

Agenda Item: 6.

Memo to the Personnel, Legislative and Public Affairs Subcommittee

Subject: Nebraska Association of Resources Districts 2011 Resolutions

Date: September 2, 2011

From: John Winkler

The resolutions to be voted on at the Nebraska Association of Resources District's 2011 Meeting are as follows:

2011-1 Eliminate the Well Decommissioning Fund and transfer funds to the Water Quality Fund. Submitted by the Nemaha NRD.

Recommendation: Oppose. The past tendency of the legislature is to agree to eliminate the one fund, but never seem to then increase the other fund to offset the loss.

2011-2 Authorize fees for Variance Requests. Submitted by the South Platte NRD.

Recommendation: Amend. The amendment would be to clarify that "all costs of administering the variance, including but not limited to the cost of giving notice, should be able to be charged to the applicant for a variance.

- **It is recommended that the Subcommittee recommend to the Board that the NARD Voting Delegate and/or Alternate be authorized to vote for the 2011-1 and 2011-2 Resolutions as written.**



# Nebraska's Natural Resources Districts

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August 19, 2011

TO: NARD Board and NARD Delegates

FROM: Dean E. Edson, Executive Director

## **RE: 2011 RESOLUTIONS**

Attached are two resolutions that were submitted to NARD as of August 19, 2011. The 2010 voting delegate list is on page 2. Please review and make sure to submit your 2011 delegates to Jeanne Dryburgh at the NARD Office. The 2011 version will be listed in the final packet provided at the conference.

I have also included the voting procedures (Page 3) to be used at the conference. Finally, the NARD Legislative Committee is not recommending any changes to the policy book this year.

### **Resolutions Submitted by the August 19<sup>th</sup> Deadline**

- **2011-1 – Eliminate the Well Decommissioning Fund and transfer funds to the Water Quality Fund. Submitted by Nemaha NRD. (Page 4)**
- **2010-2 – Authorize fees for Variance Requests. Submitted by South Platte NRD. (Page 5)**

# Voting Delegate and Alternate For 2010 Annual Conference

(Please review 2010 delegates and make sure to submit your 2011 delegate to Jeanne Dryburgh)

District	Delegate's Name	Alternate's Name
<i>Central Platte NRD</i>	Jim Bendfeldt	Bill Vasey
<i>Lewis &amp; Clark NRD</i>	Gary Howey	Leroy Hoesing
<i>Little Blue NRD</i>	Lyle Heinrichs	Chuck Rainforth
<i>Lower Big Blue NRD</i>	Dean Roehr	Norman Stokebrand
<i>Lower Elkhorn NRD</i>	Ken Peitzmeier	Bob Huntley
<i>Lower Loup NRD</i>	Dean Rasmussen	Virgil Gellerman
<i>Lower Niobrara NRD</i>	Curt Morrow	
<i>Lower Platte North NRD</i>	Don Kavan	Rollie Renter
<i>Lower Platte South NRD</i>	Ron Case	Bob Andersen
<i>Lower Republican NRD</i>	Roger Nelson	Nelson Trambly
<i>Middle Niobrara NRD</i>	Dean Jochem	Martin Graff
<i>Middle Republican NRD</i>	Dan Nelson	Joe Anderjaska
<i>Nemaha NRD</i>	Orval Gigstad	Scott Kudrna
<i>North Platte NRD</i>	Jerry Dillman	Dave Deines
<i>Papio-Missouri River NRD</i>	Rich Tesar	Jim Thompson
<i>South Platte NRD</i>	Jim Johnson	Larry Rutt
<i>Tri-Basin NRD</i>	Dave Nelson	Dave Raffety
<i>Twin Platte NRD</i>	Bob Petersen	Jim Rubenthaler
<i>Upper Big Blue NRD</i>	Yvonne Austin	Linda Luebbe
<i>Upper Elkhorn NRD</i>	Tim Knuth	Gregg Felker
<i>Upper Loup NRD</i>	Judy Ridenour	Wayne Eatinger
<i>Upper Niobrara White NRD</i>	Curt Roth	Dave Kadlecek
<i>Upper Republican NRD</i>	Terry Martin	Tom Gaschler

## 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:  $2/3\text{rds of } 115 = 77$ ).
6. Resolutions shall be discussed and motions shall be made at the 1<sup>st</sup> 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 2<sup>nd</sup> 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 2011-1

## Resolution to eliminate Well Decommissioning Fund and transfer funds to the Water Quality Fund

Submitted by Nemaha NRD

**WHEREAS** the Nebraska Well Decommissioning Fund was created in 1994 in an effort to provide assistance to landowners for decommissioning abandoned wells throughout the State; and

**WHEREAS** Natural Resources Districts in Nebraska are eligible for allocations from the Well Decommissioning Fund to provide cost share assistance to landowners desiring to properly decommission wells; and

**WHEREAS** to qualify for an allocation from the Well Decommissioning Fund NRDs are required to include funding in their annual budget to decommission a minimum of 30 wells which can total up to \$10,000 per year; and

**WHEREAS** money to fund the Nebraska Well Decommissioning Fund is generated by receiving a \$21.50 from the fee required to register wells in Nebraska; and

**WHEREAS** since 2005 the number of well registrations in Nebraska has declined resulting in more than a 60% decrease in funding to the Well Decommissioning Fund; and

**WHEREAS** the decline in program funds has resulted in dramatic decreases in allocations to NRD statewide with the average annual allocation dropping from over \$8,000 per year in 2005 to under \$2,000 the past year; and

**WHEREAS** all NRDs in Nebraska receive funds through the Nebraska Natural Resources Water Quality Fund which also could be used to fund the decommissioning of wells.

**THEREFORE BE IT RESOVED** that Nebraska Association of Resources Districts work with the State Legislature and Nebraska Department of Natural Resources to develop and adopt legislation eliminating the Well Decommissioning Fund and transferring the \$21.50 collected from the well registration fee into the Nebraska Natural Resources Water Quality Fund.

**Monday Business Session:** \_\_\_\_\_

**Amendment No. 1:** \_\_\_\_\_

**Amendment No. 2:** \_\_\_\_\_

**Tuesday Business Session:** \_\_\_\_\_

**Amendment No. 1:** \_\_\_\_\_

**Amendment No. 2:** \_\_\_\_\_

# NARD Resolution 2011-2

## Resolution to authorize fees for variance requests

Submitted by South Platte NRD

WHEREAS, it is a necessity for the citizens of the State of Nebraska and residents of individual river basins to manage and protect our water resources; and

WHEREAS, it is imperative that safeguards be in place to manage and protect this most precious resource for the present as well as future use within each of the river basins in the State of Nebraska; and

WHEREAS, Natural Resources Districts (NRDs) have been given the responsibility to manage and regulate the current and future use of ground water in their basins and in the State; and

WHEREAS, current Nebraska statutes allow NRDs and the Nebraska Department of Natural Resources (NDNR) to develop and implement Integrated Management Plans for the management of ground and surface water resources in river basins that have been designated as fully appropriated or overappropriated; and

WHEREAS, Nebraska statutes also allow NRDs and NDNR to voluntarily develop and implement Integrated Management Plans on a proactive basis in river basins or portions of river basins that have not been designated as fully appropriated or over-appropriated with the objective of maintaining those areas in the status of not fully appropriated; and

WHEREAS, unless otherwise provided by law the NRDs may grant a variance from their rules and regulations based upon a showing of good cause; and

WHEREAS, the interests of adjacent water user(s) may be affected by granting a request for a variance; and

WHEREAS, it is desirable to give adjacent water user(s) notice of a variance so that they may have an opportunity to participate in the hearing on the variance if they desire; and

WHEREAS, the person requesting a variance should pay the cost of giving the notice; and

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts shall seek to enact legislation amending current Nebraska statutes to allow Natural Resources Districts to charge the person requesting a variance for the cost of publishing a notice in a legal newspaper of general circulation in the county(ies) of the District, or radio announcement(s), or other means of communication deemed necessary where the property is located.

**Monday Business Session:** \_\_\_\_\_

**Amendment No. 1:** \_\_\_\_\_

**Amendment No. 2:** \_\_\_\_\_

**Tuesday Business Session:** \_\_\_\_\_

**Amendment No. 1:** \_\_\_\_\_

**Amendment No. 2:** \_\_\_\_\_