

AMENDMENTS TO LB 1003

(Amendments to Standing Committee amendments, AM2691)

1           1. Insert the following new sections:

2           "Section 1. The Legislature finds that there are  
3 significant issues relating to the laws of Nebraska governing the  
4 management and use of Nebraska surface water and ground water. The  
5 issues to be examined are: (1) A review of Laws 1996, LB 108, to  
6 determine what, if any, changes are needed to adequately address  
7 Nebraska's conjunctive use management issues; (2) an evaluation of  
8 the utility of allowing temporary water transfers and, if deemed  
9 useful, development of draft legislation and procedures for  
10 authorizing and implementing a temporary water transfer law; (3) an  
11 evaluation of the utility of authorizing additional types of  
12 permanent water transfers and, if deemed useful, development of  
13 draft legislation and procedures for authorizing and implementing  
14 additional types of permanent water transfers; (4) a determination  
15 as to the usefulness of water leasing or transfers and development  
16 of a potential water banking system that would facilitate the  
17 temporary or permanent transfer of water uses; and (5) a  
18 determination as to what other ways, if any, inequities between  
19 surface water users and ground water users need to be addressed and  
20 potential actions the state could take to address any such  
21 inequities. To address such issues, the Governor shall appoint a  
22 Water Policy Task Force as provided in section 2 of this act.

23           Sec. 2. (1) The members of the Water Policy Task Force

1 shall include: (a) Twenty irrigators, with at least one irrigator  
2 from each of the state's thirteen river basins, giving  
3 consideration to maintaining a balance between surface water users  
4 and ground water users. Three irrigators shall be selected from  
5 the Republican River Basin, two irrigators shall be selected from  
6 the North Platte River Basin, two irrigators shall be selected from  
7 the middle Platte River Basin, two irrigators shall be selected  
8 from the Loup River Basin, two irrigators shall be selected from  
9 the Elkhorn River Basin, two irrigators shall be selected from the  
10 Big Blue River Basin, one irrigator shall be selected from the  
11 South Platte River Basin, one irrigator shall be selected from the  
12 lower Platte River Basin, one irrigator shall be selected from the  
13 Little Blue River Basin, one irrigator shall be selected from the  
14 Nemaha River Basin, one irrigator shall be selected from the  
15 Niobrara River Basin, one irrigator shall be selected from the  
16 White Hat River Basin, and one irrigator shall be selected from the  
17 Missouri tributaries basin; (b) three representatives from  
18 differing agricultural organizations; (c) three representatives  
19 from differing environmental organizations; (d) two representatives  
20 from differing recreational organizations; (e) three  
21 representatives to represent the state at large; (f) five  
22 representatives suggested for the Governor's consideration by the  
23 Nebraska Association of Resources Districts; (g) four  
24 representatives suggested for the Governor's consideration by the  
25 Nebraska Power Association; (h) five representatives suggested for  
26 the Governor's consideration by the League of Nebraska  
27 Municipalities, with consideration given to maintaining a balance

1 between larger and smaller municipalities; and (i) such other  
2 members as the Governor deems appropriate to provide the task force  
3 with adequate and balanced representation. The Governor shall  
4 notify the Legislature upon completion of the appointments.

5 (2) Additional members of the task force shall be: (a)  
6 One representative from the Department of Natural Resources to  
7 coordinate as appropriate with other state agencies; (b) one  
8 representative from the Attorney General's office; (c) the  
9 chairperson of the Natural Resources Committee of the Legislature;  
10 and (d) the vice chairperson of the Natural Resources Committee of  
11 the Legislature. Other members of the Natural Resources Committee  
12 of the Legislature may participate as desired.

13 Sec. 3. On behalf of the Water Policy Task Force, the  
14 Natural Resources Committee of the Legislature shall contract for  
15 the services of a meeting facilitator and such other assistance as  
16 the task force deems necessary within the limits of the funds  
17 appropriated. Such contract shall have the approval of the  
18 Executive Board of the Legislative Council. In making its  
19 selection for facilitator, the Natural Resources Committee shall  
20 consult with the Attorney General's office and the Department of  
21 Natural Resources.

22 Sec. 4. The Water Policy Task Force shall select an  
23 executive committee. The executive committee shall consist of  
24 three representatives from irrigation interests; one representative  
25 from an agricultural organization; one representative from an  
26 environmental organization; one representative from a recreational  
27 organization; one representative of the state at large; one

1 representative of natural resources districts; one representative  
2 of the Nebraska Power Association; one representative of  
3 municipalities; one representative of the Department of Natural  
4 Resources; one representative of the Attorney General's office; and  
5 the chairperson and vice chairperson of the Natural Resources  
6 Committee of the Legislature. Each executive committee member  
7 shall be responsible for representing the rest of his or her  
8 interest group on the executive committee. The executive committee  
9 shall be responsible for developing the operating rules of the task  
10 force and for developing proposals and recommendations to be  
11 considered by the entire task force. The executive committee shall  
12 apply for a grant of a minimum of three hundred fifty thousand  
13 dollars from the Nebraska Environmental Trust Fund prior to the  
14 application deadline of September 9, 2002, for grants to be awarded  
15 and funded in 2003.

16           Sec. 5. The Water Policy Task Force shall meet at least  
17 four times each year to consider the proposals and recommendations  
18 of the executive committee and any other additional times as the  
19 executive committee determines to be necessary to accomplish the  
20 objectives established in section 1 of this act.

21           Sec. 6. The Water Policy Task Force shall discuss the  
22 issues described in section 1 of this act and such related issues  
23 as it deems appropriate, shall identify options for resolution of  
24 such issues, and shall make recommendations to the Legislature and  
25 the Governor relating to any water policy changes the task force  
26 deems desirable.

27           The task force shall complete its work within eighteen

1 months after the Governor notifies the Legislature that all members  
2 of the task force have been appointed and a meeting facilitator has  
3 been selected.

4           Sec. 7.     The Water Policy Task Force Cash Fund is  
5 created. The fund shall be administered by the Department of  
6 Natural Resources and expended at the direction of the Water Policy  
7 Task Force. The fund shall consist of funds appropriated by the  
8 Legislature, money received as gifts, grants, and donations, and  
9 transfers authorized under sections 2-1579 and 66-1519. Any money  
10 in the fund available for investment shall be invested by the state  
11 investment officer pursuant to the Nebraska Capital Expansion Act  
12 and the Nebraska State Funds Investment Act.

13           Sec. 8.     Section 2-1579, Revised Statutes Supplement,  
14 2000, is amended to read:

15           2-1579. (1) Except as provided in subsection (2) of this  
16 section, expenditures may be made from the Nebraska Soil and Water  
17 Conservation Fund as grants to individual landowners of not to  
18 exceed seventy-five percent of the actual cost of eligible projects  
19 and practices for soil and water conservation or water quality  
20 protection, with priority given to those projects and practices  
21 providing the greatest number of public benefits.

22           (2) The department shall reserve at least two percent of  
23 the funds credited to the fund for grants to landowners ordered by  
24 a natural resources district pursuant to the Erosion and Sediment  
25 Control Act to install permanent soil and water conservation  
26 practices. Such funds shall be made available for ninety percent  
27 of the actual cost of the required practices and shall be granted

1 on a first-come, first-served basis until exhausted. Applications  
2 not served shall receive priority in ensuing fiscal years.

3 (3) The commission shall determine which specific  
4 projects and practices are eligible for the funding assistance  
5 authorized by this section and shall adopt, by reference or  
6 otherwise, appropriate standards and specifications for carrying  
7 out such projects and practices. A natural resources district  
8 assisting the department in the administration of the program may,  
9 with commission approval, further limit the types of projects and  
10 practices eligible for funding assistance in that district.

11 (4) As a condition for receiving any cost-share funds  
12 pursuant to this section, the landowner shall be required to enter  
13 into an agreement that if a conservation practice is terminated or  
14 a project is removed, altered, or modified so as to lessen its  
15 effectiveness, without prior approval of the department or its  
16 delegated agent, for a period of ten years after the date of  
17 receiving payment, the landowner shall refund to the fund any  
18 public funds used for the practice or project. When deemed  
19 necessary by the department or its delegated agent, the landowner  
20 may as a further condition for receiving such funds be required to  
21 grant a right of access for the operation and maintenance of any  
22 eligible project constructed with such assistance. Acceptance of  
23 money from the fund shall not in any other manner be construed as  
24 affecting land ownership rights unless the landowner voluntarily  
25 surrenders such rights.

26 (5) To the extent feasible, the department and the  
27 commission shall administer the fund so that federal funds

1 available within the state for the same general purposes are  
2 supplemented and not replaced with state funds.

3 (6) Transfers may be made from funds appropriated to the  
4 Nebraska Soil and Water Conservation Fund, Program 304, to the  
5 Water Policy Task Force Cash Fund at the direction of the  
6 Legislature. Within fifteen days after the effective date of this  
7 act, the State Treasurer shall transfer two hundred fifty thousand  
8 dollars from funds appropriated to the Nebraska Soil and Water  
9 Conservation Fund to the Water Policy Task Force Cash Fund.

10 Sec. 27. Section 66-1519, Revised Statutes Supplement,  
11 2001, is amended to read:

12 66-1519. There is hereby created the Petroleum Release  
13 Remedial Action Cash Fund to be administered by the department.  
14 Revenue from the following sources shall be remitted to the State  
15 Treasurer for credit to the fund:

16 (1) The fees imposed by sections 66-1520 and 66-1521;

17 (2) Money paid under an agreement, stipulation,  
18 cost-recovery award under section 66-1529.02, or settlement; and

19 (3) Money received by the department in the form of  
20 gifts, grants, reimbursements, property liquidations, or  
21 appropriations from any source intended to be used for the purposes  
22 of the fund.

23 Money in the fund may only be spent for: (a)  
24 Reimbursement for the costs of remedial action by a responsible  
25 person or his or her designated representative and costs of  
26 remedial action undertaken by the department in response to a  
27 release first reported after July 17, 1983, and on or before June

1 30, 2005, including reimbursement for damages caused by the  
2 department or a person acting at the department's direction while  
3 investigating or inspecting or during remedial action on property  
4 other than property on which a release or suspected release has  
5 occurred; (b) payment of any amount due from a third-party claim;  
6 (c) fee collection expenses incurred by the State Fire Marshal; (d)  
7 direct expenses incurred by the department in carrying out the  
8 Petroleum Release Remedial Action Act; (e) other costs related to  
9 fixtures and tangible personal property as provided in section  
10 66-1529.01; (f) interest payments as allowed by section 66-1524;  
11 (g) expenses incurred by the technical advisory committee created  
12 in section 81-15,189 in carrying out its duties pursuant to section  
13 81-15,190; (h) claims approved by the State Claims Board authorized  
14 under section 66-1531; and (i) methyl tertiary butyl ether testing,  
15 to be conducted randomly at terminals within the state for up to  
16 two years ending June 30, 2003. The amount expended on the testing  
17 shall not exceed forty thousand dollars. The testing shall be  
18 conducted by the Department of Agriculture. The department may  
19 enter into contractual arrangements for such purpose. The results  
20 of the tests shall be made available to the Department of  
21 Environmental Quality.

22 Transfers may be made from the Petroleum Release Remedial  
23 Action Cash Fund to the Water Policy Task Force Cash Fund at the  
24 direction of the Legislature. Any money in the ~~fund~~ Petroleum  
25 Release Remedial Action Cash Fund available for investment shall be  
26 invested by the state investment officer pursuant to the Nebraska  
27 Capital Expansion Act and the Nebraska State Funds Investment Act.

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1                   Within fifteen days after the effective date of this act,  
2 the State Treasurer shall transfer one hundred fifty thousand  
3 dollars from the Petroleum Release Remedial Action Cash Fund to the  
4 Water Policy Task Force Cash Fund."

5                   2.    Renumber the remaining sections, correct internal  
6 references, and amend the repealer accordingly.