



April 16, 2010

TO: NARD Board of Directors, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 16 NARD Sine Die Update

This document contains a summary of the outcome of all 2010 Legislative Bills of interest to natural resources districts. The first section lists bills that were passed by the Legislature and approved by Governor Heineman. The second section lists bills that have been postponed indefinitely. Bills that passed are on pages 1-7 and bills that were indefinitely postponed are on pages 7-16.

Most bills passed and approved by the governor become law three calendar months after the Legislature adjourns unless they have an emergency clause or a specified operative date. The emergency clause is a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides a governor's veto.

Section One – Bills passed by the Legislature and approved by Governor Heineman

LB 210 – Change provisions relating to aid to natural resources districts; Langemeier; NARD Bill – The bill changes the state aid formula to NRDs by eliminating the levy for bonding from the calculation. On General File, senators adopted FA 57 which places a July 1, 2010 effective date on the bill. On Select File, senators adopted AM 1573 which adds the emergency clause to the bill so it takes effect when passed and approved according to law. Senator Langemeier is the sponsor of the bill which passed on a 44-0-5 vote and was approved by the Governor on February 11, 2010.

LB 235 – Provide the Board of Educational Lands and Funds with the power to issue leases relating to solar and wind energy and enter into contracts relating to carbon sequestration rights; Adams – Authorizes the board to issue leases solar or wind energy for such durations and under such terms and conditions as the board shall deem appropriate. In making such determinations, the board shall consider comparable arrangements involving other lands similarly situated and any other relevant factors bearing upon such leases.

For the sale of carbon sequestration rights, the board could enter into contracts not to exceed 10 years. The board shall consider comparable arrangements involving other lands similarly situated and any other relevant factors bearing upon such contracts. The bill passed on a 44-0-5 vote and was approved by the Governor on February 11, 2010.

LB 643 – Change and provide notice requirements of road construction near electric lines; Schilz – The bill was passed on a 47-0-2 vote and approved by the Governor on March 3, 2010. On General File, amendments were adopted to change the notice requirement. Originally the bill would have required NRDs to provide 180-day notice to owners of power lines before the district begins altering a road structure or grading or moving earth for a flood control, recreation, or other project if the performance of any work is within ten feet of any electric transmission or electric distribution line, pole, or anchor. If the line, pole, or anchor to be moved is within an area that will require Federal Aviation Administration approval, notice shall be given at least one year prior to the start of any work. The Natural Resources Committee amendment, AM 1620, adopted on General File would change the 180-day requirement to 90 days, and removes the language requiring a one-year notice if the equipment to be moved requires Federal Aviation Administration approval.

LB 689 – Change Water Resources Cash Fund, Ethanol Production Incentive Cash Fund, and ethanol excise tax provisions; Langemeier – The legislature gave final approval to the bill on a 41-1-7 vote and it was approved by the Governor on March 17, 2010. The bill eliminates the 3/5ths cent/bushel check-off on corn and 3/5ths cent/hundredweight check-off on grain sorghum that was to go to the Water Resources Cash Fund starting on October 1, 2012. The bill also redirects the funds remaining in the Ethanol Production Incentive Cash Fund when the program ends December 31, 2012, splitting it equally with the commodity boards and the general fund. The funds were to go into the Water Resources Cash Fund. Several state senators argued that the bill should not advance without some back-up plan for funding.

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. Sponsored by Senator Utter, the bill passed on a 46-0-3 vote and was approved by the Governor on March 3, 2010.

LB 742 – Provide requirements for settlement agreements involving public entities and provide that such agreements are public records; McCoy – Senators gave final approval to LB 742 on a 48-0-1 vote and the bill was approved by the Governor on April 5, 2010. On General File, Senators adopted the committee amendment (AM 1967), which struck the original version. The original language of the bill required that a public entity which enters into or is otherwise a party to a settlement regarding a claim or potential claim will execute a settlement agreement concerning the claim and such settlement agreement will be a public record.

The committee amendment struck the original provisions of the bill and inserted the following new language:

- A public entity or a private insurance company or public agency providing coverage to a public entity, public official or public employee will maintain a public record of all settled claims.
- The record for claims settled in the amount of \$50,000 or more, or one percent of the total annual budget of the public entity, whichever is less, will include a written settlement agreement.
- The settlement agreement will contain a brief description of the claim, the amount of financial compensation, and the party or parties released.
- Any claim or settlement agreement involving a public entity will be a public record but, to the extent permitted by other statutes, specific portions may be withheld from the public.
- A private insurance company or public agency providing coverage to a public entity will provide a copy of the claim or settlement agreement to the public entity to be maintained as a public record.
- Except for settlement agreements involving the state, any settlement agreements with an amount of \$50,000 or more, or one percent of the total annual budget of the public entity, whichever is less, will be included as an agenda item at the next meeting of the public agency or public entity.
- Confidentiality or nondisclosure clauses contained in a settlement agreement will neither cause nor permit a settlement agreement or claim or any other public record to be withheld from the public.

Senator Avery was successful in adopting an amendment (AM 2105) on General File that would clarify that this bill does not apply to claims made in connection with insured or self-insured health insurance contracts.

Finally, nothing in the bill requires a public official or employee or any party to the settlement agreement to comment on the agreement.

LB 764 – Allows NRDs to develop IMPs in areas that are not fully or over-appropriated; Fischer – Senators gave final approval to LB 764 on a 46-0-3 vote and it was approved by the Governor on March 17, 2010. The bill allows a natural resources district encompassing a river basin, sub-basin, or reach that has not been designated as fully or over-appropriated to, jointly with the department, develop an integrated management plan for such river basin, sub-basin, or reach located within the district.

The original version of the bill would have required a district to notify the department on or before October 1 of its intention to develop an integrated management plan. The committee amendment struck the October 1 requirement and leaves it open that a district can notify the department at any time of the year.

On Select File there was some discussion about making sure surface water groups were included as stakeholders for local NRD IMP workgroups, but no amendments were offered as the discussion became how the Legislature lists every group, individual or organization in statute without inadvertently omitting someone. On General File similar debate occurred concerning environmental groups, but no amendments were offered.

LB 798 – Extend the termination date for the Nebraska Litter Reduction and Recycling Act; Langemeier – Senator gave final approval on a 46-0-3 vote to LB 798 and the Governor approved the bill on March 3, 2010. The bill extends the termination date for the Nebraska Litter Reduction and Recycling Act from October 30, 2010 to October 10, 2015. Senator Chris Langemeier sponsored the legislation.

LB 806 – Change provisions relating to agricultural land valuation; Campbell – Senators gave final approval on a 46-0-3 vote to LB 806 and the Governor approved it on March 3, 2010. The bill eliminates two references to conditions under which cancellation of special valuation treatment of agricultural land can take place. These conditions are sale to an exempt owner, or sale to a governmental subdivision. These provisions are viewed as obsolete since the repeal of tax recapture provisions. The bill was sponsored by Senator Campbell.

LB 817 – Authorize contracting for law enforcement by natural resources districts, change provisions relating to handguns and firearms, and require the Nebraska State Patrol to provide notice to permit holders; Rogert Changing Nebraska gun laws, Senators gave final approval to LB 817 on a 43-0-6 vote and the Governor approved the bill on April 13, 2010.

On Select File, senators adopted AM 2203 to LB 817 on a 40-0 vote. The amendment will allow natural resources districts to contract with law enforcement agencies to patrol district property. Senator Brad Ashford sponsored the amendment that contains provisions originally introduced by Senator Brenda Council in LB 795. Following this amendment and a couple of others, senators advanced the bill to Final Reading.

The provisions of LB 817 would exempt valid permit holders under the Concealed Handgun Permit Act from also having to obtain a certificate to purchase, lease, rent, or receive transfer of a handgun. The bill was Senator Fulton's Priority Bill for the session.

LB 832 – Eliminate a private insurance requirement relating to petroleum release remedial action; Fischer – A bill to eliminate the private insurance requirement for newly-sited underground petroleum tank owners to cover any remedial action relating to the tank was given final approval on a 45-0-4 vote and approved by the Governor on March 3, 2010. The owners of such tanks are currently required to pay for coverage under the Leaking Underground Storage Tank (LUST) Fund. Senator Fischer was the sponsor of LB 832.

LB 852 – Provide for write-in space on official ballots for certain offices; Avery – The Legislature gave final approval to LB 852 on Friday on a 47-0-2 vote and the Governor approved the bill on April 12, 2010. The bill allows for write-in space on official ballots for certain offices and 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.

Under current law, if there are two or less candidates for NRD or public power district directors, the ballot does not have to be printed in the primary election as the candidates would automatically advance to the General Election. This does not change under the bill.

The Nebraska Secretary of State's office testified at the hearing and pointed out that races with two or less candidates for NRD or public power district directors would not have to be on the primary ballot and thus the districts would not have to pay for ballots for additional write-in candidates. Their testimony also pointed out that the ballots could get rather lengthy with the write-in spaces for all the lower tier offices.

Before advancing the bill to Final Reading, Senator Stuthman was successful in adopting an amendment (AM2492) that makes January 1, 2011 the operative date of the bill.

LB 862 – Change provisions relating to the regulation of water; Christensen – The Legislature gave final approval to LB 862 on Thursday on a 40-2-7 vote and the Governor approved the bill on April 14, 2010. The bill makes two important changes: 1) Expands the definition so the Republican Basin portion of Tri-Basin NRD is eligible to participate in water management programs, and 2) allows the proceeds of the tax to be used to pay for the costs of projects without issuing bonds.

Current law allows districts that contain a river subject to an interstate compact among at least three states and at least one irrigation district within the compact to be able to issue river-flow enhancement bonds. The committee amendment (AM 2004) adopted on General File deletes the original bill and replaces that language with the following criteria:

- It has jurisdiction that is part of a river basin for which the district has adopted an integrated management plan (IMP);
- The IMP is in accordance with 46-715;
- The IMP refers to 2-3226.04; and
- The IMP explicitly states the district's intent to utilize qualified projects described in 2-3226.04.

Nebraska Revised Statute 2-3226.04 outlines that the funds shall only be used to pay or refinance the costs of (1) acquisition by purchase or lease of ground water or surface water rights; (2) purchase or lease or the administration and management, pursuant to mutual agreement, of canals and other works, including reservoirs, constructed for irrigation from a river or any of its tributaries; (3) vegetation management, including, but not limited to, the removal of invasive species in or near a river or any of its tributaries; and (4) the augmentation of river flows consistent with the authority granted under Chapter 2, Article 32. These projects benefit both surface and ground water users.

An important factor in defining eligible districts is that the four Republican Basin NRDs are in the process of modifying their IMPs to incorporate plans for water-short years. Up to 190,000 acres in the Republican Basin could have had irrigation curtailed without compensation if the bill did not move forward. The districts have the opportunity to incorporate the language from LB 862 in the revised IMPs. The Platte Basin NRDs have completed their IMPs and they do not include such reference, so they are ineligible unless the State of Nebraska, through DNR, and the NRDs jointly agree to modify the IMPs as such.

On Select File, Senator Carlson was successful in incorporating AM 2441. The amendment incorporates the revised language for LB 785 which creates an exemption to the bank lien search for transfers of certified acres. The amendment was adopted on a 32-1 vote and reads as follows:

This subsection does not apply to a transfer of certified water uses or certified irrigated acres resulting from: A one-time transfer of four acres or less; participation in a financial or other incentive program that involves the transfer, purchase, or retirement of four acres or less; or a transfer that involves one landowner on a single tract of land in which there is no reduction or increase in certified water uses or certified irrigated acres and the transfer involves an improvement in irrigation efficiency.

The bill was a Natural Resources Committee Priority Bill for the session and was introduced by Senator Mark Christensen.

LB 911 – Change a date relating to development of a statewide biotechnology strategic plan; Langemeier – The bill passed on Final Reading with Emergency Clause 46-0-3 and the Governor approved it on March 3, 2010. LB 911 extends a date for consultation services as required for assistance in providing research, analysis, and recommendations of statewide biotechnology strategic planning from June 30, 2010 to September 30, 2010.

LB 935 – Provide for deficit appropriations and change certain appropriations; Flood on behalf of the Governor – Senators gave final approval to LB 935 on a 49-0 vote and the Governor approved the bill on April 1, 2010. Included in the package is AM 2117 to LB 935, which is the deficit appropriations bill.

Since the bill was introduced in January, revenue forecasts had been lowered prompting the committee to respond with spending cuts and funds transfers that were not included in the original versions. The committee proposal (AM 2117) was incorporated into the bill prior to advancement and includes a 2% across the board cut applied to the same operations and aid programs to which the 5% cut was applied in the 2009 Special Session for the FY 10-11 years. No cuts are proposed for NRD-related programs in the current fiscal year.

The problem looming in the future is the projected deficit of \$670 million for FY’s 11-12 & 12-13. This deficit projection is based upon a 7.2% growth in revenue for the next two years, which is probably unattainable. If the revenue growth is not met, the deficit for the next biennium could be \$1 billion.

Certain state appropriations were exempted from across-the-board reductions including TEEOSA school aid, Special Education, Medicaid, Kids Connection, Homestead Exemption, Behavioral Health Aid, Developmental Disability Aid, Health Aid, Aid to Aging Programs, Health and Human Services care and treatment facilities, State Patrol, Corrections, Juvenile Services Aid, HHS protection and safety, State Emergency Fund, and Public Safety Communications.

The across-the-board reductions were also not applied to higher education which includes the University of Nebraska, state colleges and community colleges due to maintenance of effort requirements attached to Nebraska’s use of Stabilization funds received under the American Recovery and Reinvestment Act (ARRA). These priority and entitlement programs that were excluded amount to 89.3% of the budget meaning that the across-the-board cut is applied to only 10.7% of the total budget.

For natural resources programs, adjustments include the following:

<u>Natural Resources Program Type</u>	<u>FY2010-11 GF Appropriation (2009 Spec Session)</u>	<u>FY2010-11 Across-the- Board Cut</u>	<u>FY 2010-11 Revised</u>
NDNR operations	9,494,300	(189,886)	9,304,414
Soil & Water Conservation Fund	2,365,343	(47,307)	2,318,018
Resources Development Fund	3,204,413	(64,088)	3,140,325
Interrelated Water Management Plan Program	2,197,211	(43,944)	2,153,267
NRD State Aid	1,465,377	(29,308)	1,436,069

A complete listing of the programs and the amount of across-the-board cuts is included in a report from the appropriations committee which is available online at:

<http://www.nebraskalegislature.gov/pdf/reports/fiscal/2010committee.pdf>.

LB 993 – Change use of the Water Resources Cash Fund; Carlson – Senators gave final approval to LB 993 on a 46-0-3 vote and the Governor approved the bill on April 12, 2010. The bill adds “enhancing stream flows or groundwater recharge” to the uses of the Water Resources Cash Fund. The bill was brought to the committee by the bill sponsor, Senator Tom Carlson, when it was discovered that a proposed water lease by Tri-Basin NRD to increase stream flow in the Platte River would not qualify under the program.

LB 1010 – Provide procedures and limitations on the use of eminent domain by natural resources districts for recreational trails; Pankonin – Senators gave final approval to LB 1010 on a 42-0-7 vote and the Governor approved the bill on April 13, 2010. The bill, as amended, establishes a procedure for natural resources districts to use when eminent domain is involved for developing a recreational trail. Several changes to the original bill were made.

On General File, Senators adopted Committee Amendment AM 2029 on a 41-0-8 vote. Originally the bill called for a 75% board vote in favor of the trail, which is reduced to 67% (2/3rds) by the committee amendment. The amendment also clarifies that private lands included in the bill do not include property under management of the Board of Educational Lands and Funds. The amendment also requires the district to have clear and convincing evidence that the procedures were followed and all of the criteria are met. To proceed, the board would need to find that all of the following criteria have been met:

- Public notice and mailed notice have been provided to landowners with affected property;
- good faith attempts to negotiate agreements with property owners have been made and have failed for some or all of the property necessary for the trail to be developed;
- route alternatives have been considered;
- the selected trail route takes into consideration the directness of the route, trail design and costs, and safety to users, vehicle operators and adjacent landowners;
- good faith attempts have been made to address the concerns of landowners regarding trail design, privacy, land protection, management and maintenance; and
- any development and management of the trail is designed to harmonize with and complement any established forest or agricultural plan for the affected land.
- Landowners who disagree with the district’s decision could appeal to the district court in the county where the land is located. The bill would prohibit the use of eminent domain before the court’s final decision.

A Select File amendment (AM 2249) offered by Senator Pankonin added two components to the bill. First, the amendment requires reasonable access across the trail for private property that is divided by the trail at a location mutually agreed upon by the NRD and landowner. Secondly, the amendment considers the benefits to communities and adjacent public facilities when evaluating the trail route.

The final version of the bill also provides some liability protection for affected landowners and requires formal agreements between districts and landowners that outline each party’s rights and obligations regarding the use of the trail. The bill was Senator Pankonin’s Priority Bill for the session.

LB 1057 – Creates the Republican River Basin Water Sustainability Task Force; Carlson – Senators gave final approval to LB 1057 on a 48-0-1 vote and the Governor approved the bill on April 5, 2010. The bill creates the Republican River Basin Water Sustainability Task Force. Several amendments were adopted prior to advancing the bill to the final round of consideration.

On General File, Senators adopted the committee amendment, AM 1895, which replaced much of the original bill and maintained the emergency clause. The bill with the committee amendments creates a task force as follows:

1. Governor appointments:
 - Eight from NRDs in the Republican River Basin (two from each NRD).
 - Four from irrigation districts in the basin.
 - One from each of the following: UNL, Nebraska Game and Parks, Nebraska Department of Agriculture, Nebraska Department of Natural Resources.
 - Two from agriculture-related businesses in the basin.
 - One representative each from a school district, city, county and public power district in the basin.
2. The Legislature's Executive Board chairperson is also to appoint three ex-officio, non-voting senators, including two who reside in the basin, and the chairperson of the Natural Resources Committee. On Select File, Senators adopted an amendment from Senator Carlson (AM 2235) to add an additional member of the Legislature that has a portion of his or her legislative district in the basin. This allows Senator Hansen to be part of the task force.

3. The task force is to be housed within the Department of Natural Resources for administrative and budgetary purposes. Advisory support may be requested from federal and state agencies, and non-state employees are to be reimbursed for expenses.
4. The task force is to meet quarterly, may hire a facilitator, and is to convene within 30 days after appointments are completed. The task force is to provide a report to the Governor and Legislature, and is to terminate on June 30, 2012. Also, the intention is stated that expenses are to be paid from funds appropriated from the Water Resources Cash Fund and not to exceed \$25,000 per fiscal year.

Senators adopted an amendment offered by Senator Heidemann (AM2262) on Select File consideration that creates a Republican River Basin Water Sustainability Task Force Cash Fund to hold the funds, clarifies the fund shall be administered by the Department of Natural Resources and expended at the direction of the Republican River Basin Water Sustainability Task Force. The amendment also eliminates the old Water Policy Task Force Cash Fund and transfers \$50,000 from that fund to the new task force fund and the remaining amount (about \$107,000) from the old WPTF to the Water Resources Trust Fund which is used for integrated water management studies. The bill was Senator Carlson's Priority Bill for the session.

Section Two – Bills indefinitely postponed as of the end of the 2010 legislative session

LB 12 – Increase Nebraska Resources Development Fund; Langemeier. The bill proposed to increase the annual general fund appropriation for the Nebraska Resources Development Fund from \$3,373,066 to \$7,000,000 for FY 2009-10 and 2010-11. The bill was indefinitely postponed.

LB 42 – Improvements to Rural Water Systems; Flood. The bill proposed to clarify that plans for any proposed improvements to rural water systems need to comply with the Nebraska Safe Drinking Water Act and rules/regulations adopted and promulgated by the Department of Health and Human Services under the act. The bill was indefinitely postponed. The bill was indefinitely postponed.

LB 43 – Eliminate the Department of Natural Resources Interstate Water Rights Cash Fund; Flood. The bill proposed to repeal a fund that was used exclusively for the payment of expenses directly related to interstate water rights litigation. Language in that section of statute specifically called for the fund to terminate on June 30, 2003. The bill was indefinitely postponed.

LB 304 – Change limitation of action provisions under the Political Subdivisions Tort Claims Act; Council. The bill proposed to extend the time frame in which to file a claim against an employee of a political subdivision or against a political subdivision permitted under the Political Subdivisions Tort Claims Act from one year to two years. The bill was indefinitely postponed.

LB 362 – Change requirements for candidate filing forms; Avery. The bill proposed to add the following requirements to all candidate filing forms: 1) The candidate's name; 2) residence address; 3) mailing address if different from the residence address; 4) telephone number; 5) office sought; and 6) party affiliation if the office sought is a partisan office. The bill was indefinitely postponed. *Provisions/portions of LB 362 were amended into LB 501 by AM 551 on May 29, 2009.*

LB 438 – Prohibits instream appropriations in fully or over-appropriated areas; Fischer. The bill proposed to prohibit the Director of Natural Resources from approving an instream flow appropriation in a river basin, sub-basin, or reach that has been determined or designated by the department to be fully appropriated or over-appropriated. Current law already prohibits new appropriations of water in such areas. The bill was indefinitely postponed.

LB 482 – Change provisions of the Nebraska Ground Water Management and Protection Act; Langemeier.

The bill proposed to eliminate obsolete language in the act that refers to initial start dates of LB 962 such as “Beginning in 2006”, etc. The bill also proposed to increase the number of public hearings from “one or more” to “two or more” after a final determination by the department that a river basin, sub-basin, or reach is fully or over-appropriated. The purpose for these public hearings was to determine whether the stays on the issuance of new water well permits, on the construction of new water wells, or on increases in ground water irrigated acres should be terminated. A similar change was to be made to increase the public hearings from “one or more” to “two or more” relating to controls proposed by the Director of Environmental Quality for a management area for quality purposes. Current law requires these hearings prior to the adoption of controls. The bill was indefinitely postponed.

LB 486 – Require certain governmental entities to identify themselves as such in their official name; Karpisek.

The bill proposed to provide that the state, its agencies, the University of Nebraska, and each political subdivision of the state, including any county, municipal county, city, village, school district, public power district, and any other unit of local government, which includes any entity created pursuant to the Interlocal Cooperation Act or Joint Public Agency Act, shall include as part of its official name the words political subdivision, a government entity, or other similar words that identify it as a unit of government. Such similar words may have included state, village, city, county, public, school district, or other words that clearly identify the entity as a unit of government. The bill was indefinitely postponed.

LB 504 – Authorize permits and provide penalties relating to discharge of dredged or fill material into the waters of the state; Langemeier.

The bill proposed to authorize the Nebraska Department of Environmental Quality to take over the 404 permit process from the U.S. Army Corps of Engineers. The bill was indefinitely postponed.

LB 520 – Provide for an income tax credit for perpetual conservation easement donations; Hadley. The bill proposed to allow for a refundable income tax credit to a taxpayer who donates all or part of the value of a perpetual conservation easement upon real property the taxpayer owns to the state, to a political subdivision of the state, or to a charitable organization.

The income tax credit would have been an amount equal to 15% of the appraised value of the donated portion of the perpetual conservation easement, not to exceed \$50,000 per tax year or a total of \$250,000 over five years. A taxpayer would have been limited to claim the income tax credit on only one conservation easement per taxable year.

The Department of Agriculture would have had oversight and would approve qualifying conservation easements by November 1 each year. The department would not approve applications for tax credits which would total more than \$5 million for any one year. If qualified applications would have resulted in tax credits totaling more than \$5 million in the year, including qualifying carryover credits from previous years, the department would have prioritized qualifying applications. The bill was indefinitely postponed.

LB 535 – Change membership of the Nebraska Natural Resources Commission and provisions relating to natural resources districts; Stuthman. The bill proposed to increase from 3 to 15 members appointed by the Governor to the Natural Resources Commission. The additional 12 appointments would have been representatives of the business community.

The bill also would have required that all programs and projects of natural resources districts shall first be shown to be wanted by a majority of the residents of the watershed. If the residents approved, then surveys may have been used for general programs or projects to determine potential utilization of the program or project. Any surveys used would have been consistent with state and federal agency statistics and would not have included the same population areas to justify more than one of the same kind of project in a 50-year period of time. All projects would have been bid in total, not by part, and all expenses would have been included when determining a rate of return for a project.

Finally, the bill would have prohibited the NRD use of eminent domain powers until all other requirements for a dam or any other improvement project had been complied with. The bill was indefinitely postponed.

LB 565 – Adopt the Woody Biomass Energy Act; Louden. The bill would have created the Woody Biomass Energy Revolving Loan Fund to be administered by the State Energy Office. The fund would have been created from a \$2.5 million General Fund appropriation in each of the next two fiscal years.

The fund would have been used for loans to convert heating and cooling systems in public buildings from current energy sources to the use of woody biomass. The State Energy Office would have adopted and promulgated rules and regulations to carry out the act.

Any agency of state or local government would have been eligible to apply to the State Energy Office for a loan from the fund. The Energy Office would have been responsible for adopting and promulgating rules and regulations to implement the act. The bill was indefinitely postponed.

LB 581 – Change disposition of funds from Pesticide Act fees and weed book sales; Carlson. The bill would have made changes to the distribution of pesticide fees to increase funding to the noxious weed program. The bill would have shifted \$10 per product from the Buffer Strip Program to the Noxious Weed Program. The bill also would have transferred \$100,000 from the Buffer Strip Program to the Noxious Weed Program in FY 09-10 for a contract between the Department of Ag and UNL for water conservation research. The bill was indefinitely postponed.

LB 582 – Create the Nebraska Invasive Species Council; Dierks. The bill would have established the Nebraska Invasive Species Council to recommend action to minimize the effects of harmful invasive vegetation in Nebraska. The 14-member council would have consisted of: 1) The regional director of the Midwest Region of the National Park Service or a designated representative; 2) The Executive Director of the Nebraska Association of Resources Districts or a designated representative; 3) The head of the Nature Conservancy, Nebraska Office, or a designated representative; 4) The Director of Agriculture or a designated representative; 5) The Secretary of the Game and Parks Commission or a designated representative; 6) The director of the Nebraska Forest Service or a designated representative; 7) A representative of the Nebraska Weed Control Association; 8) The Chancellor of the University of Nebraska-Lincoln or a designated representative; 9) The local representative of the Animal and Plant Health Inspection Service of the United States Department of Agriculture or a designated representative; 10) A representative of the Natural Resources Conservation Service of the United States Department of Agriculture or a designated representative; 11) A representative of the United States Geological Survey or a designated representative; 12) The unit leader of the Nebraska Cooperative Fish and Wildlife Research Unit or a designated representative; and 13&14) Two members-at-large appointed by the Governor.

The responsibilities of the council would have included: 1) Develop and periodically update a statewide adaptive management plan for invasive vegetation; 2) Serve as a forum for discussion, identification, and understanding of invasive vegetation issues; 3) Facilitate the communication, cooperation, and coordination of local, state, federal, private, and non-governmental entities for the prevention, control, and management of non-native invasive vegetation; 4) Assist with public outreach and awareness of invasive vegetation issues; and 5) Provide information to the Legislature for decision making, planning, and coordination of invasive vegetation management and prevention.

The adaptive management plan would have addressed the following: (1) Statewide coordination and intergovernmental cooperation; (2) Prioritization of invasive species response and management; (3) Early detection and prevention of new invasive species through deliberate or unintentional introduction; (4) Inventory and monitoring of invasive species; (5) Identification of re-vegetation, reclamation, or restoration of native vegetation following control or eradication of invasive vegetation; (6) Identification of research and information gaps; (7) Public outreach and education; (8) Identification of funding and resources available for invasive species prevention, control, and management; and (9) Recommendations for legislation regarding invasive species issues.

The adaptive management plan, submitted to the Governor and the Agriculture Committee of the Legislature, would have had to be updated at least once every three years following its initial development. Prior to the start of the 2012 legislative session, the council would have had to prepare a report to the Agriculture Committee of the Legislature that makes recommendations as to the extension or modification of the council. The bill was indefinitely postponed.

LB 624 – Provide for energy efficiency loans for public buildings; Haar. The bill would have created the Public Building Energy Efficiency Fund for use by any political subdivision for a public building energy efficiency loan.

Loans received pursuant to this section would have been used only for energy-efficiency projects approved by the State Energy Office at the time the loan is approved. Energy-efficiency projects may have included building and equipment improvements. Building and equipment improvements included, but are not limited to, lighting, heating, ventilation and air conditioning, windows, insulation, and energy control or management systems.

The State Energy Office would have compiled records of all loan applications and the amount of energy and financial savings resulting from approved loans. Loans would have been distributed geographically throughout the state to the extent possible. The bill was indefinitely postponed.

LB 639 – Change provisions relating to telephone conferencing for public meetings; Karpisek. The bill would have made a change to allow advisory committees of a risk management pool organized under the Intergovernmental Risk Management Act to hold more than half of their meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing. The bill was indefinitely postponed. *Provisions/portions of LB 639 were incorporated into LB 361 by AM 552 on May 29, 2009.*

LB 644 – Adopt the Electronics Recycling Act; Mello. The bill would have created a recycling program for electronic devices. Electronic device was to be defined in the bill to mean a computer, video display device, or television. The bill would have established fees on the manufacturer of these devices based upon the volume sold in Nebraska to generate funds for recycling.

The bill also would have required manufacturers to develop a plan for recycling and file it with the Department of Environmental Quality. The fund from the fees would have been earmarked to award grants for education and information about electronics recycling, infrastructure development, collection, transportation and recycling of electronic devices.

On or before January 31, 2010, and each January 31 thereafter, a manufacturer would have had to remit to the department the following registration fee based on the number of electronic devices sold in this state by the manufacturer in the previous calendar year: (a) \$1,000 for sales of 500 to 1,000 electronic devices; (b) \$7,500 for sales of 1,000 to 5,000 electronic devices; or (c) \$20,000 for sales of more than 5,000 electronic devices.

The fee would have been reduced to the manufacturer or group of manufacturers based on a certain percentage of units recycled to units sold. These reductions would have been as follows: 1) 10 to less than 20 percent, a 10% reduction in the fee; 2) 20 to less than 30 percent, a 20% reduction in the fee; or 3) 30 percent or more, a 50% reduction in the fee. The bill was indefinitely postponed.

LB 651 – Create Water Resources Revolving Loan Fund Act; Christensen. The bill would have created the Water Resources Revolving Fund to provide low interest loans to natural resources districts or any joint entity with a joint project which is to be owned, operated, or financed by the joint entity or joint public agency for the benefit of its member natural resources districts for the purposes of developing and protecting water resources in the state. The Natural Resources Commission would have had oversight over the program and an administrative fee would have been allowed to pay for operational cost of the program.

The loans under the program would have been for activities related to financing or refinancing the costs of eligible projects including,

(1) acquisition by purchase or lease of water rights in accordance with Chapter 46, article 6, pertaining to ground water, and Chapter 46, article 2, pertaining to surface water, including storage water rights with respect to a river or any of its tributaries,

(2) acquisition by purchase or lease or the administration and management, pursuant to mutual agreement, of canals and other works, including reservoirs, constructed for irrigation from a river or any of its tributaries,

- (3) vegetation management, including, but not limited to, the removal of invasive species in or near a river or any of its tributaries,
- (4) the augmentation of river flows consistent with the authority granted under Chapter 2, article 32, and
- (5) to develop, store and transport water, and to provide, contract for, and furnish water for domestic purposes, agriculture, manufacturing, and any and all other beneficial uses.

The initial funding source for the program would have come from the repayment of the loan provided by the State of Nebraska to the natural resources districts in the Republican River Basin last year under LB 1094. The bill was indefinitely postponed.

LB 656 – Adopt the Health Care Accessibility and Affordability Act; Harms. The bill would have established a Health Care Plan Advisory Council to develop recommendations for a comprehensive plan to require all Nebraskans not covered by Medicare to have a basic health insurance plan which included preventive services, behavioral health care, dental care, and long-term care, which was to be developed and reviewed periodically by health care professionals and members of the public, and which allowed for purchase by employers or individuals.

The council would have been made up of six persons appointed by the chairperson of the Health and Human Services Committee of the Legislature and six persons appointed by the chairperson of the Banking, Commerce and Insurance Committee of the Legislature. The council would have included, but not be limited to, at least one representative from each of the following classes of persons: Health care providers, health care consumers, and consumer advocates, business representatives, insurers, and elected officials.

The recommendations for the plan would have been submitted to the Legislature on or before September 1, 2010. The bill was indefinitely postponed.

LB 666 – Changes to the Niobrara Scenic River Council; Langemeier. The bill would have removed the requirement that the Niobrara Scenic River Council has to approve of zoning requirements imposed by cities, villages and counties in the area covered by the designation. The change would have placed the appointed council in an advisory role to local elected officials rather than an oversight role.

The bill redefined the mission of the council to provide local representation to the National Park Service and report to the county boards of Brown, Cherry, Keya Paha, and Rock counties. The bill changed the membership requirements of the council for three representatives on the council so that they must reside in a county that included land in the Niobrara Scenic River corridor. These representatives included: 1) the recreational business representative; 2) the timber industry representative; and 3) the recognized, nonprofit, environmental, conservation, or wildlife organization representative.

The bill further encouraged the use and enjoyment of the Niobrara River for recreational, fish and wildlife, geological, historical, cultural, or other assets, and encouraged continuance of existing agricultural, horticultural, forestry, and open space land and water uses.

Finally, the bill struck the authority of the council to hold titles to real estate, accept gifts of real estate, or obtain conservation easements in the name of the council. The bill was indefinitely postponed.

LB 678 – Change provisions relating to minutes of public meetings; Haar. The bill would have allowed minutes of meetings subject to the Open Meetings Act to be written or in an electronic recording, including audio or video recording of the meeting. The bill was indefinitely postponed.

LB 740 – Eliminates transfer provisions from certain agriculture funds; Agriculture Committee. The bill would have eliminated references approved during the November 2009 Special Session that allowed 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. The bill was indefinitely postponed.

LB 782 – Change provisions relating to the issuance of distinctive license plates for governmental units; Fischer. The bill would have eliminated state, municipal, school and county plates and creates a governmental license and trailer plate for all state and local governmental units. The bill was indefinitely postponed.

LB 785 – Provide an exception to required approval for certain water transfers; Carlson. The bill would have created a one-time exemption from title searches for groundwater transfers of four (4) acres or less. The bill was indefinitely postponed. *Provisions of LB 785 were incorporated into LB 862 by AM 2441. LB 862 passed on Final Reading 40-2-7*

LB 793 – Prohibit cash fund transfers without authorization; Dubas. The bill would have prohibited a transfer or appropriation of funds from a cash fund for a use or to another fund unless the transfer or appropriation was specifically authorized by law. The bill declared that any transfer or appropriation in violation of this section is a violation of Article III, section 14, of the Nebraska Constitution. (No law would have been amended unless the new act contained the section or sections as amended and the section or sections so amended would have been repealed.) The bill was indefinitely postponed.

LB 795 – Authorize employment of law enforcement officers by natural resources districts.; Council. The bill would have allowed 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. The bill was indefinitely postponed. *Provisions of LB 795 were incorporated into LB 817 by AM 2203. LB 817 passed on Final Reading 43-0-6.*

LB 815 – Change requirements for Taxpayer Transparency Act; Haar. The bill would have added to the budget forms for political subdivisions a reporting requirement of all private donations, gifts, or grants in the past two fiscal years and estimated to be received in the current and ensuing fiscal years and the source, allocation, and expenditure of such money which was received in increments of one thousand dollars or more. The bill was indefinitely postponed.

LB 826 – Adopt the County Consolidation Act; Pahls. The bill would have created a legislative planning committee to develop a plan that would have reduced the number of counties in Nebraska to approximately 30 by 2018. The committee would have worked with the Government, Military and Veterans Affairs Committee of the Legislature to develop the legislation. The bill was indefinitely postponed.

LB 884 – Require employers to provide employees with wage and deduction information; McGill. The bill would have required employers to provide a statement of wages and deductions to employees within 10 working days of a request by the employee. The bill was indefinitely postponed.

LB 893 – Provide refund procedures for unconstitutional taxes and assessments; Christensen. The bill would have provided 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 have been made without 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 would have meant a judgment or final order of the Supreme Court. The bill was indefinitely postponed.

LB 895 – Change procedures for filling vacancies on a natural resources district board; Janssen. The bill would have eliminated allowing filling of a vacancy for the remainder of an unexpired term and replaced that with two separate provisions. First, if the vacancy occurred during the first year of the unexpired term or prior to September 1 of the second year of the unexpired term, the appointee would have served 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 would have been elected to serve the unexpired term. Second, if the vacancy occurred 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 would have served until the term expired. The bill was indefinitely postponed.

LB 917 – Exempt municipal water from sales and use taxes; Rogert. The bill would have exempted water supplied by a municipal water supplier from sales tax. The bill was indefinitely postponed.

LB 932 – Change provisions relating to repayment of financial assistance by natural resources districts; Christensen. The bill would have forgiven the loan made to the Republican Basin NRDs if they were no longer authorized to use the proceeds of or were no longer authorized to levy the extra 10 cent property tax or the occupation tax (NOTE: the Nebraska Supreme Court had ruled the property tax unconstitutional and the occupation tax was currently being challenged in court.) The bill was indefinitely postponed.

LB 1011 – Limit the eminent domain power of natural resources districts to exclude certain recreational trails; Pankonin. The bill would have prohibited the use of eminent domain for the development or management of recreational trails or corridors unless associated with a flood control structure. The bill was indefinitely postponed.

LB 1016 – Adopts the Nebraska Statewide Water Planning Commission Act; Christensen. The bill would have created the Nebraska Statewide Water Planning Commission, which consisted of 7 members appointed by the Governor. The commission would have exercised the powers and performed the duties carried out by the Division of Planning and Assistance of the Department of Natural Resources.

The duties of the commission included, but were not limited to: (1) Developing a statewide plan for the future use of water in the state; (2) Maintaining and maximizing the use of water in this state; (3) Creating a plan to manage the state's water resources to encourage economic health and prosperity; and (4) Make recommendations to the Governor and the Legislature for achieving the goals set forth in the plan developed pursuant to subdivision (1) of this section.

The bill allowed for an executive director position for the new commission and allowed him/her to be assisted in the state water planning and review process by the Department of Natural Resources, the Game and Parks Commission, the Department of Agriculture, the Governor's Policy Research Office, the Department of Health and Human Services, the Department of Environmental Quality, the Water Center of the University of Nebraska, and the Conservation and Survey Division of the University of Nebraska. In addition, the executive director may have obtained assistance from any private individual, organization, political subdivision, or agency of the state or federal government.

Funding for the commission would have come from appropriations from the legislature and a transfer of any unexpended and unobligated funds allocated to the Division of Planning and Assistance of the Department of Natural Resources for the 2009-11 biennium to the Nebraska Statewide Water Planning Commission Fund and any of the unexpended and unobligated balance of the Water Policy Task Force Cash Fund. The bill was indefinitely postponed.

LB 1019 – Creates the trails dispute boards to decide disputes concerning recreational trails between county boards and NRD boards; Haar. The bill would have outlined a procedure to follow to resolve disputes between counties and NRDs regarding recreational trails. The bill authorized a county to create a trails dispute board where a natural resources district was proposing to develop a recreational trail and a majority of the county board of such county had a dispute regarding the alignment or right-of-way acquisition of such recreational trail. The county board would have been required to notify the NRD and Governor.

The trails dispute board, when appointed and convened, would have continued in existence only until it had resolved a dispute referred to it pursuant to this section unless it was reconvened under subsection (5) of this Section. A person was not eligible for membership on the trails dispute board if a decision to be made by the board would or could cause financial benefit or detriment to the person, a member of his or her immediate family, or a business with which the person is associated, unless such benefit or detriment is distinguishable from the effects of such action on the public generally or a broad segment of the public. The trails dispute board would have been subject to the Open Meetings Act.

Within 45 days after the Governor and the Natural Resources District were notified by the county board of the creation of a trails dispute board: (i) The natural resources district board would have appointed two of its members to serve on the trails dispute board; (ii) The county board would have appointed two of its members to serve on the trails dispute board; and (iii) The Governor would have appointed three members to serve on the trails dispute board

who do not reside in the affected county, selected from a list of persons willing and able to serve provided to the Governor by the State Highway Commission.

The trails dispute board would have convened within 50 days after the notice. Action may have been taken by affirmative vote of four of the board's members. Within fifteen days after being convened, the trails dispute board would have selected a mediator. The four members of the trails dispute board representing the natural resources district board and the county board would have met with the mediator selected and have 45 days after the first meeting within which to mediate the dispute. If mediation was successful, the agreement would have been implemented by the natural resources district board and the county board.

If mediation was unsuccessful, the county board would have presented its dispute and the natural resources district board would have presented its plan regarding the proposed recreational trail to the trails dispute board. The county board and the natural resources district board may have provided the trails dispute board with comments regarding the plan or dispute of the other within fourteen days after the presentations to the trails dispute board. The trails dispute board would have had 45 days after the presentations to develop a solution to the dispute regarding the proposed recreational trail. The trails dispute board would have convened at least one public hearing to take testimony on the proposed solution within the 45 day period. Notice of the hearing or hearings would have been published in a newspaper or newspapers of general circulation within the affected area. The cost of publishing the notice would have been shared by the county board and the natural resources district board. All interested persons may have appeared at the hearings and presented testimony or provide other evidence relevant to the issues being considered.

The solution of the trails dispute board to the trail dispute would have been one of the following:

- (i) Allow the natural resources district board to go forward with its plan regarding the proposed recreational trail;
- (ii) Choose an alternate route selected by the trails dispute board; or
- (iii) Prohibit the natural resources district board from using eminent domain on part or the entire proposed recreational trail route.

After the 45 day period, the trails dispute board had 15 days to render a final written decision. If problems or unexpected situations arose in implementing the trails dispute board's plan, the trails dispute board may have been reconvened to address the situation by affirmative vote of the natural resources district board or the county board. The trails dispute board may have addressed the situation by vote of the trails dispute board or, upon the affirmative vote of three members, would have repeated the procedure provided beginning with mediation.

All expenses incurred by the trails dispute board, including the cost of hiring a mediator, would have been shared jointly by the county board and the natural resources district board.

For this new Act, recreational trail meant a trail developed for recreational purposes that was not constructed in conjunction with a water project of a natural resources district. The bill was indefinitely postponed.

LB 1025 – Allows for an instream flow right in fully appropriated areas; Avery. The bill would have allowed the Department of Natural Resources to accept and act on an application for an instream flow water use, or another surface water use that involves no consumptive use, if such appropriation would not harm the senior surface water appropriators on such river or stream or the groundwater users whose water wells are dependent on recharge from the river or stream involved and such groundwater uses were in place on or before the date the river basin, sub-basin, or reach was designated as over-appropriated or was preliminarily determined to be fully appropriated. The bill was indefinitely postponed.

LB 1031 – Eliminate the sunset date on NRD levy; Dierks. The original version of LB 1031 eliminated the 2012 sunset date for the NRD three-cent levy in fully and over-appropriated areas. The bill was advanced out of the Revenue Committee on an 8-0 vote with a committee amendment (AM 2040) that would have extended the sunset date to 2016-17. The 8-0 committee vote made LB 1031 a candidate for Consent Calendar debate. However, the bill was removed from consent calendar after objection from three senators that did not want tax authorities advanced in the election cycle. The bill was not debated further and was indefinitely postponed.

LB 1032 – Change the fully appropriated levy; Dierks – The bill would have allowed NRDs that have been preliminarily determined to be fully appropriated, but later reversed, to have access to the three-cent levy to administer and implement ground water management activities, and integrated management activities under the Nebraska Groundwater Management and Protection Act. The bill was advanced out of the Revenue Committee on a 7-1 vote with a committee amendment (AM 2039) that also included a sunset date of 2016-17. The bill was not debated further and was indefinitely postponed.

LB 1052 – Adopt the Agricultural Production and Economic Stability and Assistance Act; Christensen. The bill would have created the Agricultural Production and Economic Stability and Assistance Act to assist NRDs with financing the management of water resources and the augmentation of water supplies for the economic stabilization of agricultural production in river basins where state responsibility for interstate compacts, agreements, and decrees exist.

For oversight where projects were considered, a board was proposed with members consisting of:

1. Director of Natural Resources;
2. State Treasurer;
3. Chair of the Nebraska Investment Council;
4. Chair of the Nebraska State Board of Public Accountancy;
5. NRD manager from a district that contains a fully appropriated river basin;
6. NRD manager from a district that contains an over-appropriated river basin;
7. A mayor of a city in a fully appropriated or over-appropriated river basin; and
8. A professor of agricultural economics on faculty.

A district, joint entity or joint public agency could have submitted a project for consideration. If approved by the board, the district, joint entity, or joint public agency would receive state assistance. Also on approval, all eligible districts in the same river basin would have developed a plan to coordinate eligible projects in the river basin.

The state funding would have been used to assist the district, joint entity or joint agency in financing the project, including repayment of locally issued bonds (LB 701). The state source of funds would have come from a refund of a portion of the sales tax collected by retailers doing business within the rapid response area of two and one-half miles on either side of the river, stream, or tributary within the eligible district. The bill was indefinitely postponed.

LB 1054 – Adopt the correlative rights doctrine relating to the use of groundwater; Carlson. The bill would have adopted the correlative rights doctrine as it applied to groundwater in the state. The doctrine would have applied with regard to the use of groundwater within a river basin when the Department of Natural Resources or a district determined it is necessary to comply with state or federal agreements or compacts.

Correlative rights was defined as the co-equal right of each landowner over a common aquifer to extract his, her, or its share of water from the aquifer without (a) unreasonably harming other landowners over the common aquifer through lowering of the water table, (b) directly and substantially affecting a watercourse, or (c) reducing artesian pressure.

If the department or district determined that correlative rights should apply, allocations of ground water in the basin for irrigation purposes may have been reduced by the district or the department so that each landowner shared equally in the shortfall. If the allocations were reduced to zero, the state would have had to provide just and fair compensation to the landowner for such reduction. The bill was indefinitely postponed.

LB 1056 – Provide for measurement of aquifer depletion and limitations on irrigation; Carlson. The bill would have set up required metering and allocations when depletions of groundwater occur. The Department of Natural Resources would have been required to measure aquifer and groundwater changes across each river basin each year and report such measurement to the Legislature on December 31, 2010, and on December 31 of each year thereafter. Change would have been determined based upon a comparison to saturation thickness of the aquifer in the base year of 1963.

The Department would have determined the percentage of change in the aquifer or ground water in relation to the base year and the area within each river basin in which such change has taken place.

When the change in aquifer or groundwater resulted in depletion to an area of the aquifer greater than 10% but not greater than 25% of the base year, meters would have been placed on all irrigation wells in the depletion area of the river basin to measure water usage, and groundwater allocations for irrigation purposes would have been imposed on all landowners in the depletion area.

When the change in aquifer or groundwater resulted in depletion to the aquifer greater than 20% but not greater than 30% of the base year, no landowner in the depletion area may have used more than 50% of the annual allocation of groundwater. However, all or any portion of the unused allocation may have been transferred outside the groundwater depletion area.

When the change in aquifer or groundwater resulted in depletion to the aquifer greater than 30 % of the base year saturation thickness, no landowner in the depletion area may have used any portion of the annual allocation of groundwater. However, all or any portion of the unused allocation may have been transferred outside the aquifer or groundwater depletion area.

If recharge had occurred since the previous annual measurement in a depletion area such that aquifer depletion is no longer greater than 30% of the base year saturation thickness, use of groundwater allocations for irrigation purposes in such area may have resumed as provided in the proposal. The bill was indefinitely postponed.

LB 1076 – Change provisions relating to evaluation of river basins, sub-basins, and reaches; Schilz. The bill would have allowed river basins that had been determined to be over-appropriated to be re-evaluated. The bill also would have allowed any river basin that the department had declared a moratorium on surface water appropriations prior to July 16, 2004 to be evaluated for over-appropriated status. The bill was indefinitely postponed.

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 that would have permitted 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. The constitutional amendment was indefinitely postponed.