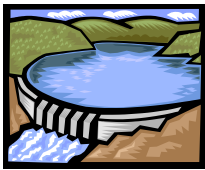


# Nebraska Legislature Wraps Up 2010 Session

The Nebraska Legislature adjourned April 14 after taking up wind energy, deer management, energy conservation, and water policy during a 60-day session. The results were a mixed bag for wildlife. We helped defeat some terrible bills related to the in-stream flow law and deer management, but saw only marginal progress in energy policy. Funding for conservation programs may be the biggest challenge we face over the next several years.

You can see how your Senators voted on key issues at our web site, [www.NebraskaWildlife.org](http://www.NebraskaWildlife.org), by clicking on our 2010 Legislature Update page.

You can also sign up at our web site for our **Wildlife Action Network**, to receive free email updates about every week or so on state and federal wildlife issues.



## Water Policy

The Legislature considered and ultimately rejected several competing bills dealing with water rights for fish, wildlife and recreation. We strongly opposed LB 438 (Sen. Fischer), which would have eliminated any chance for an in-stream flow water right in much of Nebraska. We supported LB 1025 (Sen. Avery), which would have streamlined the process used by a state or local agency to apply for an in-stream flow water right in a fully appropriated watershed. Neither bill made it out of the Natural Resources Committee.

LB 764 (Sen. Fischer), which will allow Integrated Management Plans to be developed in watersheds before they are declared fully appropriated, was enacted.

We strongly opposed LB 666 (Sen. Langemeier), which would have stripped the Niobrara Council of most of its authority to manage and protect the Niobrara National Scenic River. The bill died in the Natural Resources Committee.

## Deer Management

We strongly opposed the original LB 836 (Sen. Lautenbaugh), which



would have allowed landowners to shoot deer without regard to hunting seasons, bag limits or permits; allowed deer hunting at night; and even established a \$25 per head bounty for killing deer. After strong opposition at the committee hearing, the bill was substantially revised.

As enacted, the bill gives the Game & Parks Commission flexibility to extend hunting seasons in areas where deer are causing extensive damage. It also allows landowners in those areas to obtain an unlimited number of antlerless deer permits, a provision that will need to be closely monitored.

The new law allows hunters to hunt within 100 yards of a dwelling or feedlot with a bow or muzzleloader, while maintaining the current 200 yard buffer for rifle hunters. An amendment will allow landowners to kill a mountain lion that is threatening people or livestock, and let them obtain a permit to kill a mountain lion where there is evidence it is causing damage.

## Wind Energy & Conservation

LB 1048 (Natural Resources Committee) was enacted, and will streamline the process for wind companies to build new wind farms and export the energy to other states. We supported language added to the bill that will ensure proper review of the wildlife impacts by the Game & Parks Commission before siting permits are approved.



Also enacted were LB 978 (Sen. Mello), which will require most state government appliance purchases to be Energy Star certified, and LB 997 (Sen. Mello) to require cities and counties to include an energy component in future comprehensive plans.

The Legislature took no action to require Nebraska utilities to make broader use of wind, solar, or other renewable energy sources, nor did it require utilities to pursue energy conservation in a coordinated fashion.

## Program Funding

After cutting state agency budgets by 5% during a special session last November, the Legislature made another 2% across-the-board cut to most state agencies, including Game & Parks, during the regular session. Projections show that the Legislature could be faced with a future annual budget shortfall of several hundred million dollars when it convenes next January to set the state budget for 2011 and 2012.



The task of finding funding to address water resource problems was made more difficult by the enactment of LB 689 (Sen. Langemeier), which eliminates the corn check-off as a future source of funding for the Water Resources Fund. \$7.5 million per year in corn check-off funds were to be used to buy out water rights and take other actions needed to reduce over-use of water in the Platte, Republican and other river basins.



## Interim Studies

Each year, Senators and Committees introduce “Interim Study Resolutions” which identify issues that deserve further study when the Legislature is not in session. The resolutions are referred to standing committees for action, and some lead to legislation that is introduced in future years.

Among the many Interim Study Resolutions that were introduced in 2010, we will be following studies like the following:

LR435, Interim study to examine issues relating to oil and natural gas pipelines in the State of Nebraska. Natural Resources.

LR446, Interim study to examine options for a long-term management framework for vegetation within streambeds and immediate riparian areas. Agriculture.

LR448, Interim study to examine funding alternatives to continue the Water Resources Cash Fund. Agriculture and Natural Resources.

LR449, Interim study to examine energy efficiency financing options and sources of funds for residential, commercial, and industrial property owners. Urban Affairs and Natural Resources.

LR465, Interim study to examine the benefits associated with constructing another nuclear power plant in Fort Calhoun, Nebraska. Natural Resources.

LR468, Interim study to examine the impact of the State of Nebraska's potential adoption of the 2009 International Energy Conservation Code. Urban Affairs

LR473, Interim study to examine the correlative rights doctrine relating to the use of ground water and clarify a definition for Nebraska statutes. Natural Resources.

LR475, Interim study to examine issues relating to restricted use chemical application and the need to improve systems of notification of pesticide applications. Agriculture.

LR478, Interim study to examine proposals to create a statewide water planning commission or agency focusing on the development of a statewide water plan to manage Nebraska's water resources. Natural Resources.

LR481, Interim study to examine the practice of prescribed burning such as controlled burns and the function of prescribed burning in managing plant and animal communities. Natural Resources.

LR491, Interim study to examine requiring a boating education course in order to reduce the number of accidents. Natural Resources.

LR508, Interim study to examine the availability of land for hunters in the State of Nebraska. Natural Resources.

LR524, Interim study to examine regulation of renewable energy generation in other states and in regional transmission organizations. Natural Resources.

LR566, Interim study to examine various methods of financing interstate water compacts and agreements. Revenue.