

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1098**

Introduced by Carlson, 38; Christensen, 44; Davis, 43; Kolowski, 31;  
Schilz, 47.

Read first time January 22, 2014

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Nebraska Natural Resources Commission; to  
2 amend section 2-1504, Reissue Revised Statutes of  
3 Nebraska; to change the membership of and provide powers  
4 and duties for the commission; and to repeal the original  
5 section.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 2-1504, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   2-1504 (1) The Nebraska Natural Resources Commission is  
4 established. The commission shall advise the department as requested  
5 by the director and shall perform such other functions as are  
6 specifically conferred on the commission by law. The commission shall  
7 have no jurisdiction over matters pertaining to water rights.

8                   (2) The voting members of the commission, ~~shall consist~~  
9 ~~of the following members,~~ all of whom shall have attained the age of  
10 majority, shall be:

11                   (a) One resident of each of the following river basins,  
12 with delineations being those on the Nebraska river basin map  
13 officially adopted by the commission and on file with the department:

14 (i) The Niobrara River, White River, and Hat Creek basin, (ii) the  
15 North Platte River basin, (iii) the South Platte River basin, (iv)  
16 the middle Platte River basin, (v) the lower Platte River basin, (vi)  
17 the Loup River basin, (vii) the Elkhorn River basin, (viii) the  
18 Missouri tributaries basin, (ix) the Republican River basin, (x) the  
19 Little Blue River basin, (xi) the Big Blue River basin, and (xii) the  
20 Nemaha River basin;

21                   (b) One additional resident of each river basin which  
22 encompasses one or more cities of the metropolitan class; and ~~. Each~~  
23 ~~such additional basin member shall be a resident of a natural~~  
24 ~~resources district which encompasses one or more cities of the~~  
25 ~~metropolitan class and shall be selected in the same manner, at the~~

1 ~~same time, and for a four-year term having the same term sequence as~~  
2 ~~provided for the other member from such basin; and~~

3 (c) ~~Three~~ Fourteen members to be appointed by the  
4 Governor, subject to confirmation by the Legislature, who shall serve  
5 at the pleasure of the Governor. Of the members appointed by the  
6 Governor, one shall represent ~~municipal users of water, one shall~~  
7 ~~represent surface water irrigators, and one shall represent ground~~  
8 ~~water irrigators.~~ each of the following categories: Agribusiness  
9 interests; agricultural interests; ground water irrigators;  
10 irrigation districts; manufacturing interests; metropolitan utilities  
11 districts; municipal users of water from a city of the primary class;  
12 municipal users of water from a city of the first or second class or  
13 a village; outdoor recreation users; public power districts; public  
14 power and irrigation districts; range livestock owners; surface water  
15 irrigators; and wildlife conservation interests.

16 (3) ~~Successors to the members~~ Members of the commission  
17 ~~representing river basins~~ described in subdivision (2)(a) of this  
18 section shall be selected for four-year terms at individual caucuses  
19 of the natural resources district directors residing in the river  
20 basin from which the member is selected. Such caucuses shall be held  
21 for each basin within ten days following the first Thursday after the  
22 first Tuesday of the year the term of office of the member from that  
23 basin expires. The dates and locations for such caucuses shall be  
24 established by the commission, and the commission shall provide  
25 notice to the public by issuing press releases for publication in a

1 newspaper of general circulation in each county that comprises the  
2 river basin for which a caucus election will be held. Terms of office  
3 of such members shall follow the sequence originally determined by  
4 the river basin representatives to the commission at their first  
5 meeting on the third Thursday after the first Tuesday in January  
6 1975. All river basin members shall take office on the third Thursday  
7 after the first Tuesday in January following their selection and any  
8 vacancy shall be filled for the unexpired term by a caucus held  
9 within thirty days following the date such vacancy is created. Each  
10 member of the commission representing a river basin shall qualify by  
11 filing with the other members of the commission an acceptance in  
12 writing of his or her selection.

13 (4) Members of the commission described in subdivision  
14 (2)(b) of this section shall be residents of natural resources  
15 districts which encompasses one or more cities of the metropolitan  
16 class and shall be selected in the same manner, at the same time, and  
17 for a four-year term having the same term sequence as provided for  
18 the other members from such basin under subsection (3) of this  
19 section.

20 (5) For members of the commission described in  
21 subdivision (2)(c) of this section:

22 (a) The Governor shall appoint the initial members  
23 pursuant to this legislative bill within thirty days after the  
24 effective date of this act. The initial appointments shall be for  
25 staggered four-year terms, as determined by the Governor, taking into

1 account the terms remaining of the current members of the commission  
2 appointed under such subdivision. Members whose terms have expired  
3 shall continue to serve until their successors have been appointed.  
4 In the case of a vacancy, the Governor shall appoint a successor for  
5 the unexpired term. Members may be removed for cause. Initial  
6 appointees shall begin serving immediately following notice of  
7 appointment, except that the member appointed representing municipal  
8 users of water from the class of city or a village that is being  
9 represented by the current member representing municipal users of  
10 water and the members representing surface water irrigators and  
11 ground water irrigators shall not begin serving until the term of the  
12 current representative of the category expires or such member resigns  
13 or is otherwise removed; and

14 (b) In appointing such members, the Governor shall:

15 (i) Create a broad-based commission which has knowledge  
16 of, has experience with, and is representative of Nebraska's water  
17 use and economy;

18 (ii) Give recognition to the importance of both water  
19 quantity and water quality; and

20 (iii) Appoint members who represent diverse geographic  
21 regions of the state, including urban and rural areas.

22 (6) After all members have been appointed as required by  
23 this legislative bill, the commission shall revise, adopt, and  
24 promulgate rules and regulations as necessary to ensure that the  
25 commission's funding process establishes and utilizes criteria upon

1 which projects, programs, and activities will be ranked and  
2 prioritized according to the water sustainability goals established  
3 by the commission.

4 The commission shall utilize the resources and expertise  
5 of the University of Nebraska, the Department of Environmental  
6 Quality, and the Game and Parks Commission relating to funding and  
7 planning for water projects, programs, or activities.

8 Sec. 2. Original section 2-1504, Reissue Revised Statutes  
9 of Nebraska, is repealed.