

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 395

Introduced by Schilz, 47.

Read first time January 13, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend
2 sections 81-15,170, 81-15,170.01, and 81-15,175, Reissue
3 Revised Statutes of Nebraska; to change provisions
4 relating to voting by members of the Nebraska
5 Environmental Trust Board; to harmonize provisions; and
6 to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-15,170, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-15,170 The Nebraska Environmental Trust Board is
4 hereby created as an entity of the executive branch. The board shall
5 consist of the Director of Environmental Quality, the Director of
6 Natural Resources, the Director of Agriculture, the secretary of the
7 Game and Parks Commission, the chief executive officer of the
8 Department of Health and Human Services or his or her designee, and
9 nine citizens appointed by the Governor with the approval of a
10 majority of the Legislature. Such directors, secretary, chief
11 executive officer, and designee shall be nonvoting advisory members
12 of the board. The citizen members shall begin serving immediately
13 following notice of nomination and prior to approval by the
14 Legislature. The citizen members shall represent the general public
15 and shall have demonstrated competence, experience, and interest in
16 the environment of the state. Two of the citizen appointees shall
17 also have experience with private financing of public-purpose
18 projects. Three appointees shall be chosen from each of the three
19 congressional districts. The board shall hire an executive director
20 who shall hire and supervise other staff members as may be authorized
21 by the board. The executive director shall serve at the pleasure of
22 the board and be solely responsible to it. The Game and Parks
23 Commission shall provide administrative support, including, but not
24 limited to, payroll and accounting functions, to the board.

25 Sec. 2. Section 81-15,170.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-15,170.01 Members of the board shall comply with the
3 conflict of interest provisions of the Nebraska Political
4 Accountability and Disclosure Act. ~~Any member of the board who is~~
5 ~~also a director of a state agency shall abstain from voting on~~
6 ~~applications which would provide funding primarily to his or her~~
7 ~~agency.~~

8 Sec. 3. Section 81-15,175, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-15,175 (1) The board may make an annual allocation
11 each fiscal year from the Nebraska Environmental Trust Fund to the
12 Nebraska Environmental Endowment Fund as provided in section
13 81-15,174.01. The board shall make annual allocations from the
14 Nebraska Environmental Trust Fund and may make annual allocations
15 each fiscal year from the Nebraska Environmental Endowment Fund for
16 projects which conform to the environmental categories of the board
17 established pursuant to section 81-15,176 and to the extent the board
18 determines those projects to have merit. The board shall establish a
19 calendar annually for receiving and evaluating proposals and awarding
20 grants. To evaluate the economic, financial, and technical
21 feasibility of proposals, the board may establish subcommittees,
22 request or contract for assistance, or establish advisory groups.
23 Private citizens serving on advisory groups shall be reimbursed for
24 their actual and necessary expenses pursuant to sections 81-1174 to
25 81-1177.

1 (2) The board shall establish rating systems for ranking
2 proposals which meet the board's environmental categories and other
3 criteria. The rating systems shall include, but not be limited to,
4 the following considerations:

5 (a) Conformance with categories established pursuant to
6 section 81-15,176;

7 (b) Amount of funds committed from other funding sources;

8 (c) Encouragement of public-private partnerships;

9 (d) Geographic mix of projects over time;

10 (e) Cost-effectiveness and economic impact;

11 (f) Direct environmental impact; and

12 (g) Environmental benefit to the general public and the
13 long-term nature of such public benefit.

14 (3) The board may establish a subcommittee to rate grant
15 applications. If the board uses a subcommittee, the subcommittee
16 shall (a) use the rating systems established by the board under
17 subsection (2) of this section, (b) assign a numeric value to each
18 rating criterion, combine these values into a total score for each
19 application, and rank the applications by the total scores, (c)
20 recommend an amount of funding for each application, which amount may
21 be more or less than the requested amount, and (d) submit the ranked
22 list and recommended funding to the board for its approval or
23 disapproval. A motion to deviate from the subcommittee's
24 recommendations must specify the reason for doing so and be adopted
25 with an affirmative vote of not fewer than ~~eight~~five voting members

1 of the board.

2 (4) The board may commit funds to multiyear projects,
3 subject to available funds and appropriations. No commitment shall
4 exceed three years without formal action by the board to renew the
5 grant or contract. Multiyear commitments may be exempt from the
6 rating process except for the initial application and requests to
7 renew the commitment.

8 (5) The board shall adopt and promulgate rules and
9 regulations and publish guidelines governing allocations from the
10 fund. The board shall conduct annual reviews of existing projects for
11 compliance with project goals and grant requirements.

12 (6) Every five years the board may evaluate the long-term
13 effects of the projects it funds. The evaluation may assess a sample
14 of such projects. The board may hire an independent consultant to
15 conduct the evaluation and may report the evaluation findings to the
16 Legislature and the Governor.

17 Sec. 4. Original sections 81-15,170, 81-15,170.01, and
18 81-15,175, Reissue Revised Statutes of Nebraska, are repealed.