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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: January 22 NARD Update

NARD 2021 Legislative Conference - The 2021 NARD Legislative Conference at the Embassy Suites in Lincoln, originally scheduled for January 25-27, has been significantly abbreviated. What was normally a three-day event, will be reduced to a two-day event with limited attendance. Local health directive measures only allow the hotel to operate at 50% capacity. There will not be any breakout training sessions offered this year. Further, the Legislative Reception held with the state senators has been canceled.

On Monday, January 25th, the Benefits Committee quarterly meeting will be in the morning. At 1 pm, the NRD Managers will meet to discuss legislation. The NARD Legislative and Executive Committees will meet after the managers meeting.

On Tuesday, January 26th, there will be the NARD Committee Meetings from 7:30-8:45 am. Beginning at 9 am, there will be the NARD Business Session, which will end by noon. After lunch, the NARD Board will meet, with a 3 pm estimated end time.

New Bills - Introduction of legislative bills occurs in the first ten working days of the session, which concluded January 20th. This is the first session of the 107th Legislature, so there are no carry over bills from last year. The following are bills of interest for the NRDs, introduced this week. For more information on introduced legislation, visit the Nebraska Unicameral website at <https://www.nebraskalegisature.gov/>.

LB 501 - Adopt the Uniform Easement Relocation Act. Flood.

The bill proposes a process to modify easement relocation.

Specifically, the bill modifies the rule requiring mutual consent of owners for easement relocation, allowing the owner of the burdened lot to obtain permission to relocate the easement from a court. The burdened property owner must demonstrate to the court that the relocation would not materially reduce the usefulness of the easement, impose a burden on the easement holder, impair a purpose for which the easement was created, impair the safety of anyone using the easement, or reduce the value or condition of the easement holder's property.

The burdened property owner must provide advance notice of the relocation plan to parties owning an interest in the property served by the easement, and any of them may object to the relocation in court. Additionally, the burdened property owner may not disrupt the easement holder's access during relocation.

The bill does not apply to relocating a public-utility easement, conservation easement, or negative easement or to encroach on such.

LB 576 - Appropriate funds to the University of Nebraska. Bostar.

The bill appropriates \$50,000 annually from the General Fund for FY2021-22 and FY2022-23 to the Institute of Agriculture and Natural Resources and the Cooperative Extension Program for research on climate change and produce an updated version of the Assessing Climate Change report released in 2014. The Legislature intends for such report to be delivered electronically to the Governor and the Legislature by December 1, 2022.

LB 589 - Change requirements for integrated management plans by natural resources districts. Groene.

The bill proposes to separate the right to use water from the overlying land for augmentation projects for depletion offset water.

The bill outlines that a public augmentation project that is not attempting to guarantee that a certain quantity of water is used for a beneficial use or reaches a certain point downstream for a particular use, but rather, the purpose of the augmentation project is simply to add water to a natural stream in order to offset water depletion, shall be without regard to beneficial use on the overlying land or dependent on the amount of land owned, rented, or leased by the natural resources district or districts involved in operating the augmentation project.

LB 591 - Require a permit for any natural resources district water augmentation project. Groene.

The bill would require permits for augmentation projects operated by natural resources districts.

Under the proposal, before any natural resources district may create an augmentation project to add water to a natural stream or channel of the state to offset water depletion, the natural resources district shall first obtain a permit from the department. Application for the permit shall be made on a form provided by the department.

The application shall include plans and specifications detailing the intended times, amounts, stream-entry locations, stream-reach locations, and such other information as required by the department. The water subject to such permit shall be deemed appropriated for streamflow enhancement. Permitholders shall be liable for any damages resulting from the overflow of such stream or channel when water so conducted contributed to such overflow.

LB 605 - Create the Outdoor Recreation and Education Study Committee of the Legislature. Wishart.

The bill proposes to create the Outdoor Recreation and Education Study Committee of the Legislature to conduct an evaluation of outdoor recreational and educational opportunities in Nebraska.

The purpose of the committee would be to complete an appraisal of the state's outdoor recreation and education potential and prioritize the following goals:

- (a) Supporting the outdoor recreation economy of Nebraska and working toward equitable and inclusive access to the outdoors,
- (b) creating and developing an inventory of existing public and private resources promoting outdoor recreation and education,
- (c) coordinating outdoor recreation and education policy and management among federal, state, and local governmental entities,
- (d) assisting in promoting and marketing opportunities and events for outdoor recreation and education,
- (e) developing strategies to recruit and grow outdoor recreation businesses, to promote tourism, and to enhance recreation-related employment in Nebraska,

- (f) supporting outdoor and 14 community-based learning opportunities as a standard feature of education,
- (g) promoting education and the use of outdoor recreational assets to enhance public health,
- (i) collecting data on the impact of outdoor recreation and education in the state and the accessibility of natural resources for underserved populations, and
- (j) recommending initiatives to increase access to outdoor recreational amenities and experiences as well as to increase youth time spent outdoors during the school day, before and after school, and during the summer.

The committee should utilize research conducted by the Department of Natural Resources, the State Department of Education, the Nebraska Tourism Commission, the state's natural resources districts, Nebraska postsecondary educational institutions, the Department of Economic Development, additional public and private sector entities experienced in outdoor recreation and education, and any other entity whose research the committee deems useful.

Weighting criteria should first be established in order to identify research needed as well as to establish statewide policy recommendations and identify projects, activities, and programs. To facilitate the creation of criteria to establish priorities, a collaborative effort of experts representing outdoor recreation and education in the state is necessary to ensure a fair and balanced outdoor recreation and education evaluation.

The nine Legislative members would include:

- Two members appointed by the chairperson of the Appropriations Committee.
- Two members appointed by the chairperson of the Education Committee.
- One member appointed by the chairperson of the Health and Human Services Committee.
- Two members appointed by the chairperson of the Natural Resources Committee.
- One member appointed by the chairperson of the Agriculture Committee.
- One member appointed by the chairperson of the Urban Affairs Committee.

The members shall be appointed within thirty days after the effective date of this act and shall begin serving immediately following notice of appointment. Members shall elect a chairperson and vice chairperson. The Director of Research shall assign an employee of the office of Legislative Research to assist the committee to fulfill its duties. The committee may utilize legal counsel and other staff from existing legislative staff and request additional advisory support from appropriate federal or state agencies and from private entities.

The committee may accept grants, donations, gifts, or contributions from public or private sources to carry out its duties and purpose. The committee may convene in person or virtually to conduct its business as deemed necessary.

The committee shall bring together a diverse group of outdoor recreation and education stakeholders and interests in Nebraska to identify short term and long-term statewide goals to improve outdoor recreation and education in the state.

On or before January 31, 2022, the committee shall develop and provide a report electronically to the Legislature which contains the following: (1) A listing of policies, programs, projects, and activities to meet the goals described in act, (2) research, data, and modeling needed to assist the state in meeting such goals, and (3) recommendations for the prioritization of policies, programs, projects, and activities to be funded.

LB 622 - Limit the growth of real property valuations and provide for adjustments to assessed values. Friesen.

The bill proposes to limit the growth of real property values to not exceed three percent per year.

For nonagricultural real property for any year shall not be more than three percent greater than the total assessed value of all such property in the prior year, excluding any new growth occurring since the prior

year's assessment. If the rate of growth exceeds three percent, the Tax Commissioner shall calculate an adjustment ratio to uniformly and proportionately adjust the assessed value of all such property so that the limit is not exceeded.

For agriculture lands, the limit is also a three percent increase in values. If the rate of growth exceeds three percent, the Tax Commissioner shall calculate an adjustment ratio to uniformly and proportionately adjust the assessed value of all such property so that the limit is not exceeded.

LB 644 - Adopt the Property Tax Request Act. Hansen, B.

The bill proposes to eliminate and replace the resolution/ordinance process for budgeting that was adopted in 2019 for political subdivisions that have a property tax request greater than the previous year.

A political subdivision may set its property tax request at an amount that exceeds its property tax request in the prior year if: (a) A public hearing is held and notice of such hearing is provided in compliance with all notice and other requirements for a hearing; and (b) The governing body of such political subdivision passes a resolution or an ordinance that contains all of the necessary information in the resolution. The new process would be as follows:

Hearing Process:

Each political subdivision within a county that seeks to set its property tax request at an amount that exceeds its property tax request in the prior year shall participate in a joint public hearing. At such hearing, there shall be no items on the agenda other than discussion and action on each political subdivision's intent to approve a property tax request that exceeds the political subdivision's property tax request in the prior year.

The joint hearing shall be held on or after August 20 and prior to September 20 and before any of the participating political subdivisions file their adopted budget statement. The joint public hearing shall be held after 6 p.m. on the relevant date.

At the joint public hearing, each political subdivision shall give a brief presentation on the political subdivision's intent to approve a property tax request that exceeds the political subdivision's property tax request in the prior year and the effect of such request on the political subdivision's budget.

The presentation shall include: (i) The name of the political subdivision; (ii) The amount of the property tax request; and (iii) The following statements: (A) The total assessed value of property differs from last year's total assessed value by the specified percent; (B) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, in dollars per \$100 of assessed value; (C) The new rate of property tax, in dollars per \$100 of assessed value; (D) Based on the proposed property tax request and changes in other revenue, the total operating budget of the political subdivision outlining the percentage change that the budget would exceed last year's budget;

At the joint public hearing, interested parties desiring to be heard shall be given an opportunity to present oral testimony: (i) Within reasonable time limits, which shall be no less than three minutes; and (ii) Without unreasonable restriction on the number of individuals allowed to make public comment.

Public Notice Requirements:

Public notice of the joint public hearing shall be provided: (i) By sending a postcard to all affected property taxpayers. The postcard shall be sent to the name and address to which the property tax statement is mailed; and (ii) By posting notice of the hearing on the main page of the relevant county's web site.

The county shall mail the postcards and the cost of mailing the postcards shall be divided among the political subdivisions participating in the joint public hearing. The postcard sent by the county under this subsection and the notice posted on the county's web site shall include the date, time, and location for the public hearing,

a listing of and contact information for each political subdivision that will be participating in the public hearing, and the amount of each participating political subdivision's property tax request.

The notice shall also contain the following information with respect to each participating political subdivision: 1) In all uppercase letters, the name of the political subdivision requesting a tax increase; 2) The total assessed value of property differs from last year's total assessed value by the specified percent; 3) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, in dollars per \$100 of assessed value; 4) The new rate of property tax, in dollars per \$100 of assessed value; 5) Based on the proposed property tax request and changes in other revenue, the total operating budget of the political subdivision outlining the percentage change that the budget would exceed last year's budget

Resolution or Ordinance:

The political subdivision increasing the tax would be required to have a record vote of the governing body in passing such resolution or ordinance. The resolution or ordinance setting a property tax request shall be certified and forwarded to the county clerk on or before October 15 of the year for which the tax request is to apply.

Any levy which is not in compliance with the Property Tax Request Act shall be construed as an unauthorized levy.

LB 650 - Adopt the Nebraska Geologic Storage of Carbon Dioxide Act. Flood.

The bill proposes the Nebraska Geologic Storage of Carbon Dioxide Act to promote the geologic storage of carbon dioxide.

The purpose is to benefit the state and the global environment by reducing greenhouse gas emissions, help ensure the viability of the state's energy and power industries, provide storage of carbon dioxide to allow for its ready availability if needed for commercial, industrial, or other uses.

A permitting process would be established and regulated by the Nebraska Oil and Gas Commission (NOGC) to provide for injection of carbon dioxide underground, via injection wells, and provide for an underground storage right.

Title to any reservoir estate underlying the surface of lands and waters would be vested in the owner of the overlying surface estate unless it has been severed and separately conveyed. The ownership of reservoir estates may be conveyed in the manner provided by law for the transfer of mineral interests in real property.

The NOGC would be required to hold a public hearing before issuing a permit. Notice of the hearing shall be provided in accordance to commission rules and regulations. Notice of the hearing shall be given to each mineral lessee, mineral owner, and reservoir estate owner within the storage reservoir and within one-half mile of the storage reservoir's boundaries. Notice of the hearing shall also be given to each surface owner of land overlying the storage reservoir and within one-half mile of the storage reservoir's boundaries.

Before issuing a permit, the commission shall find:

- (1) That the storage operator has complied with all requirements set by the commission;
- (2) That the storage facility is suitable and feasible for carbon dioxide injection and storage;
- (3) That the carbon dioxide to be stored is of a quality that allows it to be safely and efficiently stored in the storage reservoir;
- (4) That the proposed storage facility will not endanger surface waters or underground sources of drinking water;
- (5) That carbon dioxide will not escape into the atmosphere or surface waters from the storage reservoir;
- (6) That the storage facility will not endanger human health or unduly endanger the environment;

- (7) That the horizontal and vertical boundaries of the storage reservoir are defined;
- (8) That the storage operator will establish a testing and monitoring plan to assess the location and migration of carbon dioxide injected for storage and to ensure compliance with all permit, statutory, and administrative requirements;
- (9) That the storage operator has satisfied all of the requirements under the act and if the storage operator has obtained all permits required by the applicable underground injection control program permitting authority for each storage facility injection well;
- (10) That the storage facility is in the public interest;
- (11) That the storage operator has made a good-faith effort to obtain the consent of all persons who own reservoir estates within the storage reservoir;
- (12) That the storage operator has obtained the consent of persons who own reservoir estates comprising at least sixty percent of the physical volume contained within the defined storage reservoir;
- (13) Whether the storage reservoir contains commercially valuable minerals. If it does, a permit may be issued only if the commission is satisfied that the interests of the mineral owners or mineral lessees will not be adversely affected or have been addressed in an arrangement entered into by the mineral owners or mineral lessees and the storage operator; and
- (14) That all nonconsenting reservoir estate owners are or will be equitably compensated.

Hearings Begin Next Week

Hearing Protocols - Legislative hearings begin next week and the Legislature has issued new protocols for testifiers and submitting testimony. Here is a summary:

- Hearings will run all day, rather than just afternoons. There will be a morning session from 9:30-noon and a second session starting at 1:30 pm.
- In person testimony is generally limited to 5 minutes, although the chair of each committee has discretion to modify that time limit.
- In lieu of in-person testimony, written testimony for the hearing record must follow these new guidelines:
 1. Submission of written testimony will only be accepted between 8:30 a.m. and 9:30 a.m. in the respective hearing room where the bill will be heard later that day.
 2. Individuals must present their written testimony in person during this time frame and sign the submitted written testimony record at the time of submission on the day of the hearing on the bill.
 3. The testifier must submit 12 copies. Failure to submit the required number of copies will result in the treatment of the submission as a position letter and not written testimony.
 4. The written testimony must be a written statement that is no longer than 2 single-spaced, typed pages or 4 double-spaced, typed pages in length.
 5. Only the written testimony from the person delivering the testimony will be accepted. No handouts, testimony, or letters from other individuals may be included outside of an individual's written testimony.

6. Written testimony will be handed out to each member of the committee during the hearing and made available as part of the hearing transcript when the transcript is made public.

Failure to meet all of these procedures for submitted written testimony will result in the person providing the testimony to not be listed on the committee statement as a written testifier, however, the testimony will be included in the official hearing record as an exhibit.

- If you are not testifying in person on a bill or resolution, or submitting written testimony in person on a bill, but would like to submit a position letter to be included in the official hearing record as an exhibit, you must deliver your letter to the office of the committee chair or email it to the committee's email account by noon, CST on the last work day prior to the public hearing.

A list of the committee email accounts can be found at:
<https://nebraskalegislature.gov/committees/committee-emails.php>.

- In order to facilitate public input on legislation, a new feature has been added to the Nebraska Legislature's website for submission of written statements on pending legislation at any stage of the process.

To access this feature, use the Legislatures bill search feature and enter the bill you are interested in. Once the information for the bill comes up, there is a tab just below "History" labeled "Submit Written Statement for LB ...". Just click on that and you can submit up to 300 words.

These submissions will not be considered testimony or part of the public hearing record, but the submitted statements will be available on the UniNet for access by senators and staff throughout the session. Please note, there should be no expectation of privacy regarding comments submitted in this format. If a citizen uses the database to submit his or her views prior to the public hearing on a bill or resolution, this option will allow input to the members of the committee prior to any committee votes.

A full description of the public hearing process can be found at:
<https://nebraskalegislature.gov/committees/public-input.php>

Hearing Schedule – January 25-29, 2021

Tuesday, January 26th

Agriculture Committee – Room 1524 – 1:30 PM

LB 90 - Change fee provisions under the Pesticide Act and the Nebraska Commercial Fertilizer and Soil Conditioner Act. Halloran.

The bill makes changes to the pesticide registration fee. Current law sets a minimum base of \$160 per product with a maximum of \$210 per product, which does not change.

The fees are distributed as follows:

- (a) \$30 to the Noxious Weed Cash Fund.
- (b) \$60 to the Buffer Strip Incentive Fund
- (c) \$55 to the Natural Resources Water Quality Fund; and
- (d) The remainder of such fee to the Pesticide Administrative Cash Fund.

The bill proposes to lower the amount going to the Buffer Strip Incentive fund from \$60 to \$50.

LB 91 - Change germination seed testing provisions under the Nebraska Seed Law. Brandt.

The bill makes several technical changes to regulation of native and nonnative plant species.

It proposed two new definitions to the statutes for regulation of plant species as follows:

- Native plant species means any of the grasses, sedges, rushes, or forbs indigenous to North America.
- Non-native plant species means any of the grasses, sedges, rushes, or forbs not indigenous to North America.

It also adds the term “habitat restoration or maintenance” to the list of agriculture seeds to be regulated.

Wednesday, January 27th

Government Committee – Room 1507, 1:30 PM

LB 83 - Change the Open Meetings Act to provide for virtual conferencing. Flood.

The bill allows for virtual conferencing for the following entities:

- (i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;
- (ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;
- (iii) The governing body of a public power district having a chartered territory of more than one county in this state;
- (iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;
- (v) An educational service unit;
- (vi) The Educational Service Unit Coordinating Council;
- (vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;
- (viii) A community college board of governors;
- (ix) The Nebraska Brand Committee;
- (x) A local public health department;
- (xi) A natural resources district; and
- (xii) The Judicial Resources Commission

To hold such meeting the following criteria must be met:

- (1) Reasonable advance publicized notice is given including providing access to a dial-in number or link to the virtual conference;
- (2) Reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate including seating, in at least one designated site in a building open to the public and identified in the notice, recording of the hearing by audio or visual recording devices, and a

- reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;
- (3) At least one copy of all documents for the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and
 - (4) Except as otherwise provided in this subdivision, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year.

The bill also allows for virtual conferencing if an emergency is declared pursuant to the Emergency Management Act. Under this provision, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice. The notice shall include information regarding access for the public and news media.

In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body. The public body shall provide access by providing a dial-in number or a link to the virtual conference.

The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting.

The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection.

The bill also has changes regarding individuals that speak at meetings. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person. Under current law, this is voluntary.

Finally, beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public website the agenda and minutes of the governing body.

The agenda shall be placed on the web site at least 24 hours before the meeting of the governing body. Minutes shall be placed on the web site at such time as the minutes are available for inspection under existing law. This information shall be available on the public web site for at least six months.

The bill includes the emergency clause so it would become effective as soon as it is approved by the Governor.

LB 112 - Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act. Albrecht.

The bill would require, except for closed sessions, a public body to allow members of the public an opportunity to speak at each meeting.

Natural Resources Committee – Room 1525, 9:30 AM

LB 190 - Change provisions relating to use of the Water Sustainability Fund. Hughes.

The bill would prohibit the Legislature from appropriating or transferring money from the Water Sustainability Fund for any purpose other than to further the goals of the Water Sustainability Fund except upon a finding that the goals of the fund are not being accomplished by the fund.

Natural Resources Committee – Room 1525, 1:30 PM

LB 148 - Transfer certain environmental safety programs to the Department of Environment and Energy. Bostelman.

The bill proposes to transfer the following powers and duties from the Department of Health and Human Services to the Department of Environment and Energy: A) Relating to testing of water samples and B) Issuance of licenses and permits, fees, water well contractors, recreation camps, swimming pools, mobile home parks, and drinking water.

There are no changes to the make-up of the Water Well Licensing Board. However, there are additional conflict of interest provisions and per diem requirements proposed. These include:

- No board member shall take any action or make any decision in the discharge of the duties of a member of the board that may constitute a conflict of interest. As soon as a member is aware of a potential conflict or should reasonably be aware of such potential conflict, whichever is sooner, the member shall submit a written statement to the Director of Environment and Energy describing the matter requiring action or decision and the nature of the potential conflict.
- The member shall take such action as the director shall advise or prescribe to remove the member from influence over the action or decision on the matter.
- Conflict of interest includes financial, professional, or personal obligations that may compromise or present the appearance of compromising the judgment of a member in the performance of the duties of a member of the board. The director may establish a definition of conflicts of interest for members of the board and may establish procedures in case such a conflict arises.
- Each member of the board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of the duties of a member of the board, including compensation for the time spent in traveling to and from the place of conducting business.
- The compensation per day shall not exceed fifty dollars and shall be determined by the board with the approval of the department. The department shall be responsible for the general administration of the activities of the board. The cost of operation and administration of the board shall be paid from the General Fund and the Water Well Standards and Contractors' Licensing Fund.

Relating to testing of water samples, the director shall certify and enter into authorization agreements with laboratories to perform tests on water that is intended for human consumption, including the tests required by the director for compliance and monitoring purposes. The director shall establish, through rules and regulations, standards for certification.

Such standards (i) may include requirements for staffing, equipment, procedures, and methodology for conducting laboratory tests, quality assurance and quality control procedures, and communication of test results, (ii) shall provide for certification of independent laboratories to test samples provided by public water systems for all acute toxins for which the department tests such samples, including, but not limited to, coliform, nitrates, inorganic chemicals, organic chemicals, radionuclides, and any other acute toxins for which the department tests such samples, and (iii) shall be consistent with requirements for performing laboratory tests established by the United States Environmental Protection Agency to the extent such requirements are consistent with state law.

The director may accept accreditation by a recognized independent accreditation body, public agency, or federal program which has standards that are at least as stringent as those established pursuant to this section. The director may adopt and promulgate rules and regulations which list accreditation bodies, public agencies, and federal programs that may be accepted as evidence that a laboratory meets the standards for certification.

Inspection fees and fees for certifying other laboratories shall be established and collected to defray the cost of the inspections and certification.

Laboratories shall be allowed to test water samples which are not compliance samples by testing methods other than the methods and procedures required to be used on compliance samples by rules and regulations of the department. For purposes of this section, compliance sample means a water sample required under the Nebraska Safe Drinking Water Act and rules and regulations of the department to determine whether a public water system meets current drinking water standards.

Revenue Committee – Room 1524, 9:30 AM

LR 22CA - Constitutional amendment to limit the total amount of property tax revenue that may be raised by political subdivisions. Linehan, at the request of the Governor.

A proposed Constitutional Amendment to limit the amount of total amount of property tax revenue raised by a political subdivision in any fiscal year to not exceed three percent greater than the amount raised in the prior fiscal year.

The total amount of property tax revenue raised by a political subdivision in a fiscal year may exceed the limitation in an amount approved by a majority of legal voters. All costs of the election shall be paid by the political subdivision seeking to exceed such limitation.

The limitation would not apply to the amount of property tax revenue needed to pay the principal and interest on bonded indebtedness.

Further, it would not apply to the amount of property tax revenue raised by a political subdivision in any fiscal year on any real growth value within the political subdivision. Real growth value is defined in the proposal as the increase in real property valuation due to (i) improvements to real property as a result of new construction and additions to existing buildings, (ii) any other improvements to real property which increase the value of such property, and (iii) annexation of property by the political subdivision.

(See LB 408 for the companion legislation)

Revenue Committee – Room 1524, 1:30 PM

LB 408 – Adopt the Property Tax Request Act. Briese.

The bill adopts the Property Tax Request Act which limits the total amount of property tax revenue raised by a political subdivision in any fiscal year to not exceed three percent greater than the amount raised in the prior fiscal year.

Political subdivision is defined under the proposal as any county, city, village, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college.

The total amount of property tax revenue raised by a political subdivision in a fiscal year may exceed the limitation in an amount approved by a majority of legal voters. All costs of the election shall be paid by the political subdivision seeking to exceed such limitation.

The governing body of the political subdivision shall call for the submission of the issue to the voters by passing a resolution, by majority vote of the governing body, calling for exceeding the limit and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision. The resolution shall include the amount which would be requested in excess of the limit.

The limitation would not apply to the amount of property tax revenue needed to pay the principal and interest on bonded indebtedness.

Further, it would not apply to the amount of property tax revenue raised by a political subdivision in any fiscal year on any real growth value within the political subdivision. Real growth value is defined in the proposal as the increase in real property valuation due to (i) improvements to real property as a result of new construction and additions to existing buildings, (ii) any other improvements to real property which increase the value of such property, and (iii) annexation of property by the political subdivision.

(Companion legislation to LR 22 CA)

Thursday, January 28th

Government Committee – Room 1507, 9:30 AM

LB 213 - Provide for an efficiency review of state agencies. Breise.

The bill proposes a review of 191 state agencies, boards, commissions and advisory councils including, but not limited to, the following: Department of Natural Resources; Department of Environment and Energy; Department of Agriculture; Game and Parks Commission; Environmental Quality Council; Nebraska Environmental Trust Board; Geographic Information Systems Council; Nebraska Community Forestry Council; Nebraska Natural Resources Commission; Board of Geologists; Climate Assessment Response Committee; Nebraska Invasive Species Council; Missouri Basin Natural Resources Council; and the Niobrara Council.

The bill requires the Department of Administrative Services to contract for an efficiency review of state agencies by an independent source to provide an outside study of such state agencies to make the delivery of services more cost effective, identify outdated delivery practices that can be eliminated, identify increased efficiencies in service delivery, identify potential new sources of funding for services other than taxation, and make government more accountable to residents of the state.

A final report would be required no later than January 1, 2023.

Natural Resources Committee – Room 1525, 9:30 AM

LB 406 - Create the Lower Platte River Infrastructure Task Force and provide funding. McDonnell.

The bill proposes to create the Lower Platte River Infrastructure Task Force to study three to five potential flood-control infrastructure projects along the river basin of the lower Platte River.

The task force shall consist of the following members, appointed by the Director of Natural Resources: (a) Four directors or their designees, each from the board of directors of four natural resources districts with boundaries that include river basins along the lower Platte River, (b) the dean of the College of Engineering at the University of Nebraska-Lincoln or the dean's designee, (c) the mayor of a city of the primary class or such mayor's designee, (d) three representatives from communities located adjacent to the lower Platte River, and (e) the Director of Natural Resources as a nonvoting, ex officio member.

The task force would be housed in the Department of Natural Resources for administrative purposes. The task force shall select a chairperson and may hire consultants. Task force members shall receive no compensation for their services on the task force other than reimbursement for expenses incurred in carrying out their duties.

The task force would be required to (i) identify potential project locations and project size based on existing constraints, (ii) develop threshold criteria for project size to be of adequate scale to serve regional, or at a minimum, sub-regional populations, with appropriate amenities, and (iii) establish criteria for regional and sub-regional projects.

The task force would gather the following data and information to compile an analysis:

- (a) Hydrology and water supply;
- (b) Topography of the area;
- (c) Geotechnical information;
- (d) Existing infrastructure that may be impacted;
- (e) Existing and future recreation and economic needs of the area;
- (f) Existing and expected economic data of the area;
- (g) Existing and expected demographic data of the area;
- (h) Environmental data of flood sites and regional environmental data;
- (i) Future land-use master plans;
- (j) Existing and planned transportation infrastructure; and
- (k) Land ownership data.

Factors for task force consideration include:

- (i) Location. The proximity to urban areas and centers of economic development;
- (ii) Size. Identify opportunities to serve regional or sub-regional populations;
- (iii) Water supply and land availability. Identify minimum water supplies required to sustain and support a water-based project in addition to sediment storage for reservoir sustainability and identify contiguous land areas for a project;
- (iv) Infrastructure considerations. Assess public and private infrastructure that presents opportunities or may pose constraints, and to what degree;
- (v) Socioeconomic considerations. Assess socioeconomic factors that are opportunities or constraints;
- (vi) Environmental considerations. Assess environmental resources that may be augmented, or possibly impacted, and that may influence siting; and
- (vii) Public acceptance. Assess the general likelihood of public acceptance of a project in a proposed area.

The task force shall define project elements to maximize project benefits within physical constraints of a project, including concept level definition of project features sufficient to estimate costs, benefits and anticipated water-based project benefits that could include flood control, water supply, water quality, and hydropower.

An event based hydrologic model shall be developed and used in conjunction with existing hydrologic models to define flood-risk-reduction benefits. A long-term hydrologic model shall be used to determine firm yield of a potential site for assessing pool viability, water quality, water supply, and hydropower benefits.

The definition of project features shall include type and size of project infrastructure, property acquisition, existing infrastructure impacts, recreation amenities, relocations, if applicable or required, and an estimate of costs.

The task force shall also perform an economic analysis to assess project economic benefits, including:

- (a) Flood-risk reduction;
- (b) Water supply;
- (c) Hydropower;
- (d) Increased flat water recreational opportunities near the major population centers of Nebraska;
- (e) Enhanced tourism in Nebraska from surrounding areas, capitalizing on and complimenting existing state recreational facilities in eastern Nebraska;
- (f) Direct and indirect regional economic benefits associated with development of major recreation opportunities in eastern Nebraska;
- (g) Population and workforce retention; and
- (h) Any other relevant benefits.

The task force shall also perform an environmental analysis to identify environmental constraints, impacts, and challenges to project development, including a general socioeconomic and natural resource assessment and evaluation of potential project-related effects. Such assessment and evaluation shall be performed in the context of a federal National Environmental Policy Act evaluation and evaluate typical social and natural resource categories, identify federal, state, and local regulatory authorizations that would be required, and evaluate the complexity of obtaining any regulatory authorizations.

The date for completing the report to the legislature is left blank in the proposed bill.

Funding for the task force would come from a \$900,000 transfer from the Water Sustainability Fund to the Critical Infrastructure Facilities Cash Fund to carry out the purposes of the Lower Platte River Infrastructure. Funds could only be expended on a dollar-per-dollar basis with matching funds from private sources in support of the study.

Natural Resources Committee – Room 1525, 1:30 PM

LB 399 - Change provisions relating to rural water districts. Bostelman.

The bill proposes to spell out the “Nebraska Safe Drinking Water Act” rather than cite the same section of statute for compliance of plans and specifications of public water systems. This is a placeholder bill.

Friday, January 29th

Government Committee – Room 1507, 9:30 AM

LB 368 - Provide the Auditor of Public Accounts enforcement powers for failure of political subdivisions to file reports. Sanders.

The bill proposes when a political subdivision fails to file a required report with the Auditor of Public Accounts by the applicable due date, the Auditor may assess the political subdivision a late fee of twenty dollars per day for each calendar day the required report remains not filed. The late fee would begin on the day following the date the report is due. The total late fee assessed shall not exceed two thousand dollars per filing.

The bill also outlines that at the auditor's discretion, the expense of the audit of the political subdivision shall be paid by the political subdivision.

LB 369 - Provide the Auditor of Public Accounts access to working papers and audit files. Sanders.

The bill outlines that the Auditor of Public Accounts shall have unrestricted access to the working papers and audit files for any audit report required to be filed with the office of the Auditor of Public Accounts.

Under the bill, working papers and audit files are defined to mean those documents containing evidence to support the auditor's findings, opinions, conclusions, and judgments and includes the collection of evidence prepared or obtained by the auditor during the audit.

The bill also incorporates provisions proposed under LB 368. This includes when a political subdivision fails to file a required report with the Auditor of Public Accounts by the applicable due date, the Auditor may assess the political subdivision a late fee of twenty dollars per day for each calendar day the required report remains not filed. The late fee would begin on the day following the date the report is due. The total late fee assessed shall not exceed two thousand dollars per filing.

The bill also outlines that at the auditor's discretion, the expense of the audit of the political subdivision shall be paid by the political subdivision.