Change provisions relating to access to public records. Avery. The bill proposes several changes to requests of public records. First, the bill would allow a public body to deny a request to copy a public record, if the public body made that available on their website unless the requesting party does not have reasonable access to the internet.

Second the bill allows the public body to charge an added cost to the charge for copying. That added cost could include a reasonably apportioned cost of the supplies such as paper, toner, equipment and additional cost of time to the public body to comply with the request. However, the added labor cost could not include the first six hours.

Finally, the bill modifies the process for a request to reflect the added costs. In the formal response to the request, the estimated added cost for the copying would have to be provided. If the person making the request felt the added cost was too much they could appeal to the Attorney General.

Hearing Date: Not Posted **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

LB 521 -- Require cities and villages and other public bodies that maintain web sites to publish ordinances and other information as prescribed. Christensen. The bill requires that if any public body maintains an official web site, the meeting notice and agenda would have to be published on the web site. Also, the bill requires that on and after January 1, 2014, any city of any class and any village that maintains an official web site shall publish on the web site all of its ordinances. New or amended ordinances shall be published on the web site within seven days after passage.

Hearing Date: Not Posted **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

LB 601 -- Require notice for natural resources district subcommittee meetings. Bloomfield. The bill would require that any meeting of a subcommittee created by a NRD board shall be open to the public and notice shall be public noticed.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

D. Reports

LB 222 - Change provisions regarding certain reports submitted electronically to the Legislature. McCoy. A 66-page bill that requires agency and individual reports to the legislature to be submitted electronically rather than by paper.

Hearing Date: Not Posted **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

E. Tort Reform & Liability Issues

LB 284 - Change provisions of the Political Subdivisions Tort Claims Act relating to limits on actions and amounts recoverable. Conrad. The bill proposes two changes to the Political Subdivisions Tort Claims Act. First the bill extends the time for a claim to be forever barred from one year to two years after such claim accrued. Second, the bill increases the maximum awards for claims arising after the act from \$1 million to \$3 million for a person for any number of claims arising out of a single occurrence and from \$5 million to \$12 million for all claims arising out of a single occurrence.

Hearing Date: Not Posted **Committee:** Judiciary **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

LB 551 -- Change recreational liability provisions. Schilz. The bill proposes to create the Recreation and Tourism Promotion Act. The bill amends the recreational liability limitations by expanding the limits from just land to premises and other definition changes.

Premises are defined in the proposal to include realty, land, roads, pathways, trails, water, watercourses, private ways, and buildings and structures attached to the realty.

Recreation and tourism activities are defined include, but are not limited to, any one or any combination of the following: Hunting, fishing, swimming, boating, canoeing, kayaking, tubing, water sports, camping, picnicking, hiking, backpacking, bicycling, horseback riding, pleasure driving, nature study, birding, farm, ranch and vineyard tours and activities, waterskiing, snow-shoeing and cross country skiing, and visiting and viewing historical, archaeological, scenic or scientific sites, and similar activities.

Owner is defined as any person who is a tenant, lessee, occupant, or person in control of the premises, or any agent of such a person;

Person is defined as an individual, governmental entity, political subdivision, corporation, limited liability company, partnership, unincorporated association, or other legal or commercial entity;

Inherent risks are defined to mean those conditions, dangers, or hazards that are an integral part of land or waters used for recreation or tourism activities, including the following:

- (i) Surface and subsurface conditions and natural conditions of land, vegetation, and waters;
- (ii) The behavior of wild or domestic animals;
- (iii) The ordinary dangers of structures or equipment used in farming or ranching operations when the structures or equipment are being used for a purpose for which a reasonable person should know that the structures or equipment are intended; and
- (iv) The potential of a participant to act in a negligent way that may contribute to injury to the participant or others, whether failing to follow safety procedures or failing to act with reasonable caution while engaging in a recreation or tourism activity.

The bill outlines that an owner who allows a participant on the owner's premises for recreation and tourism activities shall not be liable for injury to or death of the participant or damage to the participant's property resulting from an inherent risk on the owner's premises.

The liability exemption would not apply to of an owner:

- (a) Who has actual knowledge of a particular dangerous condition on the premises, does not make the particular danger known to the participant, and the particular danger proximately causes injury to or death of the participant or damage to the participant's property;
- (b) Who reasonably should have known of a particular dangerous condition of equipment used in a recreation and tourism activity, does not make the danger known to the participant, and the danger proximately causes injury to or death of the participant or damage to the participant's property;
- (c) Who fails to properly train, or improperly or inadequately trains, employees who are actively involved in recreation and tourism activities and an act or omission of the employee resulting from improper or inadequate training proximately causes injury to or death of the participant or damage to the participant's property;
- (d) Who commits an act or omission that is the proximate cause of injury to or the death of the participant or damage to the participant's property, which act or omission:
 - (i) Constitutes willful or wanton disregard for the safety of the participant; (ii) Constituted gross negligence; or (iii) Was intentional.

The liability exemption would not apply to of an owner who receives a fee if the owner fails to do at least one of the following:

- (a) Post and maintain signage containing the warning required in the proposal in a clearly visible and conspicuous location at or near the entrance to the property used for recreation and tourism activities; or
- (b) Include the warning requirement in any written contract between the owner of the property and each participant

The warning notice would have to read as follows:

WARNING— Under Nebraska law, an owner of property, including lands and waters, is not liable for the injury to or death of the participant in recreation and tourism activities or damage to the participant's property resulting from the inherent risks of such activities. Inherent risks include without limitation the risk of animals, land and water conditions, and the potential for you or another participant to act in a negligent manner that may contribute to your own injury or death. You are assuming the risk of participating in the recreation and tourism activities for which you are entering the owner's premises.

Hearing Date: Not Posted **Committee:** Judiciary **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Monitor

NARD Position: Support

F. NDEQ Rules and Regulations

LB 637 -- Require an economic analysis of rules and regulation proposed by the Department of Environmental Quality. Wallman. The bill would require the Department of Environmental Quality to prepare an economic impact statement on all regulated persons or entities if the department intends to adopt a rule or regulation that will impose requirements different than federal regulations or increase costs on regulated persons or entities.

The statement would have to describe the annual economic impact of the rule or regulation on all regulated persons or entities after the rule or regulation is fully implemented.

The Governor's Policy Research Office would have to review a proposed rule or regulation from the NDEQ that will have a total estimated economic impact greater than five hundred thousand dollars on all regulated persons or entities. After conducting a review, the office may suggest alternatives to reduce any regulatory burden that the proposed rule or regulation imposes on regulated persons or entities. The department shall respond in writing to the office concerning the comments or suggested alternatives before adopting the proposed rule or regulation.

Hearing Date: Not Posted **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position Oppose

Land Use & Acquisition

A. Nebraska Environmental Trust

LB 57 -- Change provisions relating to grants from the Nebraska Environmental Trust Fund. Larson. The bill outlines that if a grant recipient uses funds received by the NETF to purchase real estate or requesting the use of the revolving funds from proceeds or a sale or transfer of ownership in real property, the NETF Board would have to approve of each subsequent purchase of real property.

In addition, the bill would require NETF Board approval if a grantee ever sold property acquired by trust funds and later transfer the real property to a federal land management agency by any means, which resulted in the removal of the property from the tax rolls. If the NETF board approves the transfer, it would be required to approve an amount of funds equal to the amount for which such real property was valued for purposes of taxation during the year immediately preceding the transfer into a trust fund to established and administered by the county for any governmental purpose, including investments of the interest. The principal amount in the trust could not be spent.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

B. Eminent Domain

LB 152 -- Change eminent domain negotiations. Dubas. The intent of the bill is to ensure damages for condemned property are accurately assessed by courts considering the purpose that the property will be used for, that the purpose and scope of the project does not change after property is condemned and an award made by the court, and that property is not unnecessarily condemned for projects that may never come into existence.

The bill would require that a condemner shall not attempt to negotiate with a condemnee unless the condemner has a present plan and a present public purpose. The condemner has a present plan and a present public purpose only after all agencies required to have approved the project have done so and all necessary permits have been granted. The condemner shall provide the condemnee copies of all granted and necessary permits upon request of the condemnee.

Under the proposal, a condemner found to be noncompliant with this act or found coercive or to be threatening the condemnee with condemnation shall entitle the condemnee to injunctive relief from the condemner, attorney's fees, and actual damages as prescribed by the court.

Hearing Date: 1/30/13 **Committee:** Judiciary **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

LB 580 -- Change certain condemnation procedures. Johnson. The bill changes condemnation procedures for the state and any governmental or political subdivision.

First, the bill places a limit of three years for a condemnee to file a petition for a remedy. Also under this procedure, the bill would change the venue for the proceedings from the county judge to the district court for any condemner who had property taken or damaged for public use without instituting condemnation proceedings. An appeal of a district court decision would go to the Court of Appeals.

Second, the bill proposes to change other condemnation proceeding before the county court rather than the county judge.

Hearing Date: Not Posted **Committee:** Judiciary **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

C. Forestry

LB 634 -- Adopt the Wildfire Control Act of 2013. Davis. The bill creates the Wildfire Control Act of 2013. The bill outlines that the State of Nebraska's forests, pasture land, and range land have been destroyed by catastrophic wildfires, primarily due to higher temperatures, intense and prolonged drought, increased forest fuel loads, and the extensive spread of Eastern Red Cedar trees into forests, pasture land, and range land.

The bill requires the Nebraska Forest Service to (1) contract to place two single engine air tankers to be located near Chadron, Nebraska, and near Valentine, Nebraska, for use in fighting wildfires; (2) thin forests to reduce forest fuel loads in order to substantially reduce wildfire risk, intensity, and rate of the spreading of wildfires; (3) provide expanded training programs for volunteer firefighters, private landowners, and communities in Nebraska in fire suppression tactics of wildfires in order to increase suppression effectiveness and safety; (4) develop a Nebraska-based incident management team to respond throughout the state to control or fight wildfires and to serve as a comprehensive resource to augment and help manage large wildfire operations; (5) expand the federal excess property programs sponsored by the United States Department of Agriculture and the United States Department of Defense and managed by the Nebraska Forest Service in Nebraska; and (6) oversee the rehabilitation of forest lands that have been destroyed by wildfires.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

Noxious Weeds / Invasive Species

A. Funding

LB 63 -- Change distribution of certain sales and use tax revenue. Schilz. The bill proposes that sales and use tax proceeds from the sale or lease of motorboats would be credited to the Nebraska Game and Parks to be used for motorboat access development and aquatic invasive species monitoring and control.

January 28, 2013 – Final NARD Position

Hearing Date: Not Posted **Committee:** Revenue **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

B. Inspections

LB 68 - Change provisions of the Plant Protection and Plant Pest Act. Schilz. The bill is brought to the Legislature from the Nebraska Department of Agriculture after input from the Nebraska nursery industry, through the Nebraska Nursery and Landscape Association. Currently there are nursery dealers, growers and brokers.

The bill adds a definition of nursery stock distributor in order to combine the currently separate categories of activities regulated under the Act. The definition of nursery stock distributor would include all of these activities. This is being done to simplify enforcement of the Act. The proposed changes do not change who is required to be licensed. No changes are being made to the certification requirements or the inspection standards for nursery stock.

Hearing Date: 1/29/13 **Committee:** Agriculture **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

C. Riparian Vegetation Management Task Force

LB 78 -- Eliminate a task force, an authority, a board, committees, a commission, and a council. Avery. The bill eliminates the Riparian Vegetation Management Task Force, the Airline Authority, the Livestock Auction Market Board, the Athletic Advisory Commission, the Affirmative Action Commission, Rural Development Commission, and the Private Port Secondary Career School Act. The Riparian Vegetation Management Task Force was scheduled to terminate June 30, 2013.

Hearing Date: 1/24/13 **Committee:** Government **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

LB 477-- Change sunset for the Riparian Vegetation Management Task Force. Carlson.

The bill extends the sunset date for the Riparian Vegetation Management Task Force from June 30, 2013 to June 30, 2015. The bill also extends the final report from June 30, 2013 to June 30, 2015.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

D. Pesticides/Herbicides

LB 636 -- Provide restrictions for application of certain herbicides. Wallman. The bill would require any person applying 2, 4-D, or any phenoxy herbicide outside the corporate limits of a city or village between April 15 and September 15 follow new requirements.

These requirements would include the following:

- The applicator would have to notify the Department of Agriculture, in writing, of the location of each application at least seventy-two hours prior to such application;
- Only make applications within four miles of susceptible crops when the wind is blowing at least two miles per hour away from the susceptible crop;
- Have a buffer zone between the application location and any susceptible crop of four miles for aerial application and one mile for ground application; unless the applicator receives a waiver from the producers of all susceptible crops within the buffer zone.

Susceptible crops are defined in the bill to include grapes and other organic broadleaf crops. A violation would be punishable by a civil fine of up to one thousand dollars per violation.

Hearing Date: Not Posted **Committee:** Agriculture **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

E. Solid Waste

LB 203 - Change provisions relating to solid waste under the Environmental Protection Act. Scheer. The bill proposes to add a definition of “products” for purposes of the Nebraska Environmental Protection Act. That definition is as follows: “Products shall mean any materials which are an intended output or result of a fabrication, manufacturing, or production process, and are sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity. A product must be managed as an item of value in a controlled manner and not as a discarded material”.

Hearing Date: 1/24/13 **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

LB 549 -- Change the scrap tire recycling sunset provision and fees. Schilz. The bill extends the sunset date for grants for new scrap tire projects, if acceptable scrap tire project applications are received. The sunset date would be extended from June 30, 2014 to June 30, 2019. Under current law, the grants to new projects are available up to one million dollars annually.

The bill also increases the fees on tires sold from \$1 to \$2 per tire. In addition, the bill increases the cap on funds available as grants to counties, municipalities, and agencies for the purposes of planning and implementing facilities and systems to further the goals of the Integrated Solid Waste Management Act. Currently fees collected in excess of one million dollars are made available as grants. The bill increases that cap to two million dollars.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

Water Quality

LB 635 -- Provide powers and duties regarding hydraulic fracturing to the Nebraska Oil and Gas Conservation Commission. Wallman. The bill would provide the Nebraska Oil and Gas Conservation Commission with authority to adopt, promulgate and enforce rules and regulations relating to hydraulic fracturing or other chemical stimulations to complete an oil or gas well.

The bill also sets out requirements and documentation for the operator, location, transporter, water and chemicals used in the hydraulic fracturing process. New and existing wells which will be stimulated by hydraulic fracturing would have to demonstrate suitable and safe mechanical configuration for the stimulation treatment proposed.

Within sixty days after the hydraulic fracturing stimulation is performed, the operator shall post all the elements specified in the commission's rules and regulations, including the amount and source of water used for the stimulation and the amount of fracturing fluid recovered. The posting would be required to be on a web site designated by the commission's rules and regulations.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

Water & Wetlands

A. NRD Rules and Regulations

LB 186 --Restrict rule and regulation authority of natural resources districts. Christensen.

The bill would prohibit an NRD from promulgating any rule or regulation requiring an irrigation water right to apply manure to land.

Hearing Date: 1/30/13 **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

LB 353 - Restrict rule and regulation authority of natural resources districts. Christensen.

The bill would prohibit NRDs from adopting rules and regulations that would require the use of ground water irrigation to maintain a ground water irrigation right.

Hearing Date: 1/30/13 **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

LB 513 - Change notice provisions under the Nebraska Ground Water Management and Protection Act. Carlson. The bill changes the notice requirement of cease and desist order from ten days to three days to enforce any provision of the Nebraska Ground Water Management and Protection Act.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

B. Water Storage and Flood Control

LB 322 – Require the Department of Natural Resources to conduct an environmental study on the Big Blue River. Karpisek. The bill requires the Department of Natural Resources to conduct an environmental study to consider the impact of placement of a flood control dam on the Blue River near Crete, Nebraska. The study shall be completed by December 1, 2013.

Hearing Date: 1/31/13 **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

LB 391 - Change water law provisions relating to water storage. Davis. The bill modifies the requirement of a reservoir and intentional underground water storage facilities when having to release water for direct irrigation or a reservoir facility holding a senior right. Current law does not designate where the facilities are located for the water to be released. The bill outlines that the irrigation ditch or reservoir holding a senior right receiving the water have to be downstream.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

C. Drainage

LB 387 - Eliminate provisions relating to constructing drainage facilities and taking other control measures on public roads. Christensen. The bill repeals the section of law that authorizes counties to construct, maintain and improve drainage facilities on public roads of the counties. The bill also repeals the authority of the county board or any person acting on its behalf to enter into private property or public property for the above purposes.

Hearing Date: Not Posted **Committee:** Transportation **Bill Status:** Committee

Manager Recommendation: Oppose

NARD Legislative Committee Recommendation: Oppose

NARD Position: Oppose

D. Department of Natural Resources

LB 102-- Change requirements for certain water permit applications. Watermeier. The bill eliminates the requirement to include an individual's social security number on applications to the Nebraska Department of Natural Resources on applications for intentional underground recharge permits and water well permits.

Hearing Date: 1/23/13 **Committee:** Natural Resources **Bill Status:** General File

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

LB 522 - Provide state financial assistance to irrigation districts to compensate water appropriators. Christensen. The bill would require the Department of Natural Resources to provide financial assistance to affected irrigation districts if the Department of Natural Resources adopts a rule or regulation prohibiting surface water appropriators from storing or diverting instream flows for irrigation to comply with an interstate compact or decree. The irrigation districts would be required to use the financial assistance to compensate surface water appropriators who have had to forgo the use of water.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

Recreation & Trails

LB 493 - Authorize transfer of portions of the Cowboy Trail. Davis. The bill allows the Game and Parks Commission to lease, sell or otherwise transfer portions of the Cowboy Trail located in Sheridan County to Sheridan County, to the cities of Gordon, Hay Springs, or Rushville, or to a nonprofit organization. After such transfer, the transferee shall maintain the transferred property at its own expense.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

Other

LB 492 - Appropriate funds to carry out the Nebraska Youth Conservation Program.

Cook. The bill appropriates \$820,000 for FY2013-14 from the General Fund to the Nebraska Youth Conservation Program Fund. The Nebraska Youth Conservation Program is administered and maintained by the Nebraska Game and Parks Commission (NGPC). The program employs Nebraska's at-risk youth on projects which contribute to conserving or developing natural resources under the jurisdiction of the Game and Parks Commission. The program combines academic, environmental and job skills training with personal growth opportunities for the participants.

Hearing Date: Not Posted **Committee:** Appropriations **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

LB 494 - Change number of districts and members of Game and Parks Commission.

Davis. The bill proposes to add a district to the NGPC. The new district would include the counties of Box Butte, Cherry, Dawes, Sheridan, and Sioux. Currently there are eight NGPC districts.

Hearing Date: Not Posted **Committee:** Natural Resources **Bill Status:** Committee

Manager Recommendation: Support

NARD Legislative Committee Recommendation: Support

NARD Position: Support

LB 583 -- Change provisions relating to membership on the Climate Assessment Response Committee and provide duties for the committee. Haar. The bill makes several changes to the Climate Assessment Response Committee.

First, a representative of the High Plains Regional Climate Center in the School of Natural Resources of the University of Nebraska-Lincoln is added.

Second, the bill adds additional duties of the committee as follows:

- 1) Provide the Governor and other interested persons with information and research on the impacts of climate change in Nebraska, including impacts on physical, ecological, and economic areas, and attempt to anticipate the unintended consequences of climate adaptation and mitigation;
- 2) Facilitate communication between stakeholders and the state about climate change impacts and response strategies;

- 3) Prepare a long-term strategic report for the Governor and the Legislature on how the State of Nebraska should prepare for climate variability and change, including, but not limited to, preparation for effects on water, wildlife, ecosystems and forests, electricity, agriculture, and outdoor recreation.

The report shall examine the complete impacts and vulnerability assessment centered on a range of plausible climate scenarios to prioritize Nebraska's key climate threats and vulnerabilities and point to adaptations that could reduce costs and potential losses.

The report shall include key points, overarching recommendations, and options that emerge either explicitly or implicitly from the results of the study. The committee shall present the final report and any minority report on September 1, 2014.

The current Climate Assessment and Response Committee are made up of university representatives, UNL Conservation and Survey, state and federal agencies.

The primary duty is to provide timely and systematic data collection, analysis, and dissemination of information about drought and other severe climate occurrences, drought assistance programs, other coordination and communication among federal and state agencies as is deemed appropriate to the Governor and to other interested persons.

Hearing Date: Not Posted **Committee:** Agriculture **Bill Status:** Committee

Manager Recommendation: Monitor

NARD Legislative Committee Recommendation: Monitor

NARD Position: Monitor

NARD Policy Statement on LB 516 and LB 517

We encourage the Legislature of the State of Nebraska to secure a stable source of funding for the management and development of the state's water supply by looking at all state and local funding options including but not limited to; a water resources revolving loan fund; local Natural Resources Districts (NRDs) occupation tax on irrigated land, general fund appropriation(s), continuous contribution from the Nebraska Environmental Trust Fund, continuous matching requirements from NRDs.

We encourage expanding the use of state matching funds to areas of the state that are not currently designated as fully appropriated. We also support the Director of the Nebraska Department of Natural Resources to continue to have oversight over the use and distribution of state funds. If additional oversight is necessary, the Nebraska Natural Resources Commission should be utilized rather than creating a new commission.



LEGISLATIVE UPDATE

Bill targets NRD's veto power

During this second week of the 103rd Legislature, bill introduction continued, Gov. Dave Heineman delivered his State of the State address, and Chief Justice Michael Heavican delivered the State of the Judiciary address.

Last week I introduced three pieces of legislation.

One of these bills, LB325, removes the ability of the board of directors of Natural Resources Districts (NRDs) to veto proposed boundary changes that have already passed with a vote of the citizens in the resource district. This was brought by constituents of the Papio-Missouri NRD, which takes in portions of Washington and Burt Counties, and extends north through portions of Thurston and Dakota counties and south into Douglas and Sarpy counties. I value the work of NRDs and believe local control



Lydia Brasch
16th District

of our natural resources is very important, and that is why I am bringing this legislation. Currently, the Papio-Missouri NRD board of director has 11 members, but only one is elected north of Omaha. That's one representative for the four counties in the upper portion. It is nearly impossible for these citizens who lack representation to change boundary lines of NRDs when the board's veto authority currently overrules a vote of the people. I have met and listened closely to concerns from many property tax owners in the district. This is the first of several steps needed to ensure our property tax dollars are fairly budgeted and that our citizens receive fair representation from an NRD board. The Unicameral will continue bill introduction until today, and another update will be included next week.

Other bills I introduced were:

■ LB244 provides requirements for continuing education for electrical apprentices.

■ LB398 changes provisions and penalties relating to excessively loaded vehicles.

Bills I co-sponsored were:

■ LB96 exempts repair or replacement parts for farm machinery from sales tax.

■ LB203 makes changes to the Environmental Protection Act.

■ LB296 raises the ceiling for contributions to the educational savings plan.

■ LB62 changes levy provisions for rural and suburban fire protection districts

■ LB 393 modifies the Nebraska motorcycle helmet law and requires operators, over the age of 21, of a motorcycle or moped on any highway in the state to wear eye protection. An individual under the age of 21 that is an operator or passenger of a motorcycle or moped are required to wear a helmet. Over the last 2 years, many constituents voiced concern that the current law is an infringement on individual rights, and my support of this legislation comes following careful deliberation and consideration.

Others bills of interest this week:

■ LB400 appropriates additional funds for community colleges.

■ LB381 requires voter photo identification.

■ LB255 adds protections to Nebraska laws for victims of human trafficking.

During the past week, I enjoyed the privilege of meeting with constituents from across the district who visited Lincoln about important issues. I hope you will also consider stopping in our office at the State Capitol, Room 1016. This weekend, it was an honor for my husband and I to attend the Blair Area Chamber of Commerce Annual Awards Banquet where 200 people gathered to applaud a year of many success stories and congratulate the Blair community on a great year.

Sen. Lydia Brasch represents District 16 in the Nebraska Legislature. She can be reached at 402-471-2728 or lbrasch@leg.net.gov.