



Nebraska's
Natural Resources
Districts
www.nrdnet.org

601 S. 12th St. Suite 201
Lincoln, NE 68508

nard@nrdnet.org
(402) 471-7670

Protecting Lives • Protecting Property • Protecting the Future

January 6, 2012

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: January 6 NARD Update

Session Begins -- The Nebraska Legislature convened its 60-day work session on January 4, 2012 and is tentatively scheduled to end on April 12th. Days off for Holidays (H) and Recess (R) are as follows:

- January 13th (R) and 16th (H).
- February 10th (R), 17th (R), 20th (H).
- March 2nd (R), 9th (R), 12th (R) 23rd (R) and 26th (R).
- April 6th (R) and 9th (R).

These are dates your senator(s) should be back in their district if you wish to schedule meetings with them.

Other important dates to note are:

- January 12 – Governor's State of the State Address and proposed introduction of his biennial state budget.
- January 17 – Committee hearings begin.
- January 19 – Last day for bill introduction.
- February 15 – Last day to submit 2012 speaker priority bill requests.
- February 16 – Deadline for designation of committee and senator priority bills.
- February 24 – Tentative last day for bill hearings.
- February 27 – All day floor debate begins.

Session information can be found on the Nebraska Unicameral's website which is <http://www.nebraskalegislature.gov>.

Senator Utter Passes -- On December 27, 2011, Hastings Senator Dennis Utter passed due to health complications. Senator Utter was elected in 2008 to serve District 33. He served on the Banking, Commerce and Insurance Committee and was the Vice-Chairperson of the Revenue Committee. He was very supportive of agriculture, rural economic development, and natural resources programs. Senator Utter was 72 and is survived by his wife Kathryn and three children: Mark, Ward and Denise.

Governor Dave Heineman is taking applications for appointment until January 13, 2012. Applicants must live within the boundaries of Legislative District 33 and have done so for at least one year.

The district encompasses all of Adams County and a portion of Hall County. The Governor may also choose to seek out additional qualified candidates. The appointee would serve until January 8, 2013, with the seat up for election to a four-year term in November 2012.

New State Senator for District #2 -- Newly appointed Senator R. Paul Lambert of Plattsmouth is getting his first regular session experience as a senator. Sen. Lambert received his initial legislative experience as a senator in the special session. Senator Lambert was appointed by the governor on October 7, 2011 to replace Senator Dave Pankonin who resigned.

New Bills -- Introduction of legislative bills occurs in the first ten working days of the session. This is the second session of the 102nd Legislature, so there are carry-over bills from last year. The following are bills introduced in the first three days that are of interest to the NRDs. For more information on introduced legislation, visit the Nebraska Unicameral website at www.nebraskalegislature.gov/.

LB 723 – Change provisions relating to small systems under the Nebraska Safe Drinking Water Act. The bill eliminates the definition of “small system” under the Nebraska Safe Drinking water Act. That definition is as follows: “Small system means a public water system that regularly serves less than ten thousand individuals”. The bill also maintains a lower fine for administrative violations under the act for public water systems that serve less than ten thousand individuals. (Bloomfield)

LB 732 - Provide procedures for the use of eminent domain by cities and villages for trails. The bill proposes a super-majority affirmative vote (67%) for a city or village to authorize use of eminent domain to establish a recreational trail. The bill also outlines several procedures for cities and villages to follow for establishing a trail, including but not limited to alternate route options, landowner notification, public notices, and public hearings. (Mello)

LB 743 - Provide for a fee relating to consideration of a variance under the Nebraska Ground Water Management and Protection Act. The bill allows a natural resources district to assess a fee against a person requesting a variance to water use regulations to cover the administrative cost of the variance request, including, but not limited to, costs of copying records, legal expenses, and the cost of publishing a notice in a legal newspaper of general circulation in the county or counties of the district, radio announcements, or other means of communication deemed necessary in the area where the property is located. (Schilz - NARD Bill)

LB 760 - Change provisions relating to meetings of the Environmental Quality Council and grants made to political subdivisions. The bill proposes two changes to the Environmental Quality Council. First the bill proposes to eliminate the requirement that the council have four quarterly meetings per year and replaces it with a requirement that they meet at least twice a year.

Second, current law allows that grants to political subdivisions under the control of the department be made in accordance with the priorities of the council. The bill adds language “unless otherwise required by statute” to that requirement. (Schilz)

LB 782 - Require that reports submitted to the Legislature be submitted electronically. A 382-page bill, amending many existing statutes, that proposes all existing reports to the Legislature be filed electronically. (McCoy)

LB 808 - Appropriate funds for an environmental study of a hydroelectric dam project. The bill appropriates \$2 million in General Funds for FY2012-13 to the Department of Economic Development, to contract for an environmental study to consider the impact of placement of a hydroelectric dam on the Platte River near the Interstate 80 corridor. The study shall be completed by October 1, 2013. A report of the study findings shall be provided to the Legislature and the Governor.

LB 845 – Provide reclamation requirements under the Oil Pipeline Reclamation Act. The bill proposes that a pipeline carrier shall complete final grading, topsoil replacement, installation of erosion control structures, seeding, and mulching within thirty days after backfill except when weather conditions, extenuating circumstances, or unforeseen developments do not permit the work to be done within such thirty-day period. The bill also requires a pipeline carrier to use seeding that is genetically appropriate for the surrounding vegetation, methods and mulch is used as conditions exist or requested by the landowner, complies with the Nebraska Seed Law and Noxious Weed Control Act. (Sullivan)

LB 849 – Convey the Pibel Lake State Recreation Area to the Lower Loup NRD. The bill authorizes the Game and Parks Commission to convey the Pibel Lake State Recreation Area, situated in Wheeler County, to the Lower Loup Natural Resources District. (Sullivan)

LB 857 -- Provide for repayment of certain grants from the Nebraska Environmental Trust Fund. The bill proposes that any person receiving a grant from the Nebraska Environmental Trust Fund who purchases real property with funds from such grant and subsequently sells or otherwise transfers an ownership interest in such real property shall repay to the board the amount of the grant used to purchase the real property. The repayment shall be remitted to the State Treasurer for credit to the Water Resources Cash Fund. (Larson)

LB 873 -- Extend sunset of the petroleum release remedial action fund. The bill proposes to extend the sunset date for the petroleum remedial action program and fund from June 30, 2012 to June 30, 2016. (Schilz)

LB 877 -- Require disclosure of hydraulic fracturing treatment information. The bill would require the owner or operator of a well on which a hydraulic fracturing treatment is performed to provide the composition of the hydraulic fracturing fluids used in such treatment to the Nebraska Oil and Gas Conservation Commission. The report to the commission would include the total volume of water used in the hydraulic fracturing treatment and each chemical ingredient that was used. The commission would also be required to develop a process for the reports to protect any trade secret information. (Wallman)

NARD Washington DC Meeting March 10-14, 2012 - Make plans now to attend the NARD Annual Washington DC meeting, March 10-14, 2012. Meeting registration will be provided shortly and will need to be returned to NARD before February 13th. Tentative agenda includes meetings at Embassy Suites on Monday and Tuesday, and meetings with the Nebraska Congressional Delegation Wednesday, March 14th. Check out the website www.nrdnet.org for further information.