Agenda Item 7. Report of Legislative Committee and Recommendations

The Legislative Committee met, with one member present and two members via phone to discuss proposed legislation regarding the Trust. The minutes are provided for review. Enclosed for your references are the Legislative bills introduced affecting the Trust and were discussed by the committee. The board should accept or modify the committee recommendation(s).

Possible Action: motion to accept the report/minutes and approve or modify and approve the committee recommendation.

Board Authority:
To establish committees:
Neb Rev Stat 81-15.173 Board: powers and duties. The board shall have and may exercise the following powers and duties: (5) Establish ad hoc advisory boards and subcommittees.

Bylaws, Article IV, Committees, Section 1C. Legislative Committee. Membership: Once citizen board member from each Congressional District and two agency directors. One such agency director shall be designated as committee liaison to the Governor. Duties: The Legislative Committee develops policy guidelines for Board approval to direct staff action on legislation that addresses the operation of the Trust and carries out any responsibility, duty or authority delegated to it by the board.
MINUTES
Nebraska Environmental Trust
Legislative Committee Meeting
January 22, 2016

The Legislative Committee of the Nebraska Environmental Trust met on Friday, January 22, 2016. Committee Chair, Krohn called the meeting to order at 10:12 a.m. and requested roll call. Roll call was conducted.

Members present via telephone: Mr. Bob Krohn, Chair; Mr. Jim Douglas, Mr. Jim Hellbusch and Ms. Sherry Vinton. Members absent: Mr. Jeff Fassett
Staff present: Mr. Mark Brohman, Ms. Marilyn Tabor and Ms. Lori Moore

Mr. Brohman reported that there was no new legislation introduced since his e-mail to the full board. He wanted to let the committee know that he listened to the Legislative hearing yesterday which Senator Krist introduced LB672 regarding eliminating the recycling tire fee. Senator Krist wanted to find out where the tire fee was going and it doesn’t appear to have any support. The session is a short session; the last day of the session is April 20th, but could be earlier.

The first piece of Legislation that could affect the Trust was LB 711, introduced by Senator Hughes of District 44, of Venango, Nebraska. The legislation would create a Riparian Vegetation Management Task Force in which the Governor would appoint members to the task force. The members would include one surface water project representative from each of the river basin that has ever been determined to be fully appropriated by the Department of Natural Resources; one representative from the Department of Agriculture, the Department of Environmental Quality, the Department of Natural Resources, the office of the Governor, the office of the State Forester, the Game and Parks Commission, and the University of Nebraska; two representatives nominated by the Nebraska Association of Natural Resources Districts; two representatives nominated by the Nebraska Weed Control Association; one riparian landowner from each of the state’s congressional districts; and one representative from the Nebraska Environmental Trust. In addition to such members, any member of the Legislature may serve as a nonvoting, ex officio member of the task force at his or her option. For administrative and budgetary purposes only, the task force shall be housed in the Department of Agriculture. The Director of Agriculture would be responsible to make application to the Trust annually for funding.

Mr. Douglas and the others on the committee would like to know Mr. Ibach’s thoughts regarding LB711. Discussion was held.

Motion made by Ms. Vinton that we direct Mark Brohman to submit testimony outlining serious concerns with this bill and testify in a neutral position. If the bill is advanced by the committee then the Trust would reevaluate its position on the bill depending on how the Trust’s concerns were addressed. Seconded by Mr. Hellbusch. All voted in favor.

The next piece of legislation was LR380CA which reduces the Trust’s allocation from 44.5% to 26.5% and gives the funding to Education as directed by the Legislature. The constitutional amendment was introduced by Senator Bloomfield, of District 17, of Hoskins, NE. Mr. Brohman noted that this would cost $6M a year in funding to the Trust. He explained that from the 2016
Preliminary Rank Order List this would result in 40 additional projects not being funded this year if this were allowed to happen. He also expressed to the committee that he will only have three minutes to give testimony on the legislation in the General Affairs Committee. Discussion was held.

Motion by Mr. Hellbusch to testify in opposition of the legislation and to emphasize the geographic distribution along with the five funding categories giving the dollars and figures of the $58M requested. Then present the best of the best applications explaining that without the funding applicants may not receive funding if not receiving it from the Trust. Seconded by Mr. Douglas. All voted in favor.

The meeting adjourned at 10:47 a.m.

Respectfully submitted,

Mark Brohman, Executive Director
LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 711

Introduced by Hughes, 44.
Read first time January 06, 2016
Committee: Natural Resources

1 A BILL FOR AN ACT relating to noxious weed control; to amend sections
2 2-945.01 and 2-958.02, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to grants for certain vegetation
4 management programs; to create the Riparian Vegetation Management
5 Task Force; to provide task force duties; to require an annual
6 report; to harmonize provisions; to repeal the original sections;
7 and to outright repeal sections 2-967 and 2-968, Revised Statutes
8 Cumulative Supplement, 2014.

9 Be it enacted by the people of the State of Nebraska,
Section 1. Section 2-945.01, Reissue Revised Statutes of Nebraska, is amended to read:

2-945.01 Sections 2-945.01 to 2-966 and sections 3 and 4 of this act shall be known and may be cited as the Noxious Weed Control Act.

Sec. 2. Section 2-958.02, Reissue Revised Statutes of Nebraska, is amended to read:

2-958.02 (1) From funds available in the Noxious Weed and Invasive Plant Species Assistance Fund, the director may administer a grant program to assist local control authorities and other weed management entities in the cost of implementing and maintaining noxious weed control programs and in addressing special weed control problems as provided in this section.

(2) The director shall receive applications by local control authorities and weed management entities for assistance under this subsection and, in consultation with the advisory committee created under section 2-965.01, award grants for any of the following eligible purposes:

(a) To conduct applied research to solve locally significant weed management problems;

(b) To demonstrate innovative control methods or land management practices which have the potential to reduce landowner costs to control noxious weeds or improve the effectiveness of noxious weed control;

(c) To encourage the formation of weed management entities;

(d) To respond to introductions or infestations of invasive plants that threaten or potentially threaten the productivity of cropland and rangeland over a wide area;

(e) To respond to introductions and infestations of invasive plant species that threaten or potentially threaten the productivity and biodiversity of wildlife and fishery habitats on public and private lands;

(f) To respond to special weed control problems involving weeds not
included in the list of noxious weeds promulgated by rule and regulation of the director if the director has approved a petition to bring such weeds under the county control program;

(g) To conduct monitoring or surveillance activities to detect, map, or determine the distribution of invasive plant species and to determine susceptible locations for the introduction or spread of invasive plant species; and

(h) To conduct educational activities.

(3) The director shall select and prioritize applications for assistance under subsection (2) of this section based on the following considerations:

(a) The seriousness of the noxious weed or invasive plant problem or potential problem addressed by the project;

(b) The ability of the project to provide timely intervention to save current and future costs of control and eradication;

(c) The likelihood that the project will prevent or resolve the problem or increase knowledge about resolving similar problems in the future;

(d) The extent to which the project will leverage federal funds and other nonstate funds;

(e) The extent to which the applicant has made progress in addressing noxious weed or invasive plant problems;

(f) The extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds or invasive plant species;

(g) The extent to which the project will reduce the total population or area of infestation of a noxious weed or invasive plant species;

(h) The extent to which the project uses the principles of integrated vegetation management and sound science; and

(i) Such other factors that the director determines to be relevant.

(4) The director shall receive applications for grants under this
subsection and shall award grants to recipients and programs eligible under this subsection. Priority shall be given to grant applicants whose proposed programs are consistent with vegetation management goals and priorities and plans and policies of the Riparian Vegetation Management Task Force established under section 4 of this act. Beginning in fiscal year 2016-17, it is the intent of the Legislature to appropriate two million dollars annually for the management of vegetation within the banks of a natural stream or within one hundred feet of the banks of a channel of any natural stream. Such funds shall only be used to pay for activities and equipment as part of vegetation management programs that have as their primary objective improving conveyance of streamflow in natural streams. Grants from funds appropriated as provided in this subsection shall be disbursed only to weed management entities, local weed control authorities, and natural resources districts, whose territory includes one or more fully appropriated or overappropriated river basins as designated by the Department of Natural Resources with priority given to fully appropriated river basins that are the subject of an interstate compact or decree. The Game and Parks Commission shall assist grant recipients in implementing grant projects under this subsection, and interlocal agreements under the Interlocal Cooperation Act or the Joint Public Agency Act shall be utilized whenever possible in carrying out the grant projects. This subsection terminates on June 30, 2013.

(5) Nothing in this section shall be construed to relieve control authorities of their duties and responsibilities under the Noxious Weed Control Act or the duty of a person to control the spread of noxious weeds on lands owned and controlled by him or her.

(6) The Department of Agriculture may adopt and promulgate necessary rules and regulations to carry out this section.

(7)(a) The director shall apply for a grant from the Nebraska Environmental Trust Fund prior to the application deadline in September
of 2016 2000 for grants to be awarded and funded in April of 2017 and shall make applications for grants annually thereafter 2010.

(b) The director shall annually apply for conservation funding a grant from the Natural Resources Conservation Service of the United States Department of Agriculture prior to July 31, 2000.

Sec. 3. The Riparian Vegetation Management Task Force is created. The Governor shall appoint the members of the task force. The members shall include one surface water project representative from each river basin that has ever been determined to be fully appropriated pursuant to section 46-714 or 46-720 or is designated as overappropriated pursuant to section 46-713 by the Department of Natural Resources; one representative from the Department of Agriculture, the Department of Environmental Quality, the Department of Natural Resources, the office of the Governor, the office of the State Forester, the Game and Parks Commission, and the University of Nebraska; two representatives nominated by the Nebraska Association of Resources Districts; two representatives nominated by the Nebraska Weed Control Association; one riparian landowner from each of the state's congressional districts; and one representative from the Nebraska Environmental Trust. In addition to such members, any member of the Legislature may serve as a nonvoting, ex officio member of the task force at his or her option. For administrative and budgetary purposes only, the task force shall be housed within the Department of Agriculture.

Sec. 4. The Riparian Vegetation Management Task Force, in consultation with appropriate federal agencies, shall develop and prioritize vegetation management goals and objectives, analyze the cost-effectiveness of available vegetation treatment, and develop plans and policies to achieve such goals and objectives. Any plan shall utilize the principles of integrated vegetation management and sound science. The task force shall convene within thirty days after the appointment of the members is complete to elect a chairperson and conduct such other
business as deemed necessary. The efforts of the task force shall be initially directed toward river basins designated by the Department of Natural Resources as fully appropriated or overappropriated. Task force meetings shall be held in communities within the Republican River and Platte River basins. An annual report shall be submitted to the Governor and the Legislature by June 30 each year with the first report due on June 30, 2017. The report submitted to the Legislature shall be submitted electronically. It is the intent of the Legislature that expenses of the task force not exceed twenty-five thousand dollars per fiscal year.

Sec. 5. Original sections 2-945.01 and 2-958.02, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 6. The following sections are outright repealed: Sections 2-967 and 2-968, Revised Statutes Cumulative Supplement, 2014.
Introducing Bloomfield, 17.
Read first time January 06, 2016
Committee: General Affairs

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of
prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Twenty-six forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Sixty-five forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Seven and one-half ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, seven and one-half ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the
enactment of laws providing for the licensing and regulation of wagering
on the results of horseraces, wherever run, either within or outside of
the state, by the parimutuel method, when such wagering is conducted by
licensees within a licensed racetrack enclosure or (b) the enactment of
laws providing for the licensing and regulation of bingo games conducted
by nonprofit associations which have been in existence for a period of
five years immediately preceding the application for license, except that
bingo games cannot be conducted by agents or lessees of such associations
on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors
in the manner prescribed by the Constitution of Nebraska, Article XVI,
section 1, with the following ballot language:
A constitutional amendment to change the distribution of state
lottery proceeds.
For
Against.