

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 229

Introduced by Fischer, 43; Carlson, 38; Christensen, 44; Dubas, 34;
Langemeier, 23; McCoy, 39; Schilz, 47.

Read first time January 10, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to water resources; to amend section 81-15,174,
2 Reissue Revised Statutes of Nebraska, and section 61-218,
3 Revised Statutes Cumulative Supplement, 2010; to transfer
4 funds from the Nebraska Environmental Trust Fund to the
5 Water Resources Cash Fund as prescribed; to provide an
6 additional purpose for expenditure as prescribed; to
7 harmonize provisions; to repeal the original sections;
8 and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 61-218, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 61-218 (1) The Water Resources Cash Fund is created. The
4 fund shall be administered by the Department of Natural Resources.
5 Transfers may be made from the fund to the General Fund at the
6 direction of the Legislature. Any money in the Water Resources Cash
7 Fund available for investment shall be invested by the state
8 investment officer pursuant to the Nebraska Capital Expansion Act and
9 the Nebraska State Funds Investment Act.

10 (2) The State Treasurer shall credit to the fund such
11 money as is (a) transferred to the fund by the Legislature, (b) paid
12 to the state as fees, deposits, payments, and repayments relating to
13 the fund, both principal and interest, (c) donated as gifts,
14 bequests, or other contributions to such fund from public or private
15 entities, ~~and~~ (d) made available by any department or agency of the
16 United States if so directed by such department or agency, and (e)
17 transferred pursuant to section 81-15,174.

18 (3) The fund shall be expended by the department (a) to
19 aid management actions taken to reduce consumptive uses of water and
20 to enhance streamflows or ground water recharge in river basins,
21 subbasins, or reaches which are deemed by the department
22 overappropriated pursuant to section 46-713 or fully appropriated
23 pursuant to section 46-714 or are bound by an interstate compact or
24 decree or a formal state contract or agreement, (b) to conduct
25 studies and approve grants to facilitate compliance with the Nebraska

1 Ground Water Management and Protection Act, and (c) and (b) to the
2 extent funds are not expended pursuant to ~~subdivision (a)~~
3 subdivisions (a) and (b) of this subsection, the department may
4 conduct a statewide assessment of short-term and long-term water
5 management activities and funding needs to meet statutory
6 requirements in sections 46-713 to 46-718 and 46-739 and any
7 requirements of an interstate compact or decree or formal state
8 contract or agreement. The fund shall not be used to pay for
9 administrative expenses or any salaries for the department or any
10 political subdivision.

11 (4) It is the intent of the Legislature that two million
12 seven hundred thousand dollars be transferred each fiscal year from
13 the General Fund to the Water Resources Cash Fund for FY2009-10
14 through FY2018-19.

15 (5)(a) Expenditures from the Water Resources Cash Fund
16 may be made to natural resources districts eligible under subsection
17 (3) of this section for activities to either achieve a sustainable
18 balance of consumptive water uses or assure compliance with an
19 interstate compact or decree or a formal state contract or agreement
20 and shall require a match of local funding in an amount equal to or
21 greater than forty percent of the total cost of carrying out the
22 eligible activity. The department shall, no later than August 1 of
23 each year, beginning in 2007, determine the amount of funding that
24 will be made available to natural resources districts from the Water
25 Resources Cash Fund and notify natural resources districts of this

1 determination. The department shall adopt and promulgate rules and
2 regulations governing application for and use of the Water Resources
3 Cash Fund by natural resources districts. Such rules and regulations
4 shall, at a minimum, include the following components:

5 (i) Require an explanation of how the planned activity
6 will assure compliance with an interstate compact or decree or a
7 formal state contract or agreement as required by section 46-715 and
8 the controls, rules, and regulations designed to carry out the
9 activity; and

10 (ii) A schedule of implementation of the activity or its
11 components.

12 (b) Any natural resources district that fails to
13 implement and enforce its controls, rules, and regulations as
14 required by section 46-715 shall not be eligible for funding from the
15 Water Resources Cash Fund until it is determined by the department
16 that compliance with the provisions required by section 46-715 has
17 been established.

18 (6) The Department of Natural Resources shall submit an
19 annual report to the Legislature no later than October 1 of each
20 year, beginning in the year 2007, that shall detail the use of the
21 Water Resources Cash Fund in the previous year. The report shall
22 provide:

23 (a) Details regarding the use and cost of activities
24 carried out by the department; and

25 (b) Details regarding the use and cost of activities

1 carried out by each natural resources district that received funds
2 from the Water Resources Cash Fund.

3 Sec. 2. Section 81-15,174, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-15,174 The Nebraska Environmental Trust Fund is
6 created. The fund shall be maintained in the state accounting system
7 as a cash fund. Except as otherwise provided in this section, the
8 fund shall be used to carry out the purposes of the Nebraska
9 Environmental Trust Act, including the payment of administrative
10 costs. Money in the fund shall include proceeds credited pursuant to
11 section 9-812 and proceeds designated by the board pursuant to
12 section 81-15,173. Any money in the fund available for investment
13 shall be invested by the state investment officer pursuant to the
14 Nebraska Capital Expansion Act and the Nebraska State Funds
15 Investment Act.

16 The State Treasurer shall transfer seven million dollars
17 from the Nebraska Environmental Trust Fund to the Water Resources
18 Cash Fund on July 1, 2011, and every July 1 thereafter through July
19 1, 2021.

20 ~~The State Treasurer shall transfer nine hundred twenty-~~
21 ~~five thousand dollars from the Nebraska Environmental Trust Fund to~~
22 ~~the Department of Natural Resources Water Issues Cash Fund, as~~
23 ~~administratively created pursuant to section 81-1111.04, on or after~~
24 ~~July 1, 2003, but no later than July 10, 2003.~~

25 ~~The State Treasurer shall transfer one million dollars~~

1 ~~from the Nebraska Environmental Trust Fund to the Water Resources~~
2 ~~Trust Fund on July 1, 2004.~~

3 ~~The State Treasurer shall transfer two million seven~~
4 ~~hundred sixty thousand seven hundred sixty dollars from the Nebraska~~
5 ~~Environmental Trust Fund to the University of Nebraska Central~~
6 ~~Administration Designated Cash Fund on March 1, 2007, unless LR 259CA~~
7 ~~is approved by the voters in the November 2006 general election, then~~
8 ~~the transfer shall occur on November 15, 2006.~~

9 ~~Sec. 3. Original section 81-15,174, Reissue Revised~~
10 ~~Statutes of Nebraska, and section 61-218, Revised Statutes Cumulative~~
11 ~~Supplement, 2010, are repealed.~~

12 ~~Sec. 4. Since an emergency exists, this act takes effect~~
13 ~~when passed and approved according to law.~~