

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 491

Introduced by Davis, 43; Brasch, 16; Carlson, 38; Christensen, 44;
Johnson, 23; Scheer, 19; Schilz, 47; Wallman, 30;
Watermeier, 1.

PURPOSE: The purpose of this resolution is to study the application of LB985 (2014) and the need to clarify and expand the application of LB985 to other political subdivisions. While current statutes provide that certain political subdivisions have the power and authority to bring, defend, or intervene in judicial and quasi-judicial actions to protect and conserve the quantity or quality of ground water and surface water resources, agency and court interpretations of such statutes have raised questions regarding the actual power and authority of a political subdivision to establish standing when an agency's proposed action will impair or alter the political subdivision's ability to carry out its statutory duties and responsibilities. This study shall include, but not be limited to, the following issues:

(1) An examination of the current standing principles before the Department of Natural Resources;

(2) A determination of the adequacy and effectiveness of current statutes; and

(3) Any other issues that the committee deems relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.