

Agenda Item: 6.

Memo to: Personnel, Legislative and Public Affairs Subcommittee
Subject: Nebraska Association of Resources Districts 2014 Resolutions
Date: September 2, 2014
From: John Winkler

The resolutions to be voted on at the Nebraska Association of Resources District's 2014 Meeting are as follows:

2014-1 EXEMPT SMALL DAMS BUILT BEFORE 1973 FROM CERTAIN DNR REGULATIONS. Sponsored by the Tri-Basin NRD. Recommendation that the NARD would support legislation that will exempt small dams built before 1973 from the prior appropriation doctrine in a manner consistent with the provisions of LB 959.

- **Recommendation that the Subcommittee recommends to the Board of Directors that the NARD Voting Delegate and/or Alternate be authorized to vote to Support Resolution 2014-1 Exempt Small Dams Built Before 1973 from Certain DNR Regulation at the 2014 NARD Annual Conference.**

2014-2 NEBRASKA CHEMIGATION ACT AMENDMENTS. Sponsored by the Lower Platte North NRD. Recommendation that the NARD seek legislation to amend the Nebraska Chemigation Act to include the following changes:

1) Amend Nebraska Revised Statutes 46-1139-1143 to mirror the civil penalty language in Nebraska Revised Statutes 46-745(1) by providing for a civil penalty of not less than one thousand dollars and not more than five thousand dollars for each day a violation takes place; and

2) Amend Nebraska Revised Statutes 46-1139-1143 to add the costs of action language in Nebraska Revised Statutes § 46-745(3) which provides that the district shall recover the costs of the action should a civil penalty be awarded under the relevant section.

- **Recommendation that the Subcommittee recommends to the Board of Directors that the NARD Voting Delegate and/or Alternate be authorized to vote to Support Resolution 2014-2 Nebraska Chemigation Act Amendments at the 2014 NARD Annual Conference.**

2014-3 BIENNIAL BUDGETING FOR NATURAL RESOURCES DISTRICTS. Sponsored by the Lower Platte South NRD. Recommendation that the NARD propose legislation to amend the statutes to allow natural resources districts to adopt either annual or biennial budgets.

- **Recommendation that the Subcommittee recommends to the Board of Directors that the NARD Voting Delegate and/or Alternate be authorized to vote to Support Resolution 2014-3 Biennial Budgeting for Natural Resources Districts at the 2014 NARD Annual Conference.**



Nebraska's Natural Resources Districts

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August 22, 2014

TO: NARD Board and NRD Managers

FROM: Dean E. Edson, Executive Director

RE: 2014 ANNUAL CONFERENCE RESOLUTIONS – Draft #2

I am forwarding a revised version of the resolutions that have been submitted prior to the deadline. The UBBNRD has withdrawn resolution NARD 2014-4 by board action and one spelling correction has been made. Additional resolutions submitted, if any, will require 2/3rds vote of the delegates to be considered at the annual meeting.

The 2014 voting delegate list is on page 2. Those districts without delegates listed have not turned in their form. Please provide your delegate and alternate to our office by September 5, 2014.

The voting procedures to be used at the conference are on page 3.

Finally, the NARD Legislative Committee is not recommending any changes to the NARD Policy Book this year.

Resolutions submitted by the August 16, 2013 deadline

- 1. NARD Resolution 2014-1 -- Exempt Small Dams Built Before 1973 from certain DNR Regulations. Submitted by TriBasin NRD.**
- 2. NARD Resolution 2014-2 – Nebraska Chemigation Act Amendments. Submitted by Lower Platte North NRD.**
- 3. NARD Resolution 2014-3 – Biennial Budgeting for Natural Resources Districts. Submitted by Lower Platte South NRD.**
- 4. NARD Resolution 2014-4 – Waive County Election Costs. Submitted by Upper Big Blue NRD (WITHDRAWN)**

Resolutions submitted |AFTER the August 15, 2014 deadline (2/3rds vote required for consideration)

- 1. None submitted as of 8/22/2014**

**Voting Delegate and Alternate
For
2014 Annual Conference**

	DELEGATE	ALTERNATE
Central Platte NRD		
Lewis & Clark NRD	Gary Howey	Marcel Kramer
Little Blue NRD		
Lower Big Blue NRD		
Lower Elkhorn NRD		
Lower Loup NRD	Dean Rasmussen	Virgil Gellermann
Lower Niobrara NRD	Jack Engelhaupt	Diana Wendt
Lower Platte North NRD		
Lower Platte South NRD	Dave Potter	Karen Amen
Lower Republican NRD	Roger Nelson	Marlin Murdoch
Middle Niobrara NRD	Dean Jochem	Martin Graff
Middle Republican NRD	Kevin Fornoff	Joe Anderjaska
Nemaha NRD	Orval Gigstad	Don Siske
North Platte NRD		
Papio-Missouri River NRD		
South Platte NRD		
Tri-Basin NRD	Dave Raffety	Larry Reynolds
Twin Platte NRD	Robert L. Petersen	Dennis Schilz
Upper Big Blue NRD	Larry Moore	Gary Eberle
Upper Elkhorn NRD		
Upper Loup NRD		
Upper Niobrara White NRD	Curtis Roth	Larry Teahon
Upper Republican NRD		

*PLEASE CHECK YOUR DELGATE AND PROVIDE ANY CHANGES TO THE
NARD OFFICE by September 5, 2014.

RESOLUTION & VOTING PROCEDURES

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

NARD Resolution 2014-1

Exempt Small Dams Built Before 1973 from Certain DNR Regulations
Submitted by Tri-Basin NRD

WHEREAS landowners constructed numerous small (less than 50 acre-feet of storage capacity) erosion control and livestock dams across Nebraska, many with federal cost-share assistance, between 1935 and 1973, and

WHEREAS county governments constructed numerous “road structures” that also controlled erosion, and

WHEREAS the State of Nebraska inventoried such small dams in 1973, and

WHEREAS the state waited until 2012 to notify owners of such structures located in the Republican River Basin that they might be subject to prior appropriation and other state regulation, and, if so, that they would have a 2013 priority date, which would require the owners to pass all water through their structures on nearly all occasions, and

WHEREAS it is expensive and, in many cases, impractical to modify these small structures to comply with state requirements to pass streamflows through their structures when they are required to do so by the state, and

WHEREAS Senator Tom Carlson proposed LB 959 during the 2014 Unicameral session, which would exempt small dams built before 1973 from state regulation, except dam safety regulation, as long as they aren’t used for irrigation or modified to increase their storage capacity.

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts will support legislation that will exempt small dams built before 1973 from the prior appropriation doctrine in a manner consistent with the provisions of LB 959.

Monday Business Session:

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2014-2

Nebraska Chemigation Act Amendments
Submitted by Lower Platte North NRD

WHEREAS, Nebraska Revised Statutes 46-1139 allows a court to either assess a civil penalty of not more than one thousand dollars or a Class II misdemeanor against any person who engages in chemigation without first obtaining a permit, and;

WHEREAS, Nebraska Revised Statutes 46-1140 allows a court to either assess a civil penalty of not more than one thousand dollars or a Class II misdemeanor against any person who engages in chemigation with a suspended or revoked chemigation permit, and;

WHEREAS, Nebraska Revised Statutes 46-1141 allows a court to either assess a civil penalty of not more than one thousand dollars or a Class I misdemeanor against any person who willfully tampers with or otherwise willfully damages equipment, and;

WHEREAS, Nebraska Revised Statutes 46-1142 allows a court to either assess a civil penalty of not more than five hundred dollars or a Class III misdemeanor against any person who fails to notify the district and the department of any actual or suspected accident resulting from the use of chemigation, and;

WHEREAS, Nebraska Revised Statutes 46-1143 allows a court to either assess a civil penalty of not more than five hundred dollars or a Class IV misdemeanor against any person who violates any of the provisions of the Nebraska Chemigation Act for which a specific penalty is not provided, and;

WHEREAS, the aforementioned penalties do not provide a sufficient deterrent to violators of the Nebraska Chemigation Act, and;

WHEREAS, evaluation and discussion has occurred concerning the enforcement language in the Nebraska Chemigation Act and changes which, if implemented, would improve the effectiveness of enforcement of the Act as well as will serve as an adequate deterrent to illegal chemigators;

NOW THEREFORE BE IT RESOLVED, the Nebraska Association of Resources Districts seeks legislation to amend the Nebraska Chemigation Act to include the following changes:

- 1) Amend Nebraska Revised Statutes 46-1139-1143 to mirror the civil penalty language in Nebraska Revised Statutes 46-745(1) by providing for a civil penalty of not less than one thousand dollars and not more than five thousand dollars for each day a violation takes place; and
- 2) Amend Nebraska Revised Statutes 46-1139-1143 to add the costs of action language in Nebraska Revised Statutes § 46-745(3) which provides that the district shall recover the costs of the action should a civil penalty be awarded under the relevant section.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2014-3

Biennial Budgeting for Natural Resources Districts
Submitted by the Lower Platte South NRD

WHEREAS, Natural Resources Districts prepare and adopt annual budgets for the fiscal year beginning on July 1 and ending June 30, and

WHEREAS, the Nebraska Budget Act provides for budgeting on either an annual or biennial basis, and specifically Neb. Rev. Stat. § 13-503(11) of the Nebraska Budget Act, Neb. Rev. Stat. §§ 13-501 through 13-515, defines biennial budget as a “budget by a city of the primary class or metropolitan class that adopts a charter provision providing for a biennial period to determine and carry on the city’s financial and taxing affairs or a budget by a city of the first or second class or village that provides for a biennial period to determine and carry on the city’s or village’s financing and taxing affairs.” , and

WHEREAS, the Nebraska Budget Act as contained in Sections 13-501 through 13-518 provides for budgeting on either an annual or biennial basis, and

WHEREAS, the process in developing budget can take up to six months to prepare, adopt and file each year, involving significant staff and Director time, and, with a biennial budget, this time and effort could be greatly reduced in the second year of a biennial, and

WHEREAS, there is period of budget uncertainty between the beginning of the fiscal year on July 1 and the availability of the valuations on August 20 and the filing deadline of September 20 when the District is expending funds based upon a yet to be approved budget. This time period is important since it is the prime construction season. With a biennial budget, this uncertainty would be partially alleviated, at least in the second year of the biennial, and

WHEREAS, other benefits of biennial budgeting include improving long-term planning by looking beyond the one-year and developing multi-year projections and by allowing more time for more in-depth review and evaluation, and

WHEREAS, a number of the grant programs realistically involve two fiscal years for the preparation and submittal of the application, reviews and awards of grants, the contractual paperwork, and initiation of grant implementation, and a biennial budget would better reflect these timelines.

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts propose legislation to amend the statutes to allow natural resources districts to adopt either annual or biennial budgets.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2014-4

Waive County Election Costs
Submitted by Upper Big Blue NRD

WITHDRAWN