

**PERSONNEL, LEGISLATIVE AND PUBLIC AFFAIRS  
SUBCOMMITTEE MEETING  
February 10, 2009  
6:35 p.m.  
(or immediately following the Ad Hoc Subcommittee meeting)**

**AGENDA**

**Personnel, Legislative and Public Affairs Subcommittee:**

Dave Klug, Chairperson  
John Schwope, Vice Chairperson  
Fred Conley  
Scott Japp  
Jim Thompson

Alternate Members: Dorothy Lanphier  
Tim Fowler

Staff Liaison: Emmett Egr  
Christine Jacobsen

1. Meeting Called to Order –Chairperson Klug
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson Klug
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on Changes to the P-MRNRD Wage and Salary Administration Program – John Winkler and Roxanne Krasno, Silverstone Group
7. Review and Recommendation on Amendments to Policy 16.4 District Property – Nebraska Clean Air Act Designations – John Winkler
8. Review and Recommendation on Legislative Bills – John Winkler
  - a. LB 134 – Limit NRD Eminent Domain Authorities
  - b. LB 577 – Change Provisions relating to Improvement Project Areas for NRDs
9. Adjourn

## MEMORANDUM

TO: Personnel, Legislative and Public Affairs Subcommittee

SUBJECT: Amendments to P-MRNRD Wage and Salary Administration Program

DATE: February 6, 2009

FROM: John Winkler, General Manager

Attached are the recommendations from the Silverstone Group regarding amendments to the P-MRNRD Wage and Salary Administration Program.

Roxanne Krasno, Silverstone Group, will be giving a formal presentation to the Subcommittee at the February 10, 2009 Personnel, Legislative and Public Affairs Subcommittee.

## MEMORANDUM

TO: Personnel, Legislative and Public Affairs Subcommittee

SUBJECT: Amendments to Policy 16.4 District Property – Nebraska Clean Air Act Designations

DATE: February 5, 2009

FROM: John Winkler, General Manager

Several Directors have requested that the District amend its current smoking policy to include all tobacco products and that the District vehicles and equipment be included in the policy.

The following is the proposed amended policy:

**16.4 District Property - Nebraska Clean Air Act Designations.** ~~Smoking Use of tobacco products~~ is prohibited in all District buildings, and signs ~~advising of this prohibition~~ shall be posted by Management at all outside entrances ~~to all District buildings, such signs to read as follows: stations: "Smoking Use of tobacco products~~ is not permitted in this building." ~~Smoking Use of tobacco products also~~ is prohibited in ~~any all~~ District vehicles and equipment, ~~if accompanied by a non-smoker.~~ ~~and signs advising of this prohibition shall be posted by Management in all District vehicles and equipment, such signs to read as follows: "Use of tobacco products is not permitted in this vehicle/equipment."~~

[December 10, 1987; May 9, 1991; ~~March 12, 2009~~]

- **Recommendation that the amendments to District Policy 16.4 District Property – Nebraska Clean Air Act Designations be tabled for one month pursuant to District Policy 1.5, with final consideration at the March 12, 2009 Board Meeting**

## MEMORANDUM

TO: Personnel, Legislative and Public Affairs Subcommittee

SUBJECT: LB 134

DATE: February 2, 2009

FROM: John Winkler, General Manager

This legislative session a bill has been introduced by Senator Pankonin, LB 134, which changes and repeals provisions relating to eminent domain. The Natural Resources Committee conducted a public hearing on LB 134 on January 23, 2009.

A basic summary of this bill is that its intent is to change NRD's eminent domain authority by **eliminating a districts ability to utilize eminent domain for the development or management of recreational trails or corridors unless associated with a flood control structure.**

Senator Pankonin introduced this bill on behalf of landowners in Cass County who would be impacted by the final leg of the MOPAC trail being planned, designed and constructed by the Lower Platte South NRD.

This bill would have far reaching implications beyond Cass County as it applies to every NRD throughout the state of Nebraska. Specifically, this bill would impact several Papio NRD projects including Western Douglas County Trail, Keystone East Connector and Missouri River Trails. The passage of this bill could ultimately affect millions of dollars in federal trails funding as trail projects could potentially be stopped by one landowner thus prohibiting the completion of entire trails and trail segments and jeopardizing current and future funding.

At this year's Annual Legislative Conference the NARD voted unanimously to oppose this bill on the grounds that this bill has a negative impact on the entire state in an attempt to resolve the issues of one project.

**Therefore, management recommends that the subcommittee recommend to the full Board of Directors that the Papio Missouri River Natural Resources District officially opposes LB 134 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.**

Agenda Item 8.b.

## MEMORANDUM

TO: Personnel, Legislative and Public Affairs Subcommittee

SUBJECT: LB 577

DATE: February 2, 2009

FROM: John Winkler, General Manager

This legislative session a bill has been introduced by Senator Rogert, LB 577, which changes and rearranges provisions relating to improvement project areas. The Natural Resources Committee conducted a public hearing on LB 577 on February 6, 2009.

I have attached to this memo an analysis conducted by Paul Peters, District Legal Counsel, which outlines the Papio NRD's concerns related to this bill and its effects on existing legislation, as well as, current and future projects and programs of the District.

A basic summary of this bill is that its intent is to destroy Improvement Project Area (IPA) statutes and make it almost impossible for other landowners and an NRD to ever use an IPA to address issues of vital need. The bill strikes all existing law relating to benefits, benefit areas, benefit units and special benefits, geographic areas etc. under the program and creates new definitions for such. The bill also requires for districts that encompass a metropolitan class (Papio NRD); **that owners outside the benefit area would have to approve of a project if they felt they may be impacted.**

The bill further prohibits a project and any cooperation, agreement or financial aid with any person, company, firm, corporation, or any other entity that owns land within the proposed improvement project area at the time the project is proposed **if they have owned the land for less than ten years.**

LB 577 limits the authority of NRD's to cooperate with or enter into agreements with, or to furnish financial or other aid to any person who is in the business of selling or leasing, offering for sale or lease, or advertising for sale or lease, residential or commercial real property, when the cooperation, agreement, or financial or other aid relates to real property taken by the District through the use of eminent domain. The bill further make major changes to the improvement project statutes to limit the District's ability to utilize the act for improvement projects. Specifically, the bill would prohibit the authority for 1) development and management of fish and wildlife habitat and 2) development and management of recreational and park facilities.

Finally, the bill limits the total bonding authority for a project to no more than 12 percent of the taxable value of the property.

At this year's Annual Legislative Conference the NARD voted unanimously to oppose this bill on the grounds that this bill contains no justification to completely rewrite legislation that has well served the citizens of this state.

**Therefore, management recommends that the subcommittee recommend to the full Board of Directors that the Papio Missouri River Natural Resources District officially opposes LB 577 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.**