November 15, 2001

TO: Recipients of Legislative Memos

FROM: Jim Cook, Legal Counsel

SUBJECT: Report on Special Session and Legislative Memo #1 for the 2002 Regular Session

The Legislature recently completed its special session dealing with budget reductions. The following table reflects the reductions made to the various budget categories for the Department of Natural Resources. In general, those reductions are proportionately the same as reductions made for other state agencies; they are 4% for the current fiscal year and 5% for the 2002-03 fiscal year.

Reductions to Department of Natural Resources Budget		
	Fiscal Year	
Programs	2001-02	2002-03
Small Watershed Fund	4,000	10,000
Natural Resources Water Quality Fund	10,000	12,500
Soil & Water Conservation Fund	158,166	197,707
Resources Development Fund	156,800	196,000
DNR Operations	595,843	590,655

The 2002 Nebraska legislative session will begin on Wednesday, January 9. Because it will be the second year of the 97th Nebraska Legislature, all bills that were not adopted or indefinitely postponed last year will carryover for possible consideration in 2002. The purpose of the enclosed Legislative Memo #1 is to resummarize the natural resources related bills that will be carried over.

Once the session begins, we will again be preparing legislative memos, normally each Friday probably starting on January 18, and will provide you with a copy in the manner you desire (please see options and preferences below). Please hang on to the enclosed and all subsequent memos until the end of the legislative session as it sometimes will be necessary to refer back to previous memos to fully understand the then current status of a proposed or adopted bill. Each memo will also include a status report listing that shows the hearings that have been scheduled, the status of the bill, etc. At the end of the legislative session in April, we will resummarize in their adopted form all of the related bills that have been enacted.

As we do at the beginning of each year, we ask you to consider whether you want to continue receiving these memos, and, if so, in what form. If you are no longer interested, please call Laurie Gower at 402/471-3944. If you would like to change the manner in which these memos are provided, Laurie can help with that as well. For any of you who can access the memos electronically through the DNR website (http://www.dnr.state.ne.us), our preference is that you obtain them in that way. We intend to have them posted by late afternoon or early evening each Friday. Your access in that manner would save us a lot of time, especially if you are currently receiving mailed copies but even if you are currently receiving e-mail copies. If you would be willing to forgo either the paper copy or the e-mail version, please call Laurie. Lastly, e-mail transmittal is easier for us than hard copy mailing, so if you are currently getting paper copies but would like to receive an e-mail version instead, also contact Laurie at the phone number noted above.

Suggestions for improving the form, content, or delivery method for these memos are always appreciated. Those can be given directly to me at 402/471-3930 or may be provided through the e-mail link on our website.

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Enclosure

2002 LEGISLATIVE MEMO #1

LB 57: Sales Tax on Copies of Public Records

As passed in 2000, LB 628 requires public entities to make copies of public records when requested. The actual cost of producing those copies can be charged to the person making the request. The Department of Revenue ruled after the passage of LB 628 that such charges were subject to Nebraska's Sales and Use Tax. LB 57 would modify that by providing that such taxes would not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption of copies of public records. As currently written, the bill would have become operative on October 1, 2001. That date will obviously need to be changed if the bill is passed. LB 57 is on General File. A committee amendment is pending that would continue to make the cost of making copies of documents available for commercial sale to the general public subject to sales tax if the reproduction cost is not fixed by state law, rule or regulation.

LB 120: Ag Land Values

LB 120 would eliminate the current requirement that ag land and horticultural land be valued at 80% of its actual value. Instead, the percentage of actual value would be determined each year by comparing the income value (based on agricultural cash rents and property tax expenses) to the sales value.

LB 120 remains in the Revenue Committee.

LB 121e: Set Base Limitation for Property Tax Lid

The current base limitation for annual increases in restricted fund budgets by political subdivisions is 2.5%. LB 121 would provide the vehicle to change that base limitation, but does not presently prescribe a replacement percentage.

LB 121 remains in the Revenue Committee.

LB 161: Increase in Maximum Claim Under Tort Claims Act

LB 161 would increase the maximum payable under the Political Subdivision Tort Claims Act. As originally introduced, LB 161 would increase the current maximum for damage to one individual from $1,000,000 to $3,000,000 and the current limit of $5,000,000 for all claims arising out of a single occurrence to $12,000,000. However, the bill, which is on General File, has Judiciary Committee amendments pending. Those amendments would only increase the per person limit from $1,000,000 to $2,000,000 but would eliminate the single occurrence limit for claims arising out of occurrences after the effective date of the Act. It would also provide for annual adjustment of the $2,000,000 limit based upon the Consumer Price Index.

LB 259: County Occupation Taxes/Arbitration on Road Closings

In its original form, LB 259 is not relevant to the purposes of these memos. However, the bill is on General File and Senator Beutler has an amendment pending to insert the provisions of LB 447 as described later. Like LB 447, the proposed amendment to LB 259 would authorize arbitration whenever there is a dispute between a natural resources district and a county over the closing of a road to allow the construction of a district project.

LB 290: Ag Land Valued at 50%

LB 290 would change from 80% to 50% the percentage of actual value at which agricultural and horticultural land would be valued for property tax purposes.

LB 290 remains in the Revenue Committee.

LB 301: Amend Dollar Limits Triggering the Need for Licensed Engineers and Architects

The current Engineers and Architects Regulation Act does not apply to certain activities. For example, public works projects costing less than $80,000 are not subject to the Act. LB 301 would modify several of the size or cost triggers in the Act, but it does not yet propose specific numbers for any of those modifications. For example, it would change (presumably increase) the $80,000 limit described above, but does not yet indicate what the new amount would be.

LB 301 remains in the Health and Human Services Committee.

LB 355: Time for Filing Claims Under the Political Subdivision Tort Claims Act

LB 355 would extend the time for filing claims with public bodies under the Political Subdivision Tort Claims Act. The change would allow up to two years, rather than one year, after the damage or injury occurred or became known.

LB 355 remains in the Judiciary Committee.

LB 404: State Task Force on Water Policy

LB 404 would direct the Governor to appoint a new task force to study the statutory framework governing groundwater and surface water use, quality, management and development. The task force would represent Nebraska water interests, including representatives from groundwater irrigators, surface water irrigators, municipal water users, industrial water users, natural resources districts, and fish, wildlife, and recreational users. Consultation would be required with the Conservation and Survey Division, DEQ, DNR, and such other state and federal agencies as the task force deemed necessary. The study conducted by the task force would include domestic, agricultural, industrial, municipal, fish, wildlife, and recreational groundwater and surface water uses, supplies, and management concerns, water quality monitoring requirements, conjunctive use statutes, the groundwater and surface water preference systems, and alternatives to fund groundwater and surface water management activities. The task force would also be expected to develop a process for a comprehensive water plan for the state.

LB 404 is on General File without any amendments pending. The Natural Resources Committee has also held a hearing on an interim study resolution relating to the concept of LB 404.

LB 447: Arbitration Concerning Closure of County Roads

If a natural resources district and a county could not agree on the closure of a county road to allow construction of an NRD project, LB 447 would allow the NRD to require that the dispute be submitted to arbitration. Arbitration would be through a three-member panel, one member appointed by the NRD, one by the county, and the third by the other two arbitrators. The test to be applied by the arbitration panel would be whether the public benefits to the state of the use proposed by the district would outweigh the public detriment to the state from closing the county road. The decision of two of the three arbitrators would be the decision of the Arbitration Board and would be binding except that appeals could be taken to the Nebraska Court of Appeals. The bill also includes provisions relating to timetables, procedures to be utilized, etc.

LB 447 remains in the Transportation Committee.

LB 458: Eliminate Report Concerning Water Well Licensing Education

Present law requires the Water Well Standards Licensing Board to annually make a report to the Health and Human Services Director of Regulation and Licensure identifying all licensees and certificate holders who have complied with the educational requirements of the Water Well Standards Licensing Act. LB 458 would not change the educational requirements, but would eliminate the need for the Board to make that report.

LB 458 is on General File without any proposed amendments.

LB 504: Appropriate Funds to the Natural Resources Enhancement Fund

LBs 504, 634, and 635 are all bills introduced in 2001 as ways to replace the Water Quality Funds lost by natural resources districts when the $1 per ton fertilizer fee terminated at the end of 2000. LB 504 would have appropriated $2.5M from the General Fund to what was then called the Natural Resources Enhancement Fund. Passed instead during the 2001 legislative session was LB 329 which, in combination with $250,000 in General Fund appropriation, provides for a partial replacement of the lost fertilizer fees. Whether LB 504 or either the other bills will be acted on or even discussed is unknown, but they could serve as vehicles for either modifications in the approach taken in LB 329 or for entirely different purposes.

LB 504 remains in the Appropriations Committee.

LB 568: Changing Budget and Audit Provisions

LB 568 would make a number of changes in political subdivision budget and audit requirements. Among those would be a change in when the proposed budget statement would have to be completed and filed with the subdivision's secretary or clerk. Presently that filing must occur not later than August 1; LB 568 would amend that to the date the budget hearing notice is first published.

LB 568 also addresses the need for developing a system for electronic filing of budget information. The proposed committee amendments to the bill in that regard would provide for the development of a plan for achieving that objective. The plan would describe the technology and staff resources necessary to implement on-line filing of budget information. As the amendment is written, the plan is supposed to be presented to the legislature on or before January 15, 2002, a date that would obviously have to change if LB 568 is adopted.

LB 600: Ag Land Valued at Earning Capacity

LB 600 would eliminate the current standard for valuing agricultural and horticultural land at 80% of market value and replace it with provisions requiring valuation at the land's net earning capacity. Among the numerous bills introduced relating to ag land valuation in the 2001 legislative session, LB 600 appears to be the Revenue Committee's proposed vehicle for making changes in those valuations. The bill has been advanced to General File with proposed amendments. The bill has already been debated once on General File, but no action has been taken to advance it thusfar.

The amendments proposed by the Revenue Committee would change the method for taxing agricultural and horticultural land beginning on January 1, 2003. When the new valuation method took effect, it would be based upon agricultural income derived from the productivity of the land based on its category (irrigated cropland, dryland cropland, grassland, orchard, nursery, feedlot, or wasteland) and land class (based on NRCS soil types) under a degree of management reflecting average production levels, less average landowner expense, and capitalized at eight percent. For dryland or irrigated cropland, the net earning or productive capacity would be computed by multiplying the three-year average gross receipts by landowners' share for each county. The earning or productive capacity for grassland would be computed by multiplying the carrying capacity in terms of animal unit months by the typical rental value per animal unit month or by forage production less landowner expenses. Land retained or protected for future agricultural or horticultural use under a conservation or preservation easement would be taxed as agricultural land or horticultural land. Land enrolled in a federal or state program in which payments are received for removing such land from production would also be considered agricultural land or horticultural land and would be classified according to its category of use in the year prior to enrollment, i.e. if dryland cropland was converted to CRP, it would be taxed at the dryland cropland rates while in CRP.

An Agricultural Land Use Advisory Committee would be established to advise and assist the property tax administrator in developing uniform and proportionate valuation of agricultural land and horticultural land.

LB 628: DEQ Regulation of Discharge of Dredge and Fill Material

About a year ago, the United States Supreme Court issued a decision that restricts the jurisdiction of the U.S. Army Corps of Engineers under what is called the "Section 404 Program." That program authorizes the Corps to regulate the dredge and fill materials into "waters of the United States." The court ruling, which involved fill of abandoned sand and gravel pits that were not adjacent to a waterway, was that the Corps had overextended its jurisdiction as granted by Congress. The full impact of that case is not yet known, but has already produced lots of reaction in many states.

LB 628 is a bill to respond to the Supreme Court opinion by providing DEQ with authority to regulate at least those waters no longer subject to the Corps jurisdiction. It would allow the Nebraska Environmental Quality Council to adopt state rules and regulations governing the issuance of permits for

the discharge of dredge and fill materials into "waters of the state of Nebraska." Failure to obtain a permit from DEQ, when required, would be a violation of the Nebraska Environmental Protection Act. Borrowing from existing federal legislation, the Act would allow for the issuance of "general permits" on a statewide or regional basis for any category of activity that would have only minimal adverse environmental effects. It would also exempt specific actions from the need to obtain a permit. Those would include: (1) normal farming, silviculture, and ranching activity and soil and water conservation practices; (2) construction or maintenance of farm or stock ponds or irrigation districts and the maintenance of drainage districts; (3) construction of temporary sedimentation basins on construction sites; (4) construction and maintenance of farm roads, forest roads, and temporary roads in accordance with best management practices designed to protect against impairment of the waters or adverse effects on aquatic environment.

LB 628 remains in the Natural Resources Committee.

LB 632: Change Number of Members of the Nebraska Game and Parks Commission

LB 632 would increase the number of members on the Nebraska Game and Parks Commission from seven to nine and would require that at least two members be well informed on recreational use of parks. Beginning when Census information was available for the year 2010, the Legislature would draw district boundaries for the nine members of the Commission using population as a primary basis for that redistricting. Until then, the bill would refine the current district boundaries for NGPC. One of the new districts would represent Sarpy County and a portion of Omaha. The other would represent the City of Lincoln and some of the immediately surrounding territory. The other seven districts would be redefined accordingly and with some further realignment of counties.

LB 632 remains in the Natural Resources Committee. The Committee has also held hearings this summer and fall on the concept of LB 632.

LB 634: Sources of Revenue for the Natural Resources Enhancement Fund

Like LB 504 and LB 635, LB 634 was intended as a way to provide funds for water quality programs to natural resources districts. The proposed sources of funds are several fees collected as part of the Nebraska Pesticide Act. Much of the concept of LB 634 was incorporated in LB 329 when that bill was passed earlier this year. As a result, LB 634 may not receive any further action by the Legislature. However, the bill is on General File and could easily be the vehicle for refining LB 329 or taking other actions desired by the Legislature.

LB 635: Appropriate Funds to Natural Resources Enhancement Fund

LB 635 is identical to LB 504 and therefore may not receive any further attention by the Appropriations Committee, where it remains.

LB 636: Natural Heritage License Plates

LB 636 would provide for the issuance of "natural heritage license plates" in Nebraska. The plates, which would be available for an extra fee of $70 (for message plates) or $40 (for numerical plates) would, as the bill is written, have first been available on January 1, 2002. The extra fees collected over

and above the first $30 would be provided to the Nebraska Game and Parks Commission for deposit in the Nongame and Endangered Species Conservation Fund. Those proceeds would be used to conserve Nebraska's native wildlife and plant diversity and associated habitats and to foster responsible stewardship of the state's natural heritage through conservation education.

The bill remains in the Transportation Committee.

LB 708: Teachers Tuition Reimbursement/Reduce Environmental Trust Share of Lottery

LB 708 is a bill that would significantly affect the revenues for the Environmental Trust. The bill would create a "Teacher Tuition Reimbursement Fund" which would be used to provide tuition assistance to prospective teachers planning to stay in Nebraska. It would be funded by the Nebraska State Lottery and would receive 70% of the proceeds that are currently divided among the Education Innovation Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. No reduction in the amount payable to the Compulsive Gamblers Assistance Fund would occur, but the portion of the Lottery proceeds provided to the Education Innovation Fund and to the Environmental Trust Fund would each be reduced from 49.5% to 14.5%.

LB 708 remains in the Education Committee.

LB 709: NRD Use of Eminent Domain for Recreational and Park Purposes

LB 709 would prevent NRDs from using eminent domain "for the purpose of acquisition, development, or management of recreational and park facilities."

The bill remains in the Natural Resources Committee.

LB 731: Filling Vacancies on Elected Boards

LB 731 would change the term, under specific circumstances, of individuals who are appointed to a board because of a vacancy. The Act would apply to NRDs, cities, counties, school boards, and other entities. If a vacancy occurred more than 30 days before a regular primary election during the first half of the term of office to be filled, the appointment would be good only until a successor was elected at the next regular general election to serve for the balance of the unexpired term.

LB 731 remains in the Government Committee.

LB 758: Reallocation of Fertilizer and Soil Conditioner Fees

The Department of Agriculture collects a fee of up to 10¢ per ton on the sales of commercial fertilizer and soil conditioners. Money from that fund is currently to be used to administer the purposes of the related act. However, excess funds have apparently been collected over the years. In its original form, LB 758 would have allowed the Legislature to appropriate excess funds to the University for agronomic crop production research projects and would have appropriated $300,000 of the then current excess in that fund to UNL for that purpose.

LB 758 was advanced to General File by the Appropriations Committee with proposed amendments. A portion of those proposed amendments were enacted as part of LB 329 in the 2001 legislative session. That portion authorized the Nebraska Department of Agriculture to contract with the University in the current fiscal year for agronomic crop production research on precise nitrogen management in center pivot irrigated corn systems. No more than $300,000 is to be transferred this fiscal year for that purpose from the Fertilizer and Soil Conditioners Administrative Fund.

Remaining to be considered as part of LB 758 is whether there should be ongoing authority for the Department of Agriculture and the University to contract for similar projects in the future.

LB 763: Modification of Statutes Relating to Storage Appropriations, Permits for Dams, and Livestock Waste Control Facilities

LB 763 is a bill introduced at the request of the Department of Natural Resources. It would amend four statutes relating to storage appropriations, permits for dams, and livestock waste control facilities. It has several objectives. One is to provide that livestock waste control facilities would not require a storage appropriation under surface water law. To minimize the amount of land area and corresponding runoff reduction that would occur because of such exempted facilities, however, the bill also limits runoff acreage into livestock waste control facilities. That acreage is generally set at 25 acres plus the acreage of the feedlots and the livestock waste control facility itself. Amendments pending by the Natural Resources Committee would allow the Department to increase that acreage if specific criteria were met. The criteria includes a comparison of impacts to the operator of the livestock facility if the increase is not granted with impacts to existing water users if it is granted. The proposed amendments by the Natural Resources Committee would also make it easier for existing livestock operations to obtain an increase in the permitted acreage if a new livestock waste control facility is needed either for the existing operation at its present size or for an expansion of that existing operation.

LB 763 would also make several other changes in the statutes relating to permits for dams. Permits also would be needed for modification or abandonment of dams, not just for the original construction. Also, once a permitted dam had been constructed, the owner would have to certify that it had been completed in accordance with the plans approved by the Department.

LB 763 is on General File.

LB 764: Stormwater Drainage/Detrimental Substances/Special Assessments Areas

LB 764 would provide new authority to municipalities and to natural resources districts. The authority granted would be essentially the same for both, except that it would be exercised by natural resources districts only outside the boundaries of a municipality. A municipality would have jurisdiction over the land area within its corporate limits. The NRD and the municipality would have concurrent jurisdiction over the land area outside the corporate limits but within the municipality's zoning jurisdiction (1 to 3 miles from the corporate limits depending upon the class of municipality involved).

The purposes of the act are to create new ways to finance, construct and operate projects designed to control stormwater runoff and/or the pollution of water courses that can result from such runoff. It would authorize the districts and the municipalities to create drainage improvement project areas for the purpose of constructing and operating drainage projects. Such projects would be defined broadly to include "public facilities and improvements intended to control, direct, or treat the flow of runoff waters into watercourses,…" Assessing the cost of capital construction and operation would be on a unit of

benefit basis. However, in contrast with the current NRD IPA statutes, land area contributing to the problem would be subject to assessment just as would land area benefiting from the proposed improvements. For the contributing area, the proportion of the area which is impervious (covered by roofs, parking lots, streets, etc.) would be a primary basis for determining units of benefit.

The procedure for establishing drainage improvement project areas would be very much like the current procedures used by natural resources districts for IPAs of all types. Public hearings would be required, etc.

The bill would also authorize both NRDs and municipalities (1) to adopt rules and regulations relating to "drainage practices," which would be defined as practices to prevent release of detrimental substances into the runoff waters, and (2) to adopt rules and regulations limiting the use or application of detrimental substances.

LB 764 remains in the Natural Resources Committee.

LB 777: Amendments to Nebraska Nongame and Endangered Species Conservation Act

LB 777 would modify the procedures to be used by the Nebraska Game and Parks Commission in listing a new species as endangered or threatened under the Nebraska Nongame and Endangered Species Conservation Act. Before taking action to list a new species, unless that action was automatic because the species had been listed first under Federal law, the Commission would have to do the following:

(1) Publish notice of the proposed action in each county in which the species is proposed to be endangered or threatened; a proposed committee amendment would modify this to require publication in each region as opposed to each county;

(2) Provide notice of the action to and invite comments from the Governor and state agencies;

(3) Provide notice of the proposed action to and invite comment from each county and natural resources district involved;

(4) Notify the Governor of any state which shares a common border with Nebraska and in which the subject species is known to occur; and

(5) Allow at least 30 days following publication for comment from the public and other interested parties.

The Commission would also have to do the following before taking final action on listing an additional threatened or endangered species:

(1) Hold at least one public hearing in the appropriate area;

(2) Submit the scientific, commercial, and other data upon which the proposed listing is based to scientists or experts for peer review;

(3) Develop a proposed program for conservation of the species (Note: The proposed committee amendments to LB 777 would eliminate this requirement and would provide instead that NGPC would have to develop an outline of the potential requirements or regulations that might be placed on private landowners or on other persons who held state

recognized property rights as the result of the listing of the species or the development of a proposed program for conservation of the species); and

(4) Conduct an economic impact study of the proposed listing (Note: The proposed committee amendments would eliminate the requirement for this study).

LB 777 is on General File.

LB 778: Confidentiality of Information Collected for the Non-Game and Endangered Species Conservation Act

LB 778 would provide that whenever the Game and Parks Commission collects information and data relating to the habitat, specific location, species identification, or quantity of any animal or plant life protected by the Non-Game and Endangered Species Conservation Act, or that is the subject of an investigation by the Commission for determination of a potential listing under that Act, the information and data collected would be considered confidential and would not be disclosed as public information to the extent it was collected on private land as part of a conservation management plan developed cooperatively with the Commission or was collected as part of a scientific investigation or research effort. The Commission could disclose information obtained in that manner only to the owner of the land or to others approved by the owner of the land. The information could also be disclosed in any way which prevented the identification of particular tracts of land or landowners. In the event of a consultation between the Commission and another state agency on a proposed state agency action, the Commission could release confidential data to the agency if necessary to indicate the potential impact of the action proposed by that agency. However, the release could occur only after notifying the private landowner or his or her designee that the information would be released.

LB 778 is on General File.

LB 785: Eminent Domain by Railroads/DNR Approval

LB 785 would establish new standards for use of eminent domain by railroads. A railroad would have the burden to prove that the exercise of the right of eminent domain is "for a public use consistent with public necessity." Criteria for that determination is found in the bill. One of the requirements imposed on the railroad would be to file an application for a plat, as required jointly by the appropriate county board and the Nebraska Department of Natural Resources, which sets forth the public use consistent with public necessity and the route of the railroad to be constructed or reconstructed along with other related information. The county board and the Department of Natural Resources would hold a public hearing and make a joint determination about whether the proposal is for a public use consistent with public necessity. If the answer was in a negative, the railroad would not have eminent domain authority for that particular property or project.

The railroad also would have to allow electric utilities, public utilities, telecommunication companies, and rural water systems to have access to the railroad right-of-way for the placement of underground facilities, without any fee being charged.

The bill would also provide that no railroad surveys or soil or water examinations could occur on private land before a finding that the proposed project is a public use consistent with public necessity.

LB 785 remains in the Judiciary Committee.

LB 791: Increase Potential Player Payout from Lottery

The current law governing the state lottery requires that at least 25% of the dollar amount of the lottery tickets sold be distributed to the various funds which benefit from the lottery sales, i.e. the Education Innovation Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. LB 791 would allow a 5-year reduction in the percentage paid to those funds from 25% to 18%, but only to the extent that the dollar amount transferred would be no less than the dollar amount transferred to those funds in fiscal year 2000-01. On October 1, 2006, the percentage would revert to 25%.

LB 791 was advanced to General File by the General Affairs Committee. An attempt to advance it to Select File failed, but the bill may be reconsidered on General File in the 2002 legislative session.

LB 813e: Public Facilities Construction and Finance Act

This bill would allow local governments which cooperate with each other in the joint acquisition, construction, financing, operation and ownership of certain public facilities to issue bonds to finance those projects and to pay for the bonds with property taxes over and above those authorized or limited by other statutory provisions, including levy limits. The public facilities that could be constructed include public buildings and related improvements to real estate, recreational facilities and related improvements, flood control and storm water drainage projects, and street and road construction and improvement projects. The bonds could be issued without a public vote unless, within 30 days after publication of notice of intent to issue the bonds, a petition signed by 15% or more of the registered voters of the local government was filed. In that event, issuance of the bonds would be a valid issue for voter consideration at either a general election or a special election. The amount of the bonds which could be issued by a public agency under the act could not exceed $5,000,000 in total principal and the annual amounts due in repayment of the bonds could not exceed 5% of the agency's "restricted funds" in the year prior to bond issuance. Also, the aggregate amount of bonds issued by any number of public agencies for a single project could not exceed $5,000,000.

LB 813 remains in the Government Committee.

LB 837e: DNR Hearings and Publication of Notices

LB 837 would give a county and a natural resources district in which a proposed well or other water diversion device was to be located standing in any proceeding before the Department of Natural Resources relating to that well or diversion device. It would also require the Department to publish notice of any amendments to applications for either an induced recharge right for a public water supplier or a permit under the Municipal and Rural Domestic Groundwater Transfer Permit Act if the amendment to the application would materially affect the quantity, location, or timing of the water requested. Opportunity to request a hearing on such an amendment would be granted and a hearing would be required if requested by a county or natural resources district where the well or other device was proposed to be located.

LB 837 remains in the Natural Resources Committee.

LEGISLATIVE MEMO #1
STATUS REPORT – 2002 SESSION

LB #	Subject	Committee/ Hearing Info.	Applicable Legis. Memo(s)	Status (e-date)
Bills Held Over From the 2001 Session				
57	Sales tax/public records		1	G
120	Ag land values		1	C
121e	Base limitation/lid		1	C
161	Poli. Sub. Tort claims		1	G
259	Counties/Occ. Tax/vacate roads?		1	G
290	Ag land at 50%		1	C
301	Eng. & Arch. Act/triggers		1	C
355	Poli. Sub. Tort Claims/2 years		1	G
404	State Water Task Force		1	G
447	NRDs/Counties/Close Roads		1	C
458	Water Well Board Report		1	G
504	Approp. for NREF		1	C
568ePB	Budget date/e-filing		1	G
600PB	Ag land/net earning value		1	G
628	State 404 program		1	C
632	NGPC/# of members		1	C
634	DOA fees/NREF		1	G
635	Approp. for NREF #2		1	C
636	Nat. Heritage Plates		1	C
708	Lottery/Env. Trust 14.5%		1	C
709	NRD/Em. dom./rec. use		1	C
731	Vacancies/elected boards		1	C
758PB&A	Fertilizer fee/excess/UNL		1	G
763	Storage/dams/LWCF		1	G
764	Stormwater/assess areas		1	C
777	Amends to Nebr. NG-ESCA		1	G
778	NGPC/confidentiality		1	G
785	Railroad/Em. dom./DNR		1	C
791PB	Lottery/18% to funds		1	G
813e	Public facility financing		1	C
837e	DNR hearings/NRD/county		1	C

Code: * (unofficial); (e) emergency clause; (CA) constitutional amendment; (C) in committee; (G) General File; (S)Select File; (F) Final Reading; (P) Passed; (AG) Approved by Governor; (IP) Indefinitely Postponed; (V) Vetoed; (LV) Line item veto of appropriation; (LWG) Became law w/o Governor's signature; (POV) Passed over Governor's Veto; (W) Withdrawn; (PB) Priority Bill; (A) includes appropriation bill;(PR) Priority Resolution