



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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February 15, 2008

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

Notes from the NACD Annual Meeting -- Nebraska NRDs had 17 representatives attend the National Association of Conservation Districts 62nd Annual Meeting in Reno, Nevada this week. Following are some of the conference highlights:

- **NACD Acting President Steve Robinson**, acknowledged that it had been a difficult time for the association after the untimely death of 2007 President Olin Sims but spoke of the new partnerships and business decisions that NACD has successfully forged—from weaning NACD of unprofitable lines of business to working with FFA on education materials. Robinson spoke also of the many long hours devoted this year to fighting for a strong conservation title in the Farm Bill that, hopefully will work to the benefit of conservation districts and agricultural producers nationwide. He also called upon districts to push themselves to become more involved and engaged with their districts, state associations and national organization.
- **Orval Gigstad, Nemaha NRD**, was elected Vice President of the Northern Plains Region, which includes the states of Kansas, South Dakota, North Dakota, Montana and Nebraska. Nebraska hosts the 2008 Northern Plains Region Leaders meeting June 8-10 at Lied Lodge in Nebraska City. Details will be forthcoming.
- **Mark Rey**, USDA Undersecretary for Natural Resources and the Environment, and **Stephen Allred** Assistant Secretary for the US Department of the Interior, joined NACD leadership in addressing issues that expanded upon the conference theme, "Conservation Beyond Boundaries." Rey gave an update of the Administration's key concerns for the Farm Bill, reminding the audience that the President has gone on record refusing to sign a Farm Bill that raises taxes or fails to reform the commodity title. Allred, whose Department manages one in five acres nationwide, reminded conferees of the importance of public and private interests going beyond their personal boundaries to effectively protect natural resources and manage the landscape.

Nebraska Unicameral Committee Action

Payments to Republican River Basin surface water irrigators -- Two legislative bills, LB 1094 and 1127 were discussed this week by the Natural Resources Committee to provide payments to surface water irrigators that leased water to the natural resources districts in 2007. The NRDs were scheduled to issue bonds to make the payments authorized under LB 701 passed last year, but a court case was filed challenging the constitutionality of the taxing authority. Because the court challenge threatened the repayment method, the bonds could not be issued to make the payment.

According to testimony at the hearing, most bankers are viewing it as short-term accounts receivable for the irrigators. However, further delayed payments could cause financial hardships.

The State of Nebraska should be 29-44,000 acre feet in the black for 2007 primarily due to the efforts of the NRDs through groundwater regulation and surface water leases.

Senator Carlson introduced **AM 1808** which strikes all the existing language in **LB 1094** and all references to the Nebraska Resources Development Fund and creates the Water Contingency Cash Fund. The \$9 million fund would be administered by the Department of Natural Resources and directed to the natural resources districts that leased

the water in 2007 to in turn compensate water right holders who agreed to lease and forgo the use of water. Any funds not used for such purpose by the natural resources districts would have to be returned.

Senator Christensen presented **LB1127** which changes permitted uses of the Water Resources Cash Fund to make similar payments.

Jasper Fanning, Upper Republican NRD; Dan Smith, Middle Republican NRD; Mike Clements, Lower Republican NRD; and Glenn Johnson (on behalf of the Nebraska Water Resources Association), spoke in favor of the bills. The only opposition was to the use of the NRDF. That is addressed through AM 1808. No action has been taken by the committee. To follow unicameral procedures, a second hearing will be held next week on AM 1808, but all testifiers went on record supporting AM 1808 and no additional testimony is expected.

Clarifications on Collection Fees under LB 701 – The Natural Resources Committee also accepted testimony on two other bills introduced by Senator Christensen, **LB 1131 and 1132**, which clarify existing interpretation of LB 701. The bills clarify that the county treasurer can collect a fee of one percent of the occupation taxes collected for NRD river flow enhancement bonds and that occupation taxes shall be collected in the same time and manner and shall also become delinquent at the same time and manner as general real estate taxes. Traci Witthuhn, Republican River Basin Coordinator, spoke in favor of the bills. No action has been taken by the committee.

Nebraska Unicameral Committee Hearings Next Week – All Hearings begin at 1:30 pm.

Wednesday, February 20th

LB 802 (Louden) Provide for water diversion during times of flooding. The bill allows water to be diverted from a stream for the purpose of alleviating harm to downstream landowners and appropriators during times of flooding upon approval by the department and with the consent of downstream appropriators who may be affected. Natural Resources Committee, Room 1525.

LB 1049 (Erdman) Change terms for members of the Nebraska Game and Parks Commission. The proposal changes the terms for members appointed after January 1, 2009 to a four year term rather than five. The bill also prohibits any person who has served two full terms after January 1, 2009, to be reappointed as a member of the commission. Natural Resources Committee, Room 1525.

LB 1050 (Erdman) Changes the Nebraska Game and Parks to a Code Agency. The bill makes the Nebraska Game and Parks Commission a code agency under the governor's office. The commission members would be changed to advisory members and the director of the agency would be appointed by the governor rather than hired by the commission members. Natural Resources Committee, Room 1525.

Thursday, February 21st

LB 1164 (Lautenbaugh) Adopt the Wildlife Damage Act. The bill creates a wildlife damage claim program in the Nebraska Game and Parks Commission to provide a cost-share program to counties for abatement and damage claims. Wildlife damage from deer, geese, turkey and elk would be eligible for the program. The counties would be required to have a wildlife damage program for landowners to be eligible for the program. Damages would be paid out up to a maximum of \$15,000. Natural Resources Committee, Room 1525.

Friday, February 22nd

LB 727 (Natural Resources Committee) Change provisions relating to hearings conducted by the Department of Natural Resources The bill proposes to change the time from 15 days to 30 days for a party to request the Department of Natural Resources to hold a hearing on a final decision made by the department that did not have an original hearing. The bill is a placeholder for DNR and other interested parties to review the department's regulatory procedures and offer any statutory changes to the process at the hearing. Natural Resources Committee, Room 1525.

LB 1017 (Raikes) Change provisions relating to tax levies of members of risk management pools. Requires that all costs and expenses associated with membership in a risk management pool, including, but not limited to, standard insurance coverage's, group self-insurance coverage's, assessments levied by the pool, retirement of debt incurred by the pool, and operating expenses of the pool be subject to levy limitations. The proposal would also require that any funds generated for insurance pools or related cost through general obligation bonds would be subject to the levy limitations. Revenue Committee, Room 1524.