



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: January 11 NARD Update

Session Begins -- The Nebraska Legislature convened its 60-day work session on January 9, 2008 and is tentatively scheduled to end on April 17th. Days off for Holidays (H) and Recess (R) are as follows: Jan 21 (H); Feb 8 (R), 15 (R), 18 (H) and 29 (R); March 3 (R), 14 (R), 21 (R), and 24 (R); April 4 (R), 11 (R), and 14 (R). These are dates your senator(s) should be back in the district if you wish to schedule meetings with him or her. The following are other important dates for the 60-day session:

- o January 14 -- Floor debate on bills begins
- o January 15 -- Governor Heineman's State of the State Address, 10 am.
- o January 18 -- Last day to submit bill requests to the Bill Drafter's Office
- o January 22 -- Committee Hearings begin (afternoons). Floor debate only in the morning.
- o January 23 -- Last day for bill introductions.
- o February 4 -- Speaker's Office will begin accepting requests for Speaker priority designations.
- o February 22 -- Deadline for designation of committee and senator priority bills. Last day to submit requests for speaker priority bills.
- o March 4 -- All day floor debate begins.
- o April 17 -- Tentative last day of the session.

Unicameral Web Site -- The Nebraska Unicameral website address which is www.nebraskalegislature.gov.

Term Limited Session - This session will be the last for 15 state senators due to term limits. These include: *Senator Ray Aguilar*, Grand Island, 9 years; *Senator Carroll Burling*, Kenesaw, 8 years; *Senator Ernie Chambers*, Omaha, 38 years; *Senator Pat Engel*, South Sioux City, 15 years; *Senator Phil Erdman*, Bayard, 8 years; *Senator Carol Hudkins*, Malcolm, 16 years; *Senator Ray Janssen*, Nickerson, 16 years; *Senator Joel Johnson*, Kearney, 6 years; *Senator Lowen Kruse*, Omaha, 8 years; *Senator Vickie McDonald*, St. Paul, 7 years; *Senator Dwite Pedersen*, Omaha, 16 years; *Senator Don Preister*, Omaha, 16 years; *Senator Ron Raikes*, Lincoln, 11 years; *Senator DiAnna Schimek*, Lincoln, 20 years; and *Senator John Synowiecki*, Omaha, 7 years.

New Bills -- Introduction of legislative bills occurs in the first ten working days of the session. This is the second session so there are carry over bills from last year. The following are a few new bills of interest for the NRDs introduced in the first few days. For more information on introduced legislation, visit the Nebraska Unicameral web-site at www.nebraskalegislature.gov.

LB 727 -- 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. A late hearing will be scheduled to provide time for review. Natural Resources Committee.

LB 751 -- Change noxious weed funding provisions relating to stream vegetation removal. The bill expands the area qualified for riparian vegetation management in fully and overappropriated streams from 100 feet to 1,320 feet of the banks of a channel of any natural stream. Senator Christensen

LB 790 -- Change buffer strip reimbursement provisions. Increases the maximum payment through the Nebraska Buffer Strip Programs from \$150 to \$250 per acre. Senator Erdman

LB 798 -- Change provisions relating to irrigation water reuse pits. Changes the definition of a headwater segment of a natural stream to an ephemeral natural stream which would be exempt from state storage and use permits. The definition is further refined as that portion of a natural stream in which water flows only after a precipitation event or when augmented by surface water runoff caused by the pumping of ground water for irrigation. That portion of a natural stream that is shown as an intermittent stream on the most recent United States Geological Survey topographic quadrangle map published prior to the effective date of this act shall be considered an ephemeral natural stream unless the Department of Natural Resources has investigated the stream and determined that the stream or a reach of the stream is perennial or intermittent and subject to Chapter 46, article 2. The department's determination for the purposes of this section shall be adopted and promulgated in rule or regulation. Senator Louden

LB 799 -- Change provisions relating to applications to permit transfer of water appropriations. Allows for a transfer of surface water for irrigation when there is a change in the point of diversion which meets the following requirements: (i) The new point of diversion is on the same named stream, the same tributary, or the same river or creek as the approved point of diversion; (ii) the proposed point of diversion will not move above or below an existing diversion point owned by another appropriator; and (iii) the proposed point of diversion is not above or below a tributary stream or a constructed river return or a constructed drain. Senator Louden

LB 800 -- Change intentional underground water storage permit provisions. Allows for all intentional underground water storage projects to charge a fee for withdrawal of water. Existing law prohibits projects existing on August 26, 1983 from charging a fee. Senator Louden

LB 801 -- Add a requirement for integrated management plans. The bill would require integrated management plan developed for fully and/or overappropriated basins to prevent or offset any increased depletion to the stream resulting from the removal of a surface water appropriation from a tract of land by an adjudication, voluntary relinquishment, or transfer when the land continues to be served by a ground water well. Senator Louden

LB 802 -- 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. Senator Louden

LB 862 -- Change noxious weeds funding provisions. The bill proposes to increase funding to the Noxious Weed and Invasive Plant Assistance Fund, which is used to assist county weed programs. On or before October 1, 2008, \$200,000 from the Commercial Feed Administrative Cash Fund to the Noxious Weed and Invasive Plant Species Assistance Fund. Beginning January 1, 2009, 2 cents of the existing 10 cent/ton commercial feed inspection fee would be transferred to the Noxious Weed and Invasive Plant Fund. Finally, 25 percent of the sale price of each Weeds of the Great Plains book sold by the Department of Agriculture would be credited to the Noxious Weed and Invasive Plant Species Assistance Fund. Agriculture Committee.

LB 880 -- Provide for watershed enhancement bonds. The bill allows the board of directors of a natural resources district encompassing a city of the metropolitan class to issue watershed enhancement bonds to pay costs of design, rights-of-way acquisition, and construction of multipurpose projects and practices for storm water management within the natural resources district issuing such bonds, including flood control and water quality. The bonds would be payable from an annual special watershed enhancement bond levy upon the taxable value of all taxable property in the district. The bond levy is includable in the computation of other limitations upon the district's tax levy. Senator Kopplin

LB 881 -- Impose an excise tax on production of ethanol. The bill proposes a 3 cent/gallon excise tax on the production of ethanol in the state. The proceeds would be distributed through the Highway Trust Fund as follows 1) Fifty percent to the Highway Cash Fund for the Department of Roads; 2) Twenty-five percent to the Highway Allocation Fund for allocation to the various counties for road purposes; and 3) Twenty-five percent to the Highway Allocation Fund for allocation to the various municipalities for street purposes. Senator Stuthman