



Nebraska's
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Protecting Lives • Protecting Property • Protecting the Future

May 29, 2009

TO: NARD Board, NRD Managers and Conservation Partners

FROM: Dean E. Edson, NARD Executive Director

RE: May 29 NARD Sine Die Update

Legislature adjourns three days early -- The 101st Legislature adjourned May 29th Sine Die on the 87th day of the 90-day working session. The Legislature will reconvene on January 6, 2010 which is the first Wednesday after the first Monday in January.

The following is a summary of the bills passed relating to natural resources management, those held over for next year, those indefinitely postponed, and also list of interim studies. Also included is a summary of all of these bills and resolutions.

- **Legislative Bills Approved** – 54, 56, 98e, 98Ae, 160, 162, 179e, 180, 184, 209, 218, 246, 263, 286e, 315, 316, 361, 379e, 389e, 477 and 483e. (See pages 1-9)
- **Veto Over-Ride Legislative Bill Approved** – 626. (See page 9)
- **Legislative Bills held in Committees** – 12, 289, 362, 438, 482, 486, 504, 520, 535, 565, 581, 582, 624, 639, 643, 644, 651, 656, 666 and 678. (See pages 10-14)
- **Legislative Bills held on General File** – 42, 43, 210, 235 and 304. (See page 14)
- **Legislative Bills Indefinitely Postponed** – 18, 134, 336, 466, 480, 577, 632 and 681. (See pages 14-16)
- **Legislative Resolutions for Interim Studies** – 101, 103, 115, 122, 124, 128, 141, 181, 214, 222, 235 and 240. (See Page 16)

For more information on legislation and interim studies go to: <http://www.nebraskalegislature.gov/index.php>.

Legislative Action – The following bills were given final approval by the Legislature and signed by Governor Heineman.

LB 54 -- Water accounting bill passes. A bill to assist NRDs in tracking depletions and gains resulting from new, expired or modified water uses in fully or over-appropriated areas was given final approval by the Legislature on a 47-0-2 vote. The bill, **LB 54**, was introduced and prioritized by Sen. Deb Fischer of Valentine.

The bill allows procedures to be established that include:

- use of generally accepted methodologies based on the best available information;
- provide a methodology to estimate streamflow depletions and gains and provide information on gains as offsets to new uses;
- require the identification of means to be utilized so new uses will not have more than a de minimis effect on existing surface water or groundwater users;
- provide a procedure for sharing information between the Department of Natural Resources and the NRDs;
- identify water that could mitigate new uses; and
- provide a plan, after consulting with and providing an opportunity for public input from interested parties, for making water available for offset for economic development purposes.

The committee amendment (**AM348**) clarified some of the definitions and was adopted 36-0. The bill advanced to select file on a 40-0 vote.

On April 17th, the bill was moved from Final Reading back to Select File on a 42-0 vote. Sen. Langemeier then introduced an amendment (AM 1099) proposing that the department not be required to perform an annual evaluation for a river basin, sub-basin, or reach during the four years following a status change. Status change is what occurred for the lower Platte River this spring when DNR preliminarily declared the river fully appropriated and later reversed their decision. The four year time frame following a status change in this bill mirrors the time frame stipulated in LB 483 where a status change has occurred. The amendment passed on a 41-0 vote and the bill was advanced again to Final Reading.

The committee amendment (**AM348**) clarified some of the definitions and was adopted on General File on a 36-0 vote. The bill advanced to Select File on a 40-0 vote.

LB 56 -- Livestock Waste Management Act modifications. The Legislature gave final approval to LB 56 on a 43-3-3 vote. The committee amendment originally increased the number of discharges, or strikes, from three to five that a producer must commit before being determined unsuited to hold a permit. This provision was changed back to “three” by FA 32 offered by Senator Dierks on Select File.

The original bill offers several changes to the permit system including: 1) Changes the standard for small operations to be subject to the inspection, construction and operating permit system. Small operations (less than 300 head cattle, 750 hogs, etc.) are exempt from permits but can be subject to a permit if there has been a discharge to water of the state. The proposal would have it apply only if an intentional or willful intent to discharge occurred. 2) Defines discharge violations to be those discovered after investigation to be caused intentionally or by willful negligence. 3) Establishes that if a permit-holder loses his/her permit for violations on one operation, the revocation does not include any other person who is a relative, partner, member, shareholder, resident, parent company, subsidiary, or other affiliate of the permit holder. 4) Currently, a permit can be revoked for three non-permitted discharges from a facility, whereas the bill proposes to make it three discharge violations. The bill proposes to count those violations on a per facility basis, rather than the current per operator basis. In other words, the bill proposes that a large operator with several facilities could have many violations and still not come under the three strikes provision as long as no one of those facilities had three violations.

The committee amendment (**AM 310**), adopted on General File, eliminates that the producer's discharge must be "willfully" committed before a discharge violation can be charged, leaving only that the discharge must be intentionally or negligently committed before a discharge violation, or "strike", can be assessed. The committee amendment originally increased the number of discharges, or strikes, from three to five that a producer must commit before being determined unsuited to hold a permit. This provision was changed back to “three” by FA 32 and offered by Senator Dierks on Select File. The bill was introduced by Senator Deb Fischer of Valentine and was a Speaker Priority Bill.

LB 98e and LB 98Ae -- Riparian Vegetation Management Task Force. A bill introduced by Senator Carlson to extend the termination date for the Riparian Vegetation Management Task Force was given final approval by the full Legislature on a 45-0-4 vote. The Ag Committee amendment (**AM 641**) was adopted on General File on a 40-2 vote, with Senators White and Wallman voting no. The committee amendment (**AM 641**) strikes the original provisions and becomes the bill. This amendment does the following:

- Extends the existence and duties of the Riparian Management Task Force for four years rather than just two years. Includes intent language to appropriate two million dollars annually for the vegetation management.
- Clarifies the priority for grants that are consistent with any plans and priorities for riparian vegetation management established by the Riparian Management Task Force.
- Includes a directive for the Director of Agriculture to apply for grants from the Environmental Trust Fund and the Natural Resources Conservation Service of the USDA prior to July 31, 2009.
- Provides for a one-time transfer of \$500,000 from the Buffer Strip Incentive Cash Fund to the Noxious Weed and Invasive Species Assistance Fund.
- The related appropriations bill, **LB 98Ae**, appropriates \$2 million for FY 2009-10 and another \$2 million for FY 2010-11 to the Department of Agriculture to aid in carrying out the provisions of Legislative Bill 98.

Both **LB 98e** and **LB 98Ae** included the emergency clause so they went into effect as soon as the Governor signed the bills on May 13th.

LB 160 -- Flood protection legislation approved. Senators gave final approval to **LB 160** on 36-12-1 vote. The bill provides financing authority to the Papio-Missouri River NRD for flood protection and water quality programs. The Papio Creek Watershed is one of the most dangerous watersheds in the Midwest for potential loss of life and extensive property damage due to flash flooding.

Near-flood events in early 2008 highlighted the need to take immediate action. Urban growth within the Papio Creek Watershed continuously increases the risks for significant hazardous flooding and presents serious water quality problems. The final vote on the bill follows:

- **Voting in the affirmative, 36:** Adams, Ashford, Avery, Campbell, Carlson, Christensen, Cook, Cornett, Council, Dubas, Fischer, Flood, Fulton, Gay, Giese, Gloor, Haar, Hadley, Harms, Lathrop, Loudon, McCoy, McGill, Mello, Nantkes, Nelson, Nordquist, Pahls, Pankonin, Price, Schilz, Stuthman, Sullivan, Wallman, White, and Wightman.
- **Voting in the negative, 12:** Dierks, Friend, Hansen, Heidemann, Howard, Janssen, Karpisek, Langemeier, Lautenbaugh, Pirsch, Rogert, and Utter.
- **Present and not voting, 1:** Coash.

The following are the objectives of the bill.

- Provide the necessary financing tool, at no cost to the State of Nebraska, to reduce the risk of catastrophic flooding and improve water quality in the Papio-Missouri River Natural Resource District.
- Protect public infrastructure, investments and private property of individual and business property owners and taxpayers within the district.
- Protect the lives, health and welfare of all residents living within the district;
- Reconstruct flood levees identified as deficient.
- Reduce the amount of property subject to costly federal flood insurance requirements.
- Bring the district into compliance with the federal Clean Water Act.

The following provisions are included in the final version of the bill.

- Allow use of PMRNRD's existing mill levy authority (4 ½ cents per \$100 of assessed valuation) to finance flood protection and water quality enhancement projects through the issuance of bonds, requiring a two-thirds affirmative vote of the board members for the issuance of any bond.
- A public vote would be required for any proposed bond levy exceeding 1 cent.
- The proceeds of bonds shall be used to pay costs of design, rights-of-way acquisition, and construction of multi-purpose projects and practices for storm water, including flood control and water quality.
- Flood control, water quality projects, and practices include, but are not limited to, low-impact development best management measures, flood plain buyout, dams, reservoir basins, and levees.
- The proceeds of bonds shall not be used to fund combined sewer separation projects in a city of the metropolitan class.
- Limits reservoir or water quality basin to no more than 400 surface acres of permanent pool.
- Public access would be required for any project that has a permanent pool greater than 20 surface acres.
- Provides a 90-day time frame from the point that a NRD notifies intent to issue bonds for counties to object to a dam within their exclusive zoning authority.
- Allow county boards to disapprove of any reservoir exceeding 20 surface acres, if the affected county passes a resolution.
- Bonds would only be used for projects in cities and counties that have adopted zoning regulations or ordinances that comply with state and federal floodplain management rules and regulations.

- Any property acquired by the district using eminent domain and financed by bonding can only be transferred to another political subdivision or agency of the state or federal government.
- Provide that bond proceeds not be used for a metropolitan class city's combined sewer separation projects.
- Provide that the bonding authority sunsets on December 31, 2019.

Senator Hadley from Kearney offered several amendments, none of which were incorporated into the legislation. One of his amendments, AM 1084, would require all bonds to be approved by a majority of registered voters of the districts, limited to 2 cents, and subject to, and includable in, the computation of other limitations upon the district's tax levy. This amendment failed on an 18-18 vote during General File debate.

Under current law for all other political subdivisions with bonding authority, when taken to a vote of the public, the approval only requires a majority of those voting and is not subject to levy limitations. Further, counties and school districts currently have a 5.2 cent levy authority for capitol construction and maintenance bonds that only requires the governing body majority vote -- no public vote is required.

LB 162 -- Contractor registration database. The legislature gave final approval to LB 162 on a 45-2-2 vote. The bill creates a uniform definition of contractor, and a single database of registered contractors for purposes of the Revenue Act and the Contractor Registration Act. The registration process and database would be administered by the Department of Labor. Currently, most contractors are required to register with both the Department of Labor and the Department of Revenue.

The bill allows the Department of Revenue and the Department of Labor to share information for purposes of contractor registration. The Revenue Committee amendment was adopted (AM357) which authorizes the Commissioner of Labor to adopt and promulgate rules and regulations to establish the criteria for acceptability of filing documents and making payments electronically. The bill was sponsored by Senator Abbie Cornett and was a Speaker Priority Bill for the session.

LB 179e -- Change project limit adjustments under the Nebraska Resources Development Fund. Senators gave final approval on a 46-0-3 vote to a bill that corrects an annual adjustment to the Nebraska Resources Development Fund. The Current law established a cap of \$10 million for any individual project from the NRDF. The law also requires the fund to be adjusted each year by an amount equal to the average percentage change in a readily available construction cost index for the prior three years. The proposed change would update the adjustments for each year starting July 1, 1993. The bill included the emergency clause and went into effect in February 2009. The bill was sponsored by the Natural Resources Committee.

LB 180 -- Change provisions relating to the Waste Reduction and Recycling Incentive Fund. Senators gave final approval on a 45-2-2 vote to a bill that will allow grants from the Waste Reduction and Recycling Incentive Fund to be used for reimbursement of costs to cities of the second class, villages, and counties of 5,000 or less population for the deconstruction of abandoned buildings. Eligible deconstruction costs will be related to the recovery and processing of recyclable or reusable material from the abandoned buildings. The bill was sponsored by the Natural Resources Committee.

LB 184 -- Riparian water right administration. The Legislature gave final approval to **LB 184** on a 45-0 vote. The bill, sponsored by Senator Loudon, authorizes the Department of Natural Resources to administer any riparian water right that has been validated and recognized in a court order from a court of lawful jurisdiction in the state. The bill does not mandate the department to do such. Further, the only surface water appropriations that may be closed for a riparian water right are appropriations held by persons who were parties to the lawsuit validating the riparian water right or appropriations with a priority date subsequent to the date of the court order.

LB 209 -- Dam construction bill approved. Senators gave final approval to LB 209 this week on a 48-0-1 vote. The bill changes the time frame from 6 months to 12 months after the approval of any application regarding water for irrigation, power, or other useful purpose by the department, to commence the excavation or construction of the project. The bill also clarifies that the Department of Natural Resources may extend, for reasonable lengths of time, the time for commencing excavation or construction. The bill was sponsored by Senator Langemeier.

LB 218 -- Change state aid to counties. Senators gave final approval to a bill changing state aid to counties on a 37-1-11 vote. The bill eliminates three existing state programs which provide funds to county government. These are the jail cost reimbursement program, state aid to counties, and county property tax relief. A new state aid program is created to substitute for these three programs. The distribution of state funds to counties under the new aid program will be based solely on the share of statewide taxable value found in each county, and aid distribution will be updated annually as this value changes. The amount of funds budgeted for this program will vary from \$10.5 million to over \$17 million, depending on the state budget. The bill was sponsored by Senator Abbie Cornett and was a Speaker Priority Bill for the session.

LB 246 – Biotechnology assessment and planning. Senators gave final approval on a 37-5-7 vote to authorize the Natural Resources Committee to conduct an assessment of the state’s biotechnology potential and develop a strategic plan for the state’s efforts to create jobs. The original bill would have re-established the Biopower Steering Committee which was terminated on December 31, 2008. However, the Natural Resources Committee offered an amendment, adopted 30-0, which rewrites the bill. The amendment charges the committee with developing a statewide strategic plan that includes:

- a baseline review and assessment of the state's biotechnology economic potential;
- a strategic plan for the state’s efforts to create related wealth and jobs;
- estimates of the wealth and number of jobs that could be generated; and
- strategies for development, including research, testing, agricultural feedstock and chemicals, drugs and other pharmaceuticals, medical materials, medical laboratories, and advanced biofuels.

The committee, in consultation with the Legislature’s Executive Board, would commission a non-profit corporation to provide research, analysis and recommendations for the development of the plan. The selected non-profit must agree to provide \$100,000 to fund the research and present a study to the committee by June 30, 2010. The committee, in turn, would provide a statewide strategic plan in the next legislative session.

Finally, the bill as amended would create the Biotechnology Development Cash Fund, which would receive a \$100,000 appropriation to fund the plan’s development in fiscal year 2009-10. The bill was sponsored by Senator Annette Dubas and was a Speaker Priority Bill for the session.

LB 263 -- Provide that state law preempts local laws for seeds and fertilizers. Senators gave final approval to LB 263 on a 44-4-1 vote. The bill would not allow political subdivisions to prohibit or regulate matter regarding the registration, labeling and sale, storage, transportation, distribution and notification of use of seeds, fertilizer and soil conditioners under the Nebraska Seed Law and the Nebraska Commercial Fertilizer and Soil Conditioner Act.

The bill does not limit the authority of any city or county to adopt and enforce zoning regulations. The committee amendment added on General File also adds that natural resource district enforcement of the Nebraska Groundwater Management and Protection Act is expressly excluded from the preemption of the Nebraska Fertilizer & Soil Conditioners Act and its regulations. The bill was introduced by Senator Rogert and was a Speaker Priority Bill this session.

LB 286e -- Lottery proceeds distribution. A bill introduced by the General Affairs Committee, LB 286e, was given final approval by the Legislature on a 46-0-3 vote. The bill eliminates a July 1, 2009 sunset date in a provision of the State Lottery Act governing how funds are to be distributed to Lottery beneficiaries. The formula that remains will require that the dollar amount transferred to beneficiary funds shall equal the greater of (a) the dollar amount transferred to the funds in fiscal year 2002-03, which amounts to approximately \$20.2 million, or (b) any amount which constitutes at least 22 percent and no more than 25 percent of the dollar amount of the lottery tickets which have been sold on an annualized basis. To the extent that funds are available, the Tax Commissioner and Lottery Director may authorize a transfer exceeding 25 percent of the dollar amount of the lottery tickets sold on an annualized basis. The bill included the emergency clause so it went into effect as soon as the Governor signed the bill on May 13th.

LB’s 315 & 316 -- Budget bills. The budget was approved by the Legislature on a 48-0-1 vote and will provide \$6.9 billion for state government operation and aid during the two-year period, an average annual spending growth rate of 1 percent. The revenue forecasts on which the budget is based project revenue growth reductions of 2.7 percent in fiscal

year 2008-09 and the cumulative revenue growth over the three years that impact the upcoming biennium at 13 percent below the historical average. The committee's budget would result in a \$208.3 million balance at the end of the biennium - \$18.6 million above the minimum 3 percent reserve. The overall budget picture was improved by over \$500 million in federal stimulus funds.

For natural resources programs, there is little change from the preliminary budget proposed by Governor Heineman. The highlighted changes for DNR in **LB 315** include:

- Increase personnel services limit to reduce reliance on contractual services for integrated management workload. The Appropriations Committee increased the agency personnel services limit by \$250,000 and includes the following intent language: "It is the intent of the Legislature that the Department of Natural Resources 1) examine the use of consultants to carry out integrated water management projects and studies and 2) hire additional staff when cost benefit analysis indicates that it is feasible to decrease the reliance upon consulting services used to carry out long-term integrated water management projects and studies."
- Reduction of estimated federal funding by \$100,000. The agency requested a lower federal fund expenditure authority based upon projected funding levels.
- Soil & Water Conservation Fund - Reduce General Fund allocation to by \$198,619 in each of the next two fiscal years. The Appropriations Committee recommendation reduces funding for this program by 7.4%. Funds allocated to this program are divided between natural resources districts, with the NRDs providing funding to individual property owners undertaking conservation practices.
- Water Management Fund - Reduction of program funding by \$100,000 in each of the next two fiscal years. The Appropriations Committee recommendation reduces funding by 9.3%.

Detailed funding levels for natural resources programs follows. This includes what was proposed by Governor Heineman and what the final was from the Legislature:

Program	Governor Heineman Proposed		Legislative Final		Dollar Change	
	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11
Interstate Water Litigation – Attn Gen.	1,000,000	0	500,000	0	-500,000	0
State Aid to NRDs	1,545,502	1,545,502	1,545,502	1,545,502	0	0
Small Watersheds	500,000	500,000	500,000	500,000	0	0
Soil and Water Conservation Fund	3,093,454	3,093,454	2,894,835	2,894,835	-198,619	-198,619
Water Well Decommissioning	240,840	240,840	240,840	240,840	0	0
Resources Development Fund	3,423,066	3,423,066	3,423,066	3,423,066	0	0
*Natural Resources Water Quality Fund	1,250,000	1,250,000	1,250,000	1,250,000	0	0
Interrelated Water Mgt Plan Program	2,412,854	2,412,854	2,312,854	2,312,854	-100,000	-100,000
Nebraska Water Resources Cash Fund	2,700,000	2,700,000	2,700,000	2,700,000	0	0
**DNR Agency Operations Fund	13,430,199	13,441,253	13,717,590	13,995,464	+287,391	+554,211
**DNR Salary Limit Total	5,593,370	5,718,503	6,160,414	6,299,301	+567,044	+580,798

** Notwithstanding other provisions of this bill, all appropriations within this program existing on June 30, 2009, in excess of expended or encumbered amounts are hereby lapsed. All other DNR programs with unexpended balances were re-appropriated.*

***DNR Salary limit is included in the DNR Agency Operations Fund*

Other Special Notes

- **Program No. 307 - Nebraska Resources Development Fund.** The bill also provides direction for the use of the funds as follows: 1) Appropriation to this program for state aid shall first be utilized for projects which have been allocated funds but for which only a portion of the allocation has been actually obligated. 2) The total amount of funds allocated for projects less the amounts obligated for such projects shall not exceed \$18,500,000. The definitions of the terms allocated and obligated shall be based on the terminology utilized by the Department of Natural Resources in the Nebraska Resources Development Fund Status Report.
- **Program No. 334 - Soil and Water Conservation, General Operation.** Re-appropriates the unexpended General Fund balance allocated in budget subprograms 19 (integrated management), 20 (Water Resources Cash Fund), and 21 (Interstate Compacts) of Program 334 existing on June 30, 2009.

Also given final approval was **LB 316** which included the budget cash fund transfers. The bill makes several transfers from the general fund and cash reserve fund for several programs. For natural resources programs the bill transfers \$2,700,000 from the General Fund to the Water Resources Cash Fund for Fiscal Years 09-10 and 10-11. These are the same amounts recommended by Governor Heineman.

The budget can be found at <http://www.nebraskalegislature.gov/>. Click on the report "2009 Appropriations Committee Budget Report".

Also approved were the remaining components of the budget package:

- LB 312 would appropriate funds for state senators' salaries;
- LB 313 would appropriate funds for constitutional officers' salaries;
- LB 314 would appropriate funds for capital construction;
- LB 318 would suspend certain depreciation charges assessed by the Department of Administrative Services;
- LB 414 would change Supreme Court judge salaries;
- LB 456 would transfer \$254.4 million from the state's cash reserve fund;
- LB 628 would provide for payment of claims against the state; and
- LB 629 would disapprove claims against the state.

LB 361 -- Electronic voting board bill passes. Senators gave final approval to LB 361 on a 48-0 vote. The bill allows entities created under the Interlocal Cooperation Act, the Joint Public Agency Act, and the Municipal Cooperative Financing Act to utilize an electronic voting device to record roll call or votes of the governing body of such entities. Currently, only municipalities are authorized to utilize an electronic voting device. Two amendments were adapted to the bill to make further changes.

First, the Government Committee Amendment (**AM 552**) made the following changes on General File:

- Adds counties to the list of entities who are allowed to utilize electronic voting devices to satisfy the requirements of a roll call or vote.
- Adds the provisions of **LB 465**, which adds educational service units to the list of public entities which are allowed to hold public meetings by videoconferencing and telephone conference.
- Adds the provisions of **LB 639**, which allows a governing body of a risk management pool and the advisory committees of the governing body to hold more than half of their meetings by telephone conference if the governing body's quarterly meetings are held in person. Under current law, no more than one-half of the meetings in a calendar year held by the governing body of a risk management pool or its advisory committees may be held by telephone conference call.

On **Select File**, Senator Avery offered **AM 966**, which was adopted to add learning communities to the list that can use electronic voting devices. The bill was introduced by Senator Avery and was a Government Committee Priority Bill.

LB 379e -- Extend the scrap tire grant program. Senators gave final approval to LB 379e on a 46-0-3 vote to extend the grant program for scrap tires from June 30, 2009 to June 30, 2014. The bill included the emergency clause and went into effect in March of 2009.

LB 389e – Climate Assessment Response Committee (CARC) appointments. Senators gave final approval to a bill to change confirmation requirements for CARC members on a 48-0-1 vote. The bill retains legislative confirmation as a qualification of appointment except for the Directors, or their designees, of the Departments of Agriculture, Health and Human Services and Natural Resources who are made ex-officio members and thus assume duties related to the CARC as a function of their office.

Additionally, the bill would no longer require legislative confirmation of appointment of a representative of the Governor's Policy Research Office. Appointment of a Policy Research Office staff is relocated to a portion of the statute that allows additional appointments at the Governor's prerogative of representatives of administrative agencies. The bill provides clarification of the ex-officio but non voting membership of the chairs of the Agriculture and Natural Resources Committees of the Legislature.

The bill was sponsored by Senator Tom Carlson and contained the emergency clause so it went into effect when Governor Heineman signed the bill on May 26, 2009.

LB 477 -- Lien holder bill passes. Senators gave final approval to LB 477 this session on a 49-0 vote. The bill changes requirements when water is transferred to include evidence of lien holder's agreement to allow the transfer of water. The bill clarifies in law that districts can certify irrigated acres and other beneficial uses of water. The bill then requires that participation in any financial incentive program and/or any transfer of certified acres or uses include similar evidence of the lien holder's agreement to allow the transfer. The bill does the following:

1. Clarifies the definition of certified irrigated acres to mean the number of acres or portion of an acre that a natural resources district has approved for irrigation from ground water in accordance with law and with rules adopted by the district;
2. Clarifies the definition of certified water uses to mean the number of acres or portion of an acre that a natural resources district has approved for irrigation from ground water in accordance with law and with rules adopted by the district;
3. Requires the reporting of water uses and irrigated acres by landowners and others with control over the water uses and irrigated acres for the purpose of certification by the district;
4. Outlines that determination of certified water uses or certified irrigated acres by a natural resources district shall not affect the allocations of ground water established by the district;
5. Clarifies the district may recover the cost of the title report and filing an instrument of transfer of the right to use ground water from the person seeking the transfer; and
6. Clarifies that it is the responsibility of the person seeking the transfer to get the signatures of the lien holders.

The bill was sponsored by Senator Carlson and was Senator Utter's Priority Bill for the session.

LB 483e -- NRD water management plans passes. Senators gave final approval to LB 483e on a 46-0 vote. The bill changes the planning process for NRDs when a determination is made that the district is not fully appropriated and a stay on well drilling has expired or that a preliminary determination was made that a basin, sub-basin, or reach is fully appropriated but a final determination finds that it is not fully appropriated.

The final version of the bill would:

- Change the date for a request of re-evaluation of a basin from March 1 to July 1.
- Require natural resources districts that are in a situation where a status change has occurred from fully appropriated or preliminarily fully appropriated to not fully appropriated, to create and implement a policy for the prioritization and granting of water well permits for the four-year period following the change.
- Require moratoriums to stay in place until the districts developed rules and regulations to allow limited growth that would not reach a point to cause a fully appropriated determination.

- Require DNR to approve the NRD rules and regulations within 60 days of NRD adoption. If DNR fails to approve the regulations, NRDs would have to adopt rules and regulations to allow up to 2,500 irrigated acres growth or not more than 20 percent increase in historic irrigated acres within a hydrologically-connected area.
- The bill would prohibit DNR from issuing any new appropriation for the four-year period following a status change that would result in a fully appropriated status based on the most recent evaluation.
- Prohibit DNR from granting more than 834 acres of new surface water appropriations for irrigation within each natural resources district affected by the status change.

Legislative Bill 483e was Senator Langemeier's Priority Bill for the 2009 session. It included the emergency clause so it becomes effective as soon as the Governor approves the bill.

Veto Over-Ride Bills

LB 626 -- Change prohibited activities for public official's and public employee's use of public resources. A bill introduced by Senator Russ Karpicek of Wilber to change governance of public resources was given initial final approval on a 44-2-3 vote. However, the bill was vetoed by Governor Heineman. The Legislature then responded by over-riding Governor Heineman's veto on a 35-10-4 vote.

The bill would allow public officials and employees to use public resources that are considered incidental.

The key components of the bill include:

- Any use of public resources by a public official or public employee which is incidental or de minimis will not constitute a violation of the sections in the Nebraska Political Accountability and Disclosure Act.
- A resource of government, including a vehicle, will not be considered a public resource and personal use will not be prohibited if the use for personal purposes is part of the public official's or public employee's compensation provided by a government body and the personal use of the resource is reported as compensation in accordance with the Internal Revenue Code and taxes are paid.
- If authorized by the contract or policy, the resource may be used whether or not the public official or public employee is engaged in the duties of his or her public office or public employment.
- A public official or public employee is not prohibited from using his or her personal cellular telephone, handheld device, or computer to access a wireless network for which access is provided to the public by a government body.
- Unless otherwise restricted by another agreement or contract, a public official or employee may use a telecommunication system, cellular telephone, handheld device, or computer under the control of a governmental body for emails and calls in certain circumstances, such as calling a teacher, doctor or family member. The communication will be kept to a minimum and not interfere with public business. A public official or public employee shall be responsible for reimbursement of charges that directly result from the communication.
- Allows a public employee under the direct supervision of a public official to respond to specific inquiries as to his or her opinion on a ballot question or to provide information in response to a request for information. Currently, only public officials were allowed to respond to specific inquiries regarding ballot questions.

The bill was introduced in response to an August 2008 decision by the Nebraska Accountability and Disclosure Commission in which a city administrator was fined for sending an email relating to a campaign event from his own computer at home, but it went through a server owned by the city.

Carryover Legislation – The following bills will be carried forward for the next Legislative session which is scheduled to begin on Wednesday, January 6, 2010.

Held in Committee

LB 12 -- Increase Nebraska Resources Development Fund. The bill proposes 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. Senator Langemeier's bill is held in the Appropriations Committee.

LB 289 -- Appropriate funds to the Game and Parks Commission. The bill appropriates \$55,554.25 from the General Fund for FY 2008-09 to the Game and Parks Commission, to match federal dollars for the repair of flood damage done to the dam at Champion Mill State Historical Park. Senator Christensen's bill is held in the Appropriations Committee. Senator Christensen's bill is held in the Appropriations Committee.

LB 362 -- Change requirements for candidate filing forms. The bill proposes 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 is sponsored by Senator Avery and is held in the Government Committee.

LB 438 -- Prohibits instream appropriations in fully or over-appropriated areas. The bill prohibits 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 is sponsored by Senator Fischer and is held in the Natural Resources Committee.

LB 482 -- Change provisions of the Nebraska Ground Water Management and Protection Act. The bill eliminates obsolete language in the act that refers to initial start dates of LB 962 such as "Beginning in 2006", etc. The bill also increases 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 is 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 is 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. Senator Langemeier's bill is held in the Natural Resources Committee.

LB 486 – Require government entities to identify themselves. The bill proposes to require the state, the University of Nebraska, and political subdivisions to include in their official names terminology that would clearly identify them as units of government when dealing with the public. Senator Karpisek's bill is held in the Government Committee.

LB 504 -- Authorize permits and provide penalties relating to discharge of dredged or fill material into the waters of the state. The bill authorizes the Nebraska Department of Environmental Quality to take over the 404 permit process from the U.S. Army Corps of Engineers. Senator Langemeier's bill is held in the Natural Resources Committee.

LB 520 -- Provide for an income tax credit for perpetual conservation easement donations. The bill allows 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 be 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 be limited to claim the income tax credit on only one conservation easement per taxable year.

The Department of Agriculture would have oversight and would approve qualifying conservation easements by November 1 each year. The department shall not approve applications for tax credits which would total more than 5 million dollars for any one year. If qualified applications would result in tax credits totaling more than 5 million dollars

in the year, including qualifying carryover credits from previous years, the department shall prioritize qualifying applications. Senator Hadley’s bill is held in the Revenue Committee.

LB 535 -- Change membership of the Nebraska Natural Resources Commission and provisions relating to natural resources districts. The bill increases from 3 to 15 members appointed by the Governor to the Natural Resources Commission. The additional 12 appointments would be representatives of the business community. The bill also requires 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 approve, then surveys may be used for general programs or projects to determine potential utilization of the program or project.

Any surveys used shall be consistent with state and federal agency statistics and shall not include the same population areas to justify more than one of the same kind of project in a 50-year period of time. All projects shall be bid in total, not by part, and all expenses shall be included when determining a rate of return for a project. Finally, the bill prohibits the NRD use of eminent domain powers until all other requirements for a dam or any other improvement project have been complied with. Senator Stutman’s bill is held in the Natural Resources Committee.

LB 565 -- Adopt the Woody Biomass Energy Act. The bill creates the Woody Biomass Energy Revolving Loan Fund to be administered by the State Energy Office. The fund would be created from a \$2.5 million General Fund appropriation in each of the next two fiscal years. The fund would be 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 adopt and promulgate rules and regulations to carry out the act. Any agency of state or local government would be eligible to apply to the State Energy Office for a loan from the fund. The Energy Office would be responsible for adopting and promulgating rules and regulations to implement the act. Senator Louden’s bill is held in the Natural Resources Committee.

LB 581 -- Change disposition of funds from Pesticide Act fees and weed book sales. The bill makes changes to the distribution of pesticide fees to increase funding to the noxious weed program. The bill shifts \$10 per product from the Buffer Strip Program to the Noxious Weed Program as shown in the chart below

Pesticide Product Registration Fee

	Specialty (5,700 Products)		Non-Specialty (5,490 Products)	
	Current Fee	Proposed	Current Fee	Proposed
Pesticide Act Administration	\$70	\$70	\$0	\$0
Noxious Weed Regulatory	\$30	\$40	\$30	\$40
Buffer Strip Program	\$60	\$50	\$60	\$50
Water Resources Fund	\$0	\$0	\$110	\$110
Total	\$160	\$160	\$200	\$200

The bill also transfers \$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. Senator Carlson’s bill is held in the Agriculture Committee.

LB 582 -- Create the Nebraska Invasive Species Council. The bill establishes the Nebraska Invasive Species Council to recommend action to minimize the effects of harmful invasive vegetation in Nebraska. The 14-member council would consist 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 include: 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 bill is sponsored by Senator Dierks and is held in the Natural Resources Committee.

LB 624 -- Provide for energy efficiency loans for public buildings. The bill creates 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 shall be used only for energy-efficiency projects approved by the State Energy Office at the time the loan is approved. Energy-efficiency projects may include building and equipment improvements. Building and equipment improvements include, but are not limited to, lighting, heating, ventilation and air conditioning, windows, insulation, and energy control or management systems.

The State Energy Office shall compile records of all loan applications and the amount of energy and financial savings resulting from approved loans. Loans would be distributed geographically throughout the state to the extent possible. Senator Harr's bill is held in the Government Committee.

LB 639 – Change provisions to telephone conferencing for public meetings. The bill allows a governing body of a risk management pool and the advisory committees of the governing body to hold more than half of their meetings by telephone conference if the governing body's quarterly meetings are held in person. Under current law, no more than one-half of the meetings in a calendar year held by the governing body of a risk management pool or its advisory committees may be held by telephone conference call. Provisions of the bill were incorporated into LB 361, which was approved. Senator Karpisek's original bill is held in the Government Committee.

LB 643 -- Change and provide notice requirements of road construction near electric lines. The bill requires natural resources districts 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, poles, or anchors. If the line, poles, or anchors to be moved are 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. Senator Schilz's bill is held in the Natural Resources Committee.

LB 644 -- Adopt the Electronics Recycling Act. The bill creates a recycling program for electronic devices. Electronic device is defined in the bill to mean a computer, video display device, or television. The bill establishes fees on the manufacturer of these devices based upon the volume sold in Nebraska to generate funds for recycling. The bill also requires manufacturers to develop a plan for recycling and file it with the Department of Environmental Quality. The fund from the fees would be earmarked to award grants for education and information about electronics recycling, infrastructure development, collection, transportation and recycling of electronic devices. Senator Mello's bill is held in the Natural Resources Committee.

LB 651 – Create Water Resources Revolving Loan Fund Act. The bill creates 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 oversight over the program and an administrative fee would be allowed to pay for operational cost of the program.

The loans under the program would be 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 come from the repayment of the loan provided by the State of Nebraska to the natural resources districts in the Republican River Basin in 2008. Senator Christensen's bill is held in the Natural Resources Committee.

LB 656 -- Adopt the Health Care Accessibility and Affordability Act. The bill establishes 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 includes preventive services, behavioral health care, dental care, and long-term care, which is developed and reviewed periodically by health care professionals and members of the public, and which allows for purchase by employers or individuals.

The council would be 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 shall include, 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 be submitted to the Legislature on or before September 1, 2010. Senator Harms' bill is held in the Health and Human Services Committee.

LB 666 – Changes to the Niobrara Scenic River Council. The bill removes 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 places the appointed council in an advisory role to local elected officials rather than an oversight role.

The bill redefines 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 changes the membership requirements of the council for three representatives on the council so that they must reside in a county that includes land in the Niobrara Scenic River corridor. These representatives include: 1) the recreational business representative; 2) the timber industry representative; and 3) the recognized, nonprofit, environmental, conservation, or wildlife organization representative.

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

Finally, the bill strikes 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. Senator Langemeier's bill is held in the Natural Resources Committee.

LB 678 -- Change provisions relating to minutes of public meetings. The bill allows 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. Senator Haar's bill is held in the Government Committee.

Held on General File

LB 42 – Improvements to Rural Water Systems. The bill clarifies 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. Senator Flood is the sponsor of the bill.

LB 43 -- Eliminate the Department of Natural Resources Interstate Water Rights Cash Fund. The bill repeals 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. Senator Flood is the sponsor of the bill.

LB 210 -- Change provisions relating to aid to natural resources districts. The bill changes the state aid formula for natural resources districts so that the amount of property tax levied by the district shall not include the property tax levied to principal or interest on bonds. The bill is sponsored by Senator Langemeier.

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. The bill 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 is sponsored by Senator Adams.

LB 304 -- Change limitation of action provisions under the Political Subdivisions Tort Claims Act. The bill extends 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 is sponsored by Senator Council.

Bills Indefinitely Postponed - The following bills were killed this session

LB 18 – Prohibit irrigation on new school land leases. The bill proposed that upon the expiration of any lease of school lands existing on the effective date of this act, which are in any river basin, sub-basin, or reach that has been designated as fully or over-appropriated, any subsequent lease negotiated by the Board of Educational Lands and Funds with respect to such school lands shall contain a condition that such school lands shall not be irrigated for the duration of the lease. The bill was withdrawn early in the session by the sponsor, Senator Mark Christensen.

LB 134 -- Prohibiting NRD use of eminent domain. During General File debate on May 27, the Legislature adopted the Natural Resources Committee amendment to LB 134 which would require a district to obtain consent of the Legislature before using the power of eminent domain for the development or management of recreational trails or corridors unless associated with a flood control structure. The adoption of the amendment was more procedural as immediately following the adoption of the committee amendment senators took up motion to indefinitely postpone the bill allowing time for an interim study (LR 124) of the issue to come up with a better solution. The IPP motion was filed by Senator Dave Pankonin, the sponsor of the bill, and prevailed on a 40-0-9 vote. The text of the study follows:

- **LR 124 -** Interim study to examine the use of eminent domain by natural resources districts for the taking of private land for development or management of recreational trails or corridors. Pankonin.

The Lower Platte South NRD is working with interested parties in Cass County to resolve concerns raised by local landowners. The positive efforts of the LPSNRD to address concerns lead to the bill being indefinitely postponed.

LB 336 -- Exempt municipal water from sales tax. The bill proposed to exempt water supplied by a municipal water supplier from sales tax. The bill was sponsored by Senator Friend. IPP – Revenue Committee.

LB 466 -- Eliminate an excise tax on corn and grain sorghum. The bill proposed to eliminate the corn and grain sorghum check-off that is scheduled to go into the Water Resources Cash Fund for FYs 2012-13 through 2018-2019 and replaced it with a \$10 million annual General Fund appropriation. The bill was sponsored by Senator Wallman. IPP – Revenue Committee

LB 480 – Change budget limit and tax limitation provisions. The bill would have altered budget limitations to allow higher rates of budget growth than currently provided for by local government budget limits. An additional budget lid growth exception would have been allowed under the current capital improvements exceptions. The added language would have allowed budget growth over the current allowable amount for acquisition and replacement of tangible personal property with a useful life of five years or more. A levy exception was also provided for capital improvement expenditures as redefined by the bill. The budget lid and levy exceptions would have applied to all local governments.

Another budget lid growth allowance would have been provided for additional growth for drug prevention and drug enforcement costs in excess of the prior fiscal year. A levy limit exception was also provided for this increased expenditure allowance under the bill. The bill was sponsored by Senator Dierks. IPP – Revenue.

LB 577 – Change provisions relating to improvement project areas of natural resources districts. The bill proposed to limit the power or authority of NRDs to cooperate with or enter into agreements with, or to furnish financial or other aid to, any person who is in the business of selling or leasing, offering for sale or lease, or advertising for sale or lease, residential or commercial real property, when the cooperation, agreement, or financial or other aid relates to real property taken by the district through the use of eminent domain.

The bill also suggested major changes to the improvement project statutes to limit the district's ability to utilize the act for improvement projects. Specifically, it would prohibit the authority for 1) development and management of fish and wildlife habitat and 2) development and management of recreational and park facilities.

The bill proposed to strike all existing law relating to benefits, benefit areas, benefit units, special benefits, geographic areas, etc., under the program and creates new definitions for such. The bill also required for districts that encompass a metropolitan class city, owners of land outside the benefit area would have to approve of a project if they felt they may be impacted.

The bill also included language to prohibit a project and any cooperation, agreement or financial aid with any person, company, firm, corporation, or other entity that owns land within the proposed improvement project area at the time the project is proposed if they have owned the land for less than ten years. The bill was introduced by Senator Rogert. IPP – Natural Resources.

LB 632 -- Adopt the Nebraska Green Building Advantage Act and authorize a sales tax refund. The bill proposed adopting the Nebraska Green Building Advantage Act to provide a sales tax credit to those commercial buildings that use the Leadership in Energy and Environmental Design Green Building Rating System (LEED). Commercial building is defined to mean a building that will be or is being used for commercial activities, including retail, medical, distribution, wholesale, manufacturing, or rental property. The sales tax refund would graduate from 10 to 50 percent as more LEED Standards are incorporated into the building. The bill was sponsored by Senator Mello. IPP – Revenue Committee

LB 681 -- Tax refund bill. A bill that would have provided refunds for taxes declared unconstitutional was killed by the Revenue Committee on an 8-0 vote. Senator Mike Flood introduced the bill on behalf of Governor Heineman in March. The bill was in response to a recent Nebraska Supreme Court ruling that property taxes levied under LB 701 were for a state purpose and thus unconstitutional. Existing law allows for refunds if a taxpayer had filed a protest of the taxes within specific timeframes when the tax was imposed. The bill would have provided refunds to all taxpayers, whether they filed the protest or not and applied to all future tax cases.

When the Supreme Court ruled on this case in February 2009, they did not issue a judgment for the taxes to be returned. Rather they only declared the tax was unconstitutional. The other remaining sections of statute limit the use of the funds to repaying bonds. However, no bonds were issued with the funds. There is no other existing statute that would authorize and direct repayment of the tax. The bill was introduced by Senator Flood on behalf of the Governor. IPP – Revenue Committee

Interim Study List

The following provides a list of interim studies related to natural resources introduced this session. The introducers name follows the one-line summary. Hearings on interim studies are usually held late summer through December. However, it is not required that all interim studies have a hearing.

- **LR 101** - Interim study to examine issues relating to the impact of additional well development on water use by domestic wells in areas of the state where ground water supplies are limited. Haar.
- **LR 103** - Interim study to examine the statutory duties of riparian landowners adjacent to natural streams and other watercourses for the control and removal of noxious and invasive vegetation. Agriculture Committee.
- **LR 115** - Interim study to review issues under the jurisdiction of the Natural Resources Committee. Langemeier.
- **LR 122** - Interim study to examine the feasibility of making the Game and Parks Commission a code agency. McCoy.
- **LR 124** - Interim study to examine the use of eminent domain by natural resources districts for the taking of private land for development or management of recreational trails or corridors. Pankonin.
- **LR 128** - Interim study to examine issues relating to the laws of Nebraska governing the management and use of Nebraska surface water and ground water. Langemeier.
- **LR 141** - Interim study to examine the subject matter of LB 474, 2009, that would have required the state and its governmental subdivisions to pay property tax on property that was not being used for a public purpose. Stuthman.
- **LR 181** - Interim study to examine the feasibility and benefits of restructuring the natural resources districts. McCoy.
- **LR 214** - Interim study to examine local government levy limits and property tax proposals that have been implemented since 1995. Revenue Committee.
- **LR 222** - Interim study to examine granting the Department of Environmental Quality the statutory authority to file and collect environmental liens on property. Langemeier.
- **LR 235** - Interim study to examine water issues. Christensen.
- **LR 240** - Interim study to examine ideas for encouraging responsible livestock development through participation and partnerships between communities, counties, organizations and state agencies. Christensen.

A full list of interim studies can be found at <http://www.nebraskalegislature.gov/session/interim.php>.

LR 249 – Introduced by Senator Kate Sullivan, Senators approved Legislative Resolution 249 on May 28 recognizing Ord High School as the 2009 Nebraska Envirothon State Champion. Ord’s Envirothon team was sponsored by the Lower Loup NRD.