



**April 17, 2009**

**TO: NARD Board, NRD Managers and Conservation Partners**

**FROM: Dean E. Edson, NARD Executive Director**

**RE: April 17 NARD Update**

**Bonding bill debated** – On Wednesday, senators debated LB 160 to allow the Papio-Missouri River NRD to finance and build flood control projects to protect lives and property in the district. Opponents of the projects continued to voice opposition to these life saving measures. Members of the Papio Valley Preservation Association, opponents of the bill, had to be restrained by the State Patrol from making lewd comments and jesters from the balcony of the Legislative Chamber during debate on the measure.

Several amendments were filed and Senators adjourned for the day before taking action on the remaining amendments and the bill. Senators did adopt the committee amendment, AM 735, and an amendment from Senator Rogert, AM 1005, before running out of time on Wednesday.

Senator Rogert's amendment, AM 1005, would require that proceeds to the bonds shall not be used to fund any project in any city or county which is party to an agreement under the Interlocal Cooperation Act, unless such city or county has adopted a storm water management plan approved by the board of directors of the natural resources district.

The committee amendments to the bill, AM 735, make several modifications, including:

- Allow county boards to disapprove of any reservoir exceeding 20 surface acres, if done within 90 days of notification of project by the NRD board of directors;
- Allow for bonding authority with a vote of the electorate for bonds exceeding one cent of the levy;
- Provide for a 2/3 vote of the NRD board to submit a bond issuance;
- Provide that bond proceeds not be used for metropolitan class city's combined sewer separation projects; and
- Provide that the bonding authority sunsets on December 31, 2019.

Senator Hadley from Kearney offered several amendments. His pending amendment, AM 1084, would require all bonds to be approved by a majority of registered voters of the districts, limited to 2 cents, and subject to, and includable in, the computation of other limitations upon the district's tax levy. Under current law for all other political subdivisions with bonding authority, when taken to a vote of the public, the approval only requires a majority of those voting and is not subject to levy limitations. Further, counties and school districts currently have a 5.2 cent levy authority for capitol construction and maintenance bonds that only requires the governing body majority vote -- no public vote is required.

The following motions/amendments were withdrawn before a vote was taken on them:

- AM 1043, offered by Senator Price, which would prohibit the NRD from using proceeds of bonds for more than three projects at one time.
- AM 1082, offered by Senator Hadley, included the same "approved by the majority of the registered voters" as is in AM 1084.
- MO 23, offered by Senator Rogert, would have indefinitely postponed the bill.

The bill is sponsored by Senator Tim Gay and was declared a Priority Bill by Senator John Nelson of Omaha. Senator Gay offered to work with the interested parties to resolve some of the issues before the bill is placed back on the agenda next week.

**Dam construction bill advances** – Working from consent calendar, Senators advanced LB 209 to Select File this week. Working from consent calendar allows non-controversial bills to be advanced if they can be explained and voted on within 15 minutes; beyond 15 minutes and the bill is taken off of the agenda. The bill changes the time frame from 6 months to 12 months after the approval of any application for water for irrigation, power, or other useful purpose by the department, to commence the excavation or construction of the project. The bill also clarifies that the Department of Natural Resources may extend, for reasonable lengths of time, the time for commencing excavation or construction. The bill is sponsored by Senator Langemeier.

**Lien holder bill passes** -- Senators gave final approval to LB 477 this week on a 49 to 0 vote. The bill changes requirements when water is transferred to include evidence of lien holder's agreement to allow the transfer of water. The bill clarifies in law that districts can certify irrigated acres and other beneficial uses of water. The bill then requires that participation in any financial incentive program and/or any transfer of certified acres or uses include similar evidence of the lien holder's agreement to allow the transfer. The bill does the following:

1. Clarifies the definition of certified irrigated acres to mean the number of acres or portion of an acre that a natural resources district has approved for irrigation from ground water in accordance with law and with rules adopted by the district;
2. Clarifies the definition of certified water uses to mean the number of acres or portion of an acre that a natural resources district has approved for irrigation from ground water in accordance with law and with rules adopted by the district;
3. Requires the reporting of water uses and irrigated acres by landowners and others with control over the water uses and irrigated acres for the purpose of certification by the district;
4. Outlines that determination of certified water uses or certified irrigated acres by a natural resources district shall not affect the allocations of ground water established by the district;
5. Clarifies the district may recover the cost of the title report and filing an instrument of transfer of the right to use ground water from the person seeking the transfer; and
6. Clarifies that it is the responsibility of the person seeking the transfer to get the signatures of the lien holders.

The bill was sponsored by Senator Carlson and was Senator Utter's Priority Bill for the session.

**Water accounting bill amendment** – LB 54, a bill to assist NRDs in tracking depletions and gains resulting from new, expired or modified water uses in fully or over-appropriated areas, was moved from Final Reading back to Select File on a 42 to 0 vote. Sen. Langemeier then introduced an amendment (AM 1099) proposing that the department not be required to perform an annual evaluation for a river basin, sub-basin, or reach during the four years following a status change. Status change is what occurred for the lower Platte River this spring when DNR preliminarily declared the river fully appropriated and later reversed their decision. The four year time frame following a status change in this bill mirrors the time frame stipulated in LB 483 where a status change has occurred. The amendment passed on a 41 to 0 vote and the bill was advanced again to Final Reading. This bill was introduced and prioritized by Sen. Deb Fischer of Valentine.

The committee amendment (**AM348**) clarified some of the definitions and was adopted on General File on a 36-0 vote. The bill advanced to Select File on a 40-0 vote.

**Electronic Voting Board bill passes** – Senators gave final approval to LB 361 on a 48 to 0 vote this week, which allows entities created under the Interlocal Cooperation Act, the Joint Public Agency Act, and the Municipal Cooperative Financing Act to utilize an electronic voting device to record roll call or votes of the governing body of such entities. Currently, only municipalities are authorized to utilize an electronic voting device. Two amendments were adapted to the bill to make further changes.

First, the Government Committee Amendment (**AM 552**) made the following changes on General File:

- Adds counties to the list of entities who are allowed to utilize electronic voting devices to satisfy the requirements of a roll call or vote.
- Adds the provisions of **LB 465**, which adds educational service units to the list of public entities which are allowed to hold public meetings by videoconferencing and telephone conference.
- Adds the provisions of **LB 639**, which allows a governing body of a risk management pool and the advisory committees of the governing body to hold more than half of their meetings by telephone conference if the governing body's quarterly meetings are held in person. Under current law, no more than one-half of the meetings in a calendar year held by the governing body of a risk management pool or its advisory committees may be held by telephone conference call.

On **Select File**, Senator Avery offered **AM 966**, which was adopted to add learning communities to the list that can use electronic voting devices.

The bill was introduced by Senator Avery and was a Government Committee Priority Bill.

**CRP Workshops** -- The Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS), and other state and local organizations have two public workshops scheduled April 22, 2009 and April 23, 2009 on expiring CRP contracts. These meetings will be held in the Nebraska Panhandle where most of the 150,000 plus Conservation Reserve Program (CRP) acres expire September 30, 2009. The meeting topic is "What are you going to do with those CRP acres when they expire"?

The meetings are intended to provide operators and owners their options and to stress good conservation practices as land uses change. Issues to be discussed include re-enrollment in continuous CRP, State Acres For Wildlife Enhancement (SAFE), field windbreaks, cross wind trap strips, development of haying or grazing land, EQIP/NRD program availability, conservation compliance requirements, conversion to cropland, and early land preparation.

The meeting locations are as follows: Wednesday, April 22, 2009, 9:00am – noon, Kimball Event Center 615 E 3rd St, Kimball, NE; Thursday, April 23, 2009, 9:00am – noon, Rushville American Legion, 206 Sprague, Rushville, NE.