

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 517**  
Final Reading

Introduced by Carlson, 38.

Read first time January 23, 2013

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to water management; to state findings; to create  
2 the Water Funding Task Force; to provide powers and  
3 duties for the task force and the Department of Natural  
4 Resources; to provide a termination date; and to declare  
5 an emergency.

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

1           Section 1. The Legislature finds that:

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

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

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

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

21           Sec. 2. (1) The Water Funding Task Force is created. The  
22 task force shall consist of the members of the Nebraska Natural  
23 Resources Commission and eleven additional members to be appointed by  
24 the Governor. The Director of Natural Resources or his or her  
25 designee, the chairperson of the Natural Resources Committee of the

1 Legislature or his or her designee, and five additional members of  
2 the Legislature appointed by the Executive Board of the Legislative  
3 Council shall be nonvoting, ex officio members of the task force. In  
4 appointing members to the task force, the Governor:

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

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

10 (c) Shall appoint one member from each of the following  
11 categories: Public power; public power and irrigation districts;  
12 irrigation districts; a metropolitan utilities district;  
13 municipalities; agriculture; wildlife conservation; livestock  
14 producers; agribusiness; manufacturing; and outdoor recreation users;  
15 and

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

18 (2) The members of the task force appointed by the  
19 Governor shall represent diverse geographic regions of the state,  
20 including urban and rural areas. Such members shall be appointed  
21 within thirty days after the effective date of this act. Members  
22 shall begin serving immediately following notice of appointment.  
23 Members shall be reimbursed for their actual and necessary expenses  
24 incurred in carrying out their duties as members as provided in  
25 sections 81-1174 to 81-1177.

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

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

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

21           (4) The Water Funding Task Force terminates on December  
22 31, 2013.

23           Sec. 4. (1) On or before December 31, 2013, the Water  
24 Funding Task Force shall develop and provide a report electronically  
25 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 or  
24 agreements;

25          (iii) The extent to which the program, project, or

1 activity utilizes objectives described in the Annual Report and Plan  
2 of Work for the Nebraska State Water Planning and Review Process  
3 issued by the Department of Natural Resources;

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

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

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

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

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

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

24 (ii) An application process;

25 (iii) A statewide project distribution mechanism; and

1           (iv) A timeframe for funding allocations based on the  
2 list of programs, projects, and activities provided for in this  
3 section;

4           (d) Recommendations for the annual funding amount and the  
5 start date for distribution of funds; and

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

11           (2) The task force shall make every effort to identify  
12 and consult with all water-use stakeholder groups in Nebraska on the  
13 development of the recommendations required under sections 1 to 4 of  
14 this act.

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

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