



Nebraska's  
Natural Resources  
Districts

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January 15, 2010

TO: NARD Board, NRD Managers and Conservation Partners  
FROM: Dean E. Edson, NARD Executive Director  
RE: January 15 NARD Update

**New Bills** -- Introduction of legislative bills occurs in the first ten working days of the session. The following are bills of interest for the NRDs, introduced through Day 7. For more information on introduced legislation, visit the Nebraska Unicameral web-site at [www.nebraskalegislature.gov/](http://www.nebraskalegislature.gov/).

- **LR 276 CA - Constitutional amendment to permit exemption from taxation of real property which is donated to the state or a governmental subdivision. Pirsch.** A constitutional amendment to permit the Legislature to exempt from taxation the value of real property, the use of which is donated to the state or a governmental subdivision of the state for public purposes.
- **LB742 Provide requirements for settlement agreements involving public entities and provide that such agreements are public records. McCoy.** The bill would require any settlement agreement entered into by a public entity directed by a governing body to be included as an agenda item for the next regularly scheduled public meeting of the governing body. A confidentiality or nondisclosure clause or provision contained in or relating to a settlement agreement entered into by a public entity, or to which a public entity is otherwise a party, is void and shall not operate to prevent an officer or employee of the public entity or any other party to the settlement agreement from disclosing or commenting upon the substance of the settlement agreement.
- **LB793 - Prohibit cash fund transfers without authorization. Dubas.** The bill prohibits a transfer or appropriation of funds from a cash fund for a use or to another fund unless the transfer or appropriation is specifically authorized by law. The bill declares that any transfer or appropriation in violation of this section is a violation of Article III, section 14, of the Nebraska Constitution. (No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed).
- **LB795 - Authorize employment of law enforcement officers by natural resources districts. Council.** The bill allows a NRD encompassing or including any portion of a city of the metropolitan class to expend funds to employ or otherwise secure the services of certified law enforcement personnel or security services to patrol and protect district-owned recreation areas and to assist law enforcement officers in enforcing district recreation areas.
- **LB 806 - Change provisions relating to agricultural land valuation. Campbell.** The bill eliminates two criteria that revoke ag land maintaining ag land values for tax purposes as follows: 1) Sale or transfer to an ownership making it exempt from property taxation; and 2)

Sale or transfer to the state or its political subdivisions, unless the land continues to qualify as agricultural or horticultural land.

- **LB852 - Provide for write-in space on official ballots for certain offices. Avery.** 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.
- **LB 862 – Change provisions relating to issuance and repayment of river-flow enhancement bonds. Christensen.** The bill addresses the question of “closed class legislation” by changing the definition of which NRDs can use the occupation tax on irrigated acres to pay for water programs. The bill deletes references to “a district with jurisdiction that includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact is part of a river basin” to “a majority of the districts have adopted controls in accordance with subdivision (1)(d) of section 46-739 (metering)”.

The bill also allows the proceeds to pay for the cost of a project with or without issuing bonds. The bill allows a district to confine such occupation tax to irrigation activity in any of the river basins in such district. Finally, the bill allows for a reduction of the tax on irrigated lands if there is no surface or ground water available to irrigate such lands, either on a temporary or permanent basis.

- **LB 884 -- Require employers to provide employees with wage and deduction information. McGill.** The bill requires employers to provide a statement of wages and deductions to employees within 10 working days of a request by the employee.
- **LB 893 - Provide refund procedures for unconstitutional taxes and assessments. Christensen.** The bill provides a refund mechanism for property taxes, occupation taxes, assessments, and penalties for such taxes declared unconstitutional by any court of competent jurisdiction entered on or after January 1, 2009. The refund could be made with the necessity of filing a claim and would be repaid or refunded to the person paying such tax or assessment. For purposes of this law, a judgment or final order shall mean a judgment or final order of the Supreme Court.
- **LB 895 -- Change procedures for filling vacancies on a natural resources district board. Janssen.** The bill eliminates allowing filling a vacancy for the remainder of an unexpired term and replaces that with two separate provisions. First, if the vacancy occurs during the first year of the unexpired term or prior to September 1 of the second year of the unexpired term, the appointee shall serve until the first Thursday after the first Tuesday in January next succeeding the next regular general election and at such regular general election a director shall be elected to serve the unexpired term. Second of the vacancy occurs on or after September 1 of the second year of the unexpired term or during the third or fourth year of the unexpired term, the appointee shall serve until the term expires.
- **LB 911 - Change a date relating to development of a statewide biotechnology strategic plan. Langemeier.** The bill extends a date for consultation services as required for assistance in providing research, analysis, and recommendations of a statewide biotechnology strategic planning from June 30, 2010 to September 30, 2010.

- **LB 917 - Exempt municipal water from sales and use taxes. Rogert.** The bill exempts water supplied by a municipal water supplier from sales tax.
- **LB 932 - Change provisions relating to repayment of financial assistance by natural resources districts. Christensen.** The bill forgives the loan made to the Republican Basin NRDs if they are no longer authorized to use the proceeds of or is no longer authorized to levy the extra 10 cent property tax or the occupation tax (NOTE: the Nebraska Supreme Court has ruled the property tax unconstitutional and the occupation tax is currently being challenged in court)
- **LB 935 -- Provide for deficit appropriations and change certain appropriations. Speaker Flood, on behalf of the Governor.** The bill provides minimal changes to the budget. There are no changes to funding levels for natural resources programs. Most of the budget changes were done during the special session in November 2009 with a 2.5% across the board cuts for FY 09-10 and 5.0% across the board cuts for FY 10-11.

**Hearings begin January 19<sup>th</sup> -- The following are bills of interest up for hearings in the next two weeks.**

**Tuesday, January 19, 2010**

- **LB 731 – Changes provisions relating to noxious weed funds. Utter.** The bill allows 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. **Agriculture Committee, Room 2102, 1:30 PM**
- **LB 782 -- Change provisions relating to the issuance of distinctive license plates for governmental units. Fischer.** Eliminates a state, municipal, school and county plates and creates a governmental license and trailer plate for all state and local governmental units. **Transportation and Telecommunications Room 1113 - 1:30 PM**

**Wednesday, January 20, 2010 - Natural Resources, Room 1525 - 1:30 PM.**

- **LB 798 – Extend the termination date for the Nebraska Litter Reduction and Recycling Act. Langemeier.** The bill extends the termination date for the Nebraska Litter Reduction and Recycling Act from October 30, 2010 to October 10, 2015.
- **LB 911 - Change a date relating to development of a statewide biotechnology strategic plan. Langemeier.** The bill extends a date for consultation services as required for assistance in providing research, analysis, and recommendations of a statewide biotechnology strategic planning from June 30, 2010 to September 30, 2010.

**Thursday, January 21, 2010 – Govt., Military and Veterans Affairs Room 1507 - 1:30 PM**

- **LB742 Provide requirements for settlement agreements involving public entities and provide that such agreements are public records. McCoy.** The bill would require any settlement agreement entered into by a public entity directed by a governing body to be

included as an agenda item for the next regularly scheduled public meeting of the governing body.

### **Friday, January 22, 2010**

- **LB 826 -- Adopt the County Consolidation Act. Pahls.** Creates a legislative planning committee to develop a plan that will reduce the number of counties in Nebraska to approximately thirty by 2018. The committee would work with the Government, Military and Veterans Affairs Committee of the Legislature to develop the legislation. **Government, Military and Veterans Affairs, Room 1507 - 1:30 PM**
- **LB 832 -- Eliminate a private insurance requirement relating to petroleum release remedial action. Fischer.** The bill eliminates the private insurance requirement relating to petroleum release remedial action. **Natural Resources, Room 1525 - 1:30 PM**

### **Monday, January 25, 2010**

- **LB 740 – Eliminates transfer provisions from certain agriculture funds. Agriculture Committee.** The bill eliminates references approved during the November 2009 Special Session that allows the legislature the discretion to transfer funds to the General Fund from the following cash funded programs: The Nebraska Buffer Strip Program, the Commercial Feed Act, the Weed Book Cash Fund, the Nebraska Seed Administrative Cash Fund, the Nebraska Pure Food Act, and the Weights and Measures program. **Appropriations Room 1524 - 1:30 PM.**
- **LB793 - Prohibit cash fund transfers without authorization. Dubas.** The bill a transfer or appropriation of funds from a cash fund for a use or to another fund unless the transfer or appropriation is specifically authorized by law. **Appropriations Room 1524 - 1:30 PM.**
- **LB 884 -- Require employers to provide employees with wage and deduction information. McGill.** The bill requires employers to provide a statement of wages and deductions to employees within 10 working days of a request by the employee. **Business and Labor, Room 2102 - 1:30 PM.**

**NRD State Aid bill advances** – Senators advanced **LB 210** to Select File this week without debate. The bill changes the state aid formula to NRDs by eliminating the levy for bonding from the calculation. Before advancing the bill, senators adopted FA 57 which places a July 1, 2010 effective date on the bill. Senator Langemeier is the sponsor of the bill.

**Governor's State of the State Address** -- Gov. Dave Heineman delivered his State of the State address to the Nebraska Legislature on Thursday focusing on three priorities: growing the Nebraska economy, strengthening education, and developing an even more efficient government through greater use of technology.

In the budget plan submitted to the Legislature, LB 935, the Governor proposed only minimal adjustments to the FY 2009-2011 budget following changes enacted during the 2009 special legislative session. There were no changes to the appropriation levels for natural resources programs.