



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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August 29, 2008

TO: NARD Board and NRD Managers

FROM: Dean E. Edson, Executive Director

RE: RESOLUTIONS PACKET & Inactive Status Policies

Attached are three resolutions that were submitted to NARD as of August 24, 2008. Resolution 2008-3 was submitted after the August 15th deadline and will need 2/3rds vote for further consideration.

The Legislative Committee reviews the book every year to make recommendations, if any, for delegate action at the annual meeting. Placing policies in the inactive status only removes them from the annual policy book and does not rescind them unless specifically noted and passed by the delegates. The committee is not recommending any policies for inactive status this year.

The Resolution and Voting Procedures are on page 2. The Voting Delegates are listed inside the cover sheet.

Resolutions Submitted by the August 15th Deadline

2008-1 – Certified Irrigated Land Transfers, Submitted by Tri Basin NRD (Page 3)

2008-2 – Water Contingency Revolving Fund, Submitted by Upper Republican NRD (Page 4)

Resolutions Submitted After the August 15th Deadline

**2008-3 -- Governmental Sub-division Aid, Submitted by Middle Republican NRD
(2/3rds vote is needed for consideration) (Pages 5-6)**

2008-4 – Storage Permit deadline for beginning dam construction, Submitted by Lower Elkhorn NRD. *(2/3rds vote is needed for consideration)* (Page 7)

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 2008-01

**Certified Irrigated Land Transfers
Submitted by Tri Basin NRD**

Whereas many natural resources districts have limited development of additional irrigated cropland; and

Whereas landowners need to have the ability to transfer certified irrigated land, subject to review and approval of local natural resources districts, in order to make efficient use of groundwater resources for irrigation; and

Whereas the interests of lending institutions and other affected parties need to be protected when certified irrigated land is transferred; and

Whereas it is desirable to enable landowners to transfer irrigated land across NRD boundaries but within the same river basin, with certain limitations;

Therefore be it resolved that the Nebraska Association of Resources Districts will work with the Nebraska Bankers' Association and other interested parties to develop a statutory framework for transfers of certified irrigated land.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2008-02

**Water Contingency Revolving Fund
Submitted by Upper Republican NRD**

WHEREAS, LB 1094, 2008 created the Water Contingency Cash Fund, and

WHEREAS, districts that were eligible to borrow money from that are required to pay it back according to the fund guidelines or as later determined by the legislature, and

WHEREAS, it will become increasingly important for districts to have access to funds for projects within basins designated as fully or over appropriated, and

WHEREAS, reimbursements to the Department of Natural Resources are credited to the Water Contingency Cash Fund before being transferred to the Cash Reserve Fund,

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts shall seek to enact legislation to convert the Water Cash Contingency Fund into a Water Contingency Revolving Fund, and

BE IT FURTHER RESOLVED that balances in that fund and all future payments or repayments be retained for loans to districts designated as fully or over appropriated, and

BE IT FURTHER RESOLVED that administrative procedures similar to the resources development fund be developed, and

BE IT FURTHER RESOLVED that applications for this fund impose the minimum amount of impact on the district as possible, and

BE IT FURTHER RESOLVED that applications for loans provided by this fund be consistent with the authorities granted the districts by the Nebraska Ground Water Management and Protection Act.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

LATE – 2/3rds Vote needed for consideration

**Governmental Sub-division Aid
Submitted by Middle Republican NRD**

WHEREAS, 77-27,137.02. Aid to natural resources districts; distribution; manner. The appropriation provided in section 77-27,136 for aid to natural resources districts shall be distributed to the various natural resources districts of the state on the basis of the ratio of the total amount of property taxes levied by the particular natural resources district to the total amount of property taxes levied by all natural resources districts within the state based on amounts stated in the most recent certificate of taxes levied statement and schedules submitted by each county to the Tax Commissioner pursuant to section 77-1613.01. The Tax Commissioner shall determine the amount to be distributed to the various natural resources districts and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1, 1982, and each December thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The proceeds of the payments received by the various natural resources districts shall be credited to the general fund of the district.

Source: Laws 1982, LB 816, § 6; ; Laws 1985, LB 268, § 29; ; Laws 1994, LB 480, § 30; ; Laws 1996, LB 108, § 77; ; Laws 2004, LB 962, § 109. and;

WHEREAS, Stability in the process is important to maintaining efficient and conservative budgets, and

WHEREAS, property tax levies are used in determining governmental subdivision aid, and

WHEREAS, property tax used for bonds in the 2007-2008 fiscal year have resulted in significant increases in subdivision aid for some districts while other districts have had decreases, and

WHEREAS, bonds using property tax have an impact on this distribution, and

WHEREAS, Personal and Real Property Tax used for principal and interest on bonds and Personal and Real Property Tax used for all other purposes is already separated on page 1 of the budget forms,

NOW THEREFORE BE IT RESOLVED, that the Nebraska Association of Resource Districts coordinate with the Nebraska State Treasurer to develop the legislation or administrative procedures to separate property tax used for bonds from the formula to determine governmental subdivision aid.

Additional information submitted by the Middle Republican Natural Resources District.
August 19, 2008

Subdivision aid in 2007-2008	\$27,741
Subdivision aid in 2008-2009	\$50,901

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

LATE – 2/3rds Vote needed for consideration

**Storage Permit deadline for beginning dam construction
Submitted by Lower Elkhorn NRD**

Whereas, anyone wishing to construct a dam of 25 feet or more in height and/or which will create a reservoir of 15 acre feet or more, must first receive an approved Permit to Impound Water (Storage Permit) and Approval of Plans for Dams from the Nebraska Department of Natural Resources; and

Whereas, Section one of 46-238 Nebraska Revised Statutes currently says “Within six months after the approval of any application for water for irrigation, power, or other useful purpose by the department, the person making such application shall commence the excavation or construction of the works”; and

Whereas, Section one of 46-238 Nebraska Revised Statutes currently says “The department may extend, for reasonable lengths of time, the time for completion of works”, but does not give the department authority to extend the length of time for commencing excavation or construction; and

Whereas, the current requirements of environmental reviews and permits by state and Federal Governmental agencies can take as much as 1 – 2 years or more; and

Whereas, the surface water needed to approve the Permit to Impound Water may be allocated to other uses, while waiting for these environmental reviews, if the application is not made simultaneously; and

Whereas, State Statutes also require that permit applications submitted to DNR for the construction, reconstruction, alteration, enlargement, breach, removal or abandonment of a dam be fully returned to the applicant if they are determined to be incorrect or incomplete; now

Therefore be it resolved that the Nebraska Association of Resources Districts shall seek to enact legislation amending current Nebraska Statutes to allow up to one year to commence construction after the approval of a Permit to Impound Water, to give the Nebraska Department of Natural Resources the authority to extend the time for commencing excavation or construction, and more flexibility in correcting or completing permit applications without returning them to the applicant.

Monday Business Session: _____
Amendment No. 1: _____
Amendment No. 2: _____

Tuesday Business Session: _____
Amendment No. 1: _____
Amendment No. 2: _____