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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 26 NARD Update

NRD write-in candidates -- The Government Committee accepted testimony on **LB 852** this week which allows for write-in space on official ballots for certain offices. The bill eliminates the prohibition of write-in candidates in the primary for directors of NRDs and public power districts. The bill also eliminates the prohibition of write-in candidates in the general election for directors of NRDs, public power districts, county weed districts, reclamation districts, and ESUs.

Under current law, if there are two or less candidates for NRD or public power district directors, the ballot does not have to be printed in the primary election as the candidates would automatically advance to the General Election. It was unclear with the bill under this scenario whether the primary ballot would have to be printed and include a write-in line.

The Nebraska Secretary of State's office testified at the hearing and pointed out that races with two or less candidates for NRD or public power district directors would not have to be on the primary ballot and thus the districts would not have to pay for ballots for additional write-in candidates. Their testimony also pointed out that the ballots could get rather lengthy with the write in spaces for all the lower tier offices.

Bob Hilske, Manager of the Nemaha NRD, testified in a neutral capacity for the Nebraska Association of Resources Districts urging the committee to make sure that the exemption for two or less candidates would apply.

The bill was supported by the Nebraska Association of County Officials and the Papio Valley Preservation Association. The committee advanced the bill to General File without amendments.

Hearings end – This week marked the end of regularly scheduled committee hearings as all bills have now had public hearings. The Legislature will begin all-day debate starting Monday, March 1, which is the 34th day of the 60-day legislative session.

General File Action

Eliminate dedicated water fund source – After almost two days of debate, the legislature advanced **LB 689** this week which eliminates dedicated funding sources for the Water Resources Cash Fund.

The bill eliminates the 3/5ths cent/bushel check-off on corn and 3/5ths cent/hundredweight check-off on grain sorghum that was to go to the Water Resources Cash Fund starting on October 1, 2012. The bill also redirects the funds remaining in the Ethanol Production Incentive Cash Fund when the program ends December 31, 2012, splitting it equally with the commodity boards and the general fund. The funds were to go into the Water Resources Cash Fund.

Several state senators argued that the bill should not advance without some back-up plan for funding. Senator Heideman, Chairman of the Appropriations Committee urged caution that large general fund budget deficits are projected in the next few years and that General Fund dollars will be extremely hard to come by. Several urban senators echoed that they do not want general funds used for water programs. Some rural senators also urged caution that the alternative could be worse than the check-off funds.

Senator Dubas' Priority Bill advanced 44-1-4. However, before Select File debate, a meeting including the interested State Senators, ag groups and the NARD will occur to look at alternate funding sources.

Voluntary NRD IMPs -- After brief debate, senators advanced **LB 764** which allows a natural resources district encompassing a river basin, sub-basin, or reach that has not been designated as fully or over-appropriated to, jointly with the department, develop an integrated management plan for such river basin, sub-basin, or reach located within the district.

The original version of the bill would have required a district to notify the department on or before October 1 of its intention to develop an integrated management plan. The committee amendment strikes the October 1 requirement and leaves it open that a district could notify the department at any time of the year.

There was some discussion about making sure environmental groups were included as stakeholders for local NRD IMP workgroups, but no amendments were offered as the discussion became how do we list every group, individual or organization in statute without inadvertently omitting someone.

Senator Fischer's Priority Bill advanced 40-0-9.

Contracts with law enforcement – Senator Brad Ashford, Chairman of the Judiciary Committee, has filed an amendment (**AM 1976**) to **LB 817** to allow a natural resources district to contract with law enforcement agencies to patrol district property. The amendment would allow the NRDs to enter into interlocal agreements for the services of certified law enforcement personnel or to contract for the services of private security firms to patrol and protect district-owned recreation areas and to assist law enforcement officers in enforcing sections 2-3292 to 2-32,100 and any rules and regulations adopted and promulgated pursuant to such sections.

The intent of **LB 817** would exempt valid permit holders under the Concealed Handgun Permit Act from also having to obtain a certificate to purchase, lease, rent, or receive transfer of a handgun. The bill is Senator Fulton's Priority Bill for the session.

Final Reading Action

Electric line notice - Senators gave final approval to **LB 643** this week on a 47-0-2 vote. On General File, amendments were adopted to change the notice requirement. Originally the bill would have required NRDs to provide 180-day notice to owners of power lines before the district begins altering a road structure or grading or moving earth for a flood control, recreation, or other project if the performance of any work is within ten feet of any electric transmission or electric distribution line, pole, or anchor. If the line, pole, or anchor to be moved is within an area that will require Federal Aviation Administration approval, notice shall be given at least one year prior to the start of any work.

The Natural Resources Committee amendment, **AM 1620**, adopted on General File would change the 180-day requirement to 90 days, and removes the language requiring a one-year notice if the equipment to be moved requires Federal Aviation Administration approval.

City noxious weed fund -- A bill to allow funds received by cities and counties for noxious weed programs to be deposited in their respective general fund if they do not have a noxious weed fund was given final approval on a 46-0-3 vote. The bill, **LB 731**, is sponsored by Senator Utter.

Nebraska litter reduction and recycling – Senator gave final approval on a 46-0-3 vote to **LB 798** which extends the termination date for the Nebraska Litter Reduction and Recycling Act from October 30, 2010 to October 10, 2015. Senator Chris Langemeier sponsored the legislation.

Ag land valuation – Senators gave final approval on a 46-0-3 vote to **LB 806** which eliminates two references to conditions under which cancellation of special valuation treatment of agricultural land can take place. These conditions are sale to an exempt owner, or sale to a governmental subdivision. These provisions are viewed as obsolete since the repeal of tax recapture provisions. The bill was sponsored by Senator Campbell.

Private insurance for remedial action -- A bill to eliminate the private insurance requirement for newly-sited underground petroleum tank owners to cover any remedial action relating to the tank was given final approval on a 45-0-4 vote. The owners of such tanks are currently required to pay for coverage under the Leaking Underground Storage Tank (LUST) Fund. Senator Fischer was the sponsor of **LB 832**.

Other Committee Action

Republican River Task Force – The Natural Resources Committee advanced **LB 1057** to General File with amendments, which proposes to create the Republican River Basin Water Sustainability Task Force. The adopted committee amendment, **AM 1895**, replaces much of the bill and maintains the emergency clause. The bill with the committee amendments creates a task force as follows:

1. Governor appointments:
 - Eight from NRDs in the Republican River Basin (Two from each NRD)
 - Four from irrigation districts in the basin
 - One from each of the following: UNL, Nebraska Game and Parks, Nebraska Department of Agriculture, Nebraska Department of Natural Resources
 - Two from agriculture-related businesses in the basin
 - One representative each from a school district, city, county, and public power district in the basin.
2. The Legislature's Executive Board chairperson is also to appoint three ex-officio, non-voting senators, including two who reside in the basin, and the chairperson of the Natural Resources Committee.
3. The task force is to be housed within the Department of Natural Resources for administrative and budgetary purposes, advisory support may be requested from federal and state agencies, and non-state employees are to be reimbursed for expenses.
4. The task force is to meet quarterly, may hire a facilitator, and is to convene within 30 days after appointments are completed. The task force is to provide a report to the Governor and Legislature, and is to terminate on June 30, 2012. Also, the intention is stated that expenses are to be paid from funds appropriated from the Water Resources Cash Fund and not exceed \$25,000 per fiscal year.

The bill is Senator Carlson's Priority Bill for the session.