

AMENDMENTS TO LB 517

Introduced by Carlson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. The Legislature finds that:

4           (1) Nebraska's water resources are finite and must  
5 be wisely managed to ensure their continued availability for  
6 beneficial use;

7           (2) The state must invest in: (a) Research and data  
8 gathering; (b) further integrating the management of Nebraska's  
9 water supplies; (c) improving the state's aging and antiquated  
10 water supply infrastructure; (d) building new water supply  
11 infrastructure; (e) promoting coordination and collaboration among  
12 all water users; and (f) providing information to policymakers to  
13 justify a stable source of project funds;

14           (3) To determine the costs of effective conservation,  
15 sustainability, and management of Nebraska's water resources, the  
16 state's identified water needs must be compiled and organized and a  
17 process must be established in order to identify statewide projects  
18 and research recommendations; and

19           (4) To facilitate the creation of a funding process, a  
20 collaborative effort of experts representing all water interests  
21 and areas of the state is important to ensure fair and balanced  
22 water funding.

23           Sec. 2. (1) The Water Funding Task Force is created. The

1 task force shall consist of the members of the Nebraska Natural  
2 Resources Commission and ten additional members to be appointed  
3 by the Governor. The Director of Natural Resources or his or her  
4 designee, the chairperson of the Natural Resources Committee of the  
5 Legislature or his or her designee, and five additional members of  
6 the Legislature appointed by the Executive Board of the Legislative  
7 Council shall be nonvoting, ex officio members of the task force.

8 In appointing members to the task force, the Governor:

9 (a) Shall seek to create a broad-based task force with  
10 knowledge of and experience with and representative of Nebraska's  
11 water use and economy;

12 (b) Shall give equal recognition to the importance of  
13 both water quantity and water quality;

14 (c) Shall appoint one member from each of the following  
15 categories: Public power; public power and irrigation districts;  
16 irrigation districts; municipalities; agriculture; wildlife  
17 conservation; livestock producers; agribusiness; manufacturing; and  
18 outdoor recreation users; and

19 (d) May solicit and accept nominations for appointments  
20 to the task force from recognized water interest groups in  
21 Nebraska.

22 (2) The members of the task force appointed by the  
23 Governor shall represent diverse geographic regions of the state,  
24 including urban and rural areas. Such members shall be appointed  
25 within thirty days after the effective date of this act. Members  
26 shall begin serving immediately following notice of appointment.  
27 Members shall be reimbursed for their actual and necessary expenses

1 incurred in carrying out their duties as members as provided in  
2 sections 81-1174 to 81-1177.

3           Sec. 3. (1) The Water Funding Task Force may consult  
4 with other groups in its work, including, but not limited to, the  
5 University of Nebraska, the Department of Environmental Quality,  
6 the Game and Parks Commission, the United States Army Corps of  
7 Engineers, the United States Geological Survey, the United States  
8 Fish and Wildlife Service, the United States Bureau of Reclamation,  
9 and the Natural Resources Conservation Service of the United States  
10 Department of Agriculture.

11           (2) For administrative and budgetary purposes, the task  
12 force shall be housed within the Department of Natural Resources.  
13 Additional advisory support may be requested from appropriate  
14 federal and state agencies.

15           (3) The task force may meet as necessary and may hire a  
16 consultant or consultants to facilitate the work and meetings of  
17 the task force and enter into agreements to achieve the objectives  
18 of the task force. The task force may create and use working  
19 groups or subcommittees as it deems necessary. Any contracts  
20 or agreements entered into under this subsection shall not be  
21 subject to the Nebraska Consultants' Competitive Negotiation Act or  
22 sections 73-301 to 73-306 or 73-501 to 73-510.

23           (4) The Water Funding Task Force terminates on December  
24 31, 2013.

25           Sec. 4. (1) On or before December 31, 2013, the  
26 Water Funding Task Force shall develop and provide a report  
27 electronically to the Legislature which contains the following:

1           (a) Recommendations for a strategic plan which  
2 prioritizes programs, projects, and activities in need of funding.

3 The recommendations shall give equal consideration to and be  
4 classified into the following categories:

5           (i) Research, data, and modeling needed to assist the  
6 state in meeting its water management goals;

7           (ii) Rehabilitation or restoration of water supply  
8 infrastructure, new water supply infrastructure, or water supply  
9 infrastructure maintenance;

10           (iii) Conjunctive management, storage, and integrated  
11 management of ground water and surface water; and

12           (iv) Compliance with interstate compacts or agreements or  
13 other formal state contracts or agreements;

14           (b) Recommendations for ranking criteria to identify  
15 funding priorities based on, but not limited to, the following  
16 factors:

17           (i) The extent to which the program, project, or activity  
18 provides increased water productivity and otherwise maximizes the  
19 beneficial use of Nebraska's water resources for the benefit of its  
20 residents;

21           (ii) The extent to which the program, project, or  
22 activity assists the state in meeting its obligations under  
23 interstate compacts or decrees or other formal state contracts  
24 or agreements;

25           (iii) The extent to which the program, project, or  
26 activity utilizes objectives described in the Annual Report and  
27 Plan of Work for the Nebraska State Water Planning and Review

1 Process issued by the Department of Natural Resources;

2 (iv) The extent to which the program, project, or  
3 activity has been approved for, but has not received, funding  
4 through an established state program;

5 (v) The cost effectiveness of the program, project, or  
6 activity relative to achieving the state's water management goals;

7 (vi) The extent to which the program, project, or  
8 activity contributes to the state's ability to leverage state  
9 dollars with local or federal government partners or other partners  
10 to maximize the use of its resources; and

11 (vii) The extent to which the program, project, or  
12 activity contributes to multiple water supply management goals,  
13 including, but not limited to, flood control, agricultural  
14 uses, recreation benefits, wildlife habitat, conservation of  
15 water resources, and preservation of water resources for future  
16 generations;

17 (c) Recommendations for legislation on a permanent  
18 structure and process through which the programs, projects, or  
19 activities described in this section will be provided with funding,  
20 including:

21 (i) A permanent governing board structure and membership;

22 (ii) An application process;

23 (iii) A statewide project distribution mechanism; and

24 (iv) A timeframe for funding allocations based on the  
25 list of programs, projects, and activities provided for in this  
26 section;

27 (d) Recommendations for the annual funding amount and the

1 start date for distribution of funds; and

2 (e) Recommendations for statutory changes relating to  
3 regulatory authorities and to funds and programs administered by,  
4 and boards and commissions under the direction of, the department,  
5 based on the task force's evaluation of the efficiency of such  
6 funds, programs, boards, and commissions.

7 (2) The task force shall make every effort to identify  
8 and consult with all water use stakeholder groups in Nebraska on  
9 the development of the recommendations required under sections 1 to  
10 4 of this act.

11 Sec. 5. The Department of Natural Resources shall  
12 establish a separate budget subprogram to account for funds  
13 appropriated to carry out sections 1 to 4 this act. No later than  
14 February 1, 2014, the department shall notify the Natural Resources  
15 Committee of the Legislature and the Appropriations Committee of  
16 the Legislature regarding the projected unexpended and uncommitted  
17 balance remaining in the separate budget subprogram.

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