

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1057

FINAL READING

Introduced by Carlson, 38; Christensen, 44; Fischer, 43.

Read first time January 21, 2010

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to water resources; to amend sections 46-2,137
2 and 46-753, Reissue Revised Statutes of Nebraska; to
3 create the Republican River Basin Water Sustainability
4 Task Force; to provide for expenses, powers, and duties;
5 to provide a termination date; to create a fund; to
6 provide for transfers of funds; to harmonize provisions;
7 to repeal the original sections; and to declare an
8 emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Republican River Basin Water
2 Sustainability Task Force is created. The task force shall consist
3 of twenty-two voting members, and except for the state agency
4 representatives, the members shall be residents representing a
5 cross-section of the Republican River basin. The Governor shall
6 appoint two representatives from each natural resources district in
7 the basin; four representatives from the irrigation districts in
8 the basin; one representative each from the University of Nebraska
9 Institute of Agriculture and Natural Resources, the Game and Parks
10 Commission, the Department of Agriculture, and the Department of
11 Natural Resources; one representative each from a school district,
12 a city, a county, and a public power district in the basin; and
13 two representatives from agriculture-related businesses in the
14 Republican River basin. The chairperson of the Executive Board of
15 the Legislative Council shall appoint four ex officio, nonvoting
16 members from the Legislature, two of whom are residents of the
17 basin, one who has a portion of his or her legislative district in
18 the basin, and one who is the chairperson of the Natural Resources
19 Committee of the Legislature. For administrative and budgetary
20 purposes only, the task force shall be housed within the Department
21 of Natural Resources. Additional advisory support may be requested
22 from appropriate federal and state agencies. Members of the task
23 force who are not state employees shall be reimbursed for their
24 actual and necessary expenses incurred in carrying out their duties
25 as members as provided in sections 81-1174 to 81-1177.

1 (2) The task force shall meet no less than quarterly
2 and shall hire a trained facilitator to conduct its meetings. The
3 purposes of the task force are to define water sustainability for
4 the Republican River basin, develop and recommend a plan to help
5 reach water sustainability in the basin, and develop and recommend
6 a plan to help avoid a water-short year in the basin. The task
7 force shall convene within thirty days after appointment of the
8 members is completed to elect a chairperson and conduct such other
9 business as deemed necessary.

10 (3) The task force shall present a preliminary report to
11 the Governor and the Legislature on or before May 15, 2011, and a
12 final report before May 15, 2012. This section terminates on June
13 30, 2012.

14 Sec. 2. The Republican River Basin Water Sustainability
15 Task Force Cash Fund is created. The fund shall be administered by
16 the Department of Natural Resources and expended at the direction
17 of the Republican River Basin Water Sustainability Task Force.
18 The fund shall consist of funds appropriated by the Legislature,
19 money received as gifts, grants, and donations, and transfers
20 authorized under section 46-2,137. Any money in the fund available
21 for investment shall be invested by the state investment officer
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska
23 State Funds Investment Act.

24 Sec. 3. Section 46-2,137, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 46-2,137 The Water Policy Task Force Cash Fund is
2 created. The fund shall be administered by the Department of
3 Natural Resources and expended at the direction of the Water Policy
4 Task Force. The fund shall consist of funds appropriated by the
5 Legislature, money received as gifts, grants, and donations, and
6 transfers authorized under sections 2-1579 and 66-1519. Any money
7 in the fund available for investment shall be invested by the state
8 investment officer pursuant to the Nebraska Capital Expansion Act
9 and the Nebraska State Funds Investment Act.

10 On the effective date of this act, the State Treasurer
11 shall: (1) Transfer fifty thousand dollars from the Water
12 Policy Task Force Cash Fund to the Republican River Basin Water
13 Sustainability Task Force Cash Fund; and (2) transfer the remaining
14 unexpended balance in the Water Policy Task Force Cash Fund to the
15 Water Resources Trust Fund.

16 Sec. 4. Section 46-753, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 46-753 (1) The Water Resources Trust Fund is created.
19 The State Treasurer shall credit to the fund such money as is
20 specifically appropriated thereto by the Legislature, transfers
21 authorized under section 46-2,137, and such funds, fees, donations,
22 gifts, or bequests received by the Department of Natural Resources
23 from any federal, state, public, or private source for expenditure
24 for the purposes described in the Nebraska Ground Water Management
25 and Protection Act. Money in the fund shall not be subject to any

1 fiscal-year limitation or lapse provision of unexpended balance at
2 the end of any fiscal year or biennium. Any money in the fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the
5 Nebraska State Funds Investment Act.

6 (2) The fund shall be administered by the department.
7 The department shall adopt and promulgate rules and regulations
8 regarding the allocation and expenditure of money from the fund.

9 (3) Money in the fund may be expended by the department
10 for costs incurred by the department, by natural resources
11 districts, or by other political subdivisions in (a) determining
12 whether river basins, subbasins, or reaches are fully appropriated
13 in accordance with section 46-713, (b) developing or implementing
14 integrated management plans for such fully appropriated river
15 basins, subbasins, or reaches or for river basins, subbasins, or
16 reaches designated as overappropriated in accordance with section
17 46-713, (c) developing or implementing integrated management plans
18 in river basins, subbasins, or reaches which have not yet become
19 either fully appropriated or overappropriated, or (d) attaining
20 state compliance with an interstate water compact or decree or
21 other formal state contract or agreement.

22 (4) Except for funds paid to a political subdivision
23 for forgoing or reducing its own water use or for implementing
24 projects or programs intended to aid the state in complying with an
25 interstate water compact or decree or other formal state contract

1 or agreement, a political subdivision that receives funds from the
2 fund shall provide, or cause to be provided, matching funds in
3 an amount at least equal to twenty percent of the amount received
4 from the fund by that natural resources district or political
5 subdivision. The department shall monitor programs and activities
6 funded by the fund to ensure that the required match is being
7 provided.

8 Sec. 5. Original sections 46-2,137 and 46-753, Reissue
9 Revised Statutes of Nebraska, are repealed.

10 Sec. 6. Since an emergency exists, this act takes effect
11 when passed and approved according to law.