

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 130

Introduced by Watermeier, 1.

Read first time January 09, 2015

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to natural resources; to amend sections
2 2-1507, 2-1508, and 2-1509, Revised Statutes Cumulative Supplement,
3 2014; to change provisions relating to funding from the Water
4 Sustainability Fund for projects as prescribed; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-1507, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 2-1507 (1) It is the intent of the Legislature that the Water
4 Sustainability Fund be equitably distributed statewide to the greatest
5 extent possible for the long term and give priority funding status to
6 projects which are the result of federal mandates.

7 (2) Distributions to assist municipalities with the cost of
8 constructing, upgrading, developing, and replacing sewer infrastructure
9 facilities as part of a combined sewer overflow project shall be based on
10 a demonstration of need and shall equal ten percent of the total annual
11 appropriation to the Water Sustainability Fund if (a) applicants have
12 applied for such funding as required under section 2-1509 and (b) any
13 such application has been recommended for further consideration by the
14 director and is subsequently approved for allocation by the commission
15 pursuant to subsection (1) of section 2-1511. If more than one
16 municipality demonstrates a need for funds pursuant to this subsection,
17 funds shall be distributed proportionally based on population.

18 (3) Any money in the Water Sustainability Fund may be allocated by
19 the commission to applicants in accordance with sections 2-1506 to
20 2-1513. Such money may be allocated in the form of grants or loans for
21 water sustainability programs, projects, or activities undertaken within
22 the state. The allocation of funds to a program, project, or activity in
23 one form shall not of itself preclude additional allocations in the same
24 or any other form to the same program, project, or activity.

25 (4) A natural resources district is eligible for funding from the
26 Water Sustainability Fund only if the district has adopted or is
27 currently participating in the development of an integrated management
28 plan pursuant to subdivision (1)(a) or (b) of section 46-715, unless
29 funding is requested under subsection (5) of this section.

30 (5) Projects to which funds have been allocated from the Nebraska
31 Resources Development Fund as of March 30, 2014, shall be eligible for

1 funding from the Water Sustainability Fund. Project sponsors shall submit
2 a statement of need to the department in lieu of the application required
3 pursuant to section 2-1509. Each statement of need shall be filed in such
4 manner and form and be accompanied by such information as may be
5 prescribed by the director and the commission. Upon receipt of the
6 statement of need, the director shall undertake a review in accordance
7 with subsection (3) of section 2-1509.

8 (~~6~~ 5) The commission shall utilize the resources and expertise of
9 and collaborate with the Department of Natural Resources, the University
10 of Nebraska, the Department of Environmental Quality, the Nebraska
11 Environmental Trust Board, and the Game and Parks Commission on funding
12 and planning for water programs, projects, or activities.

13 (~~7~~ 6) A biennial report shall be made to the Clerk of the
14 Legislature describing the work accomplished by the use of funds towards
15 the goals of the Water Sustainability Fund beginning on December 31,
16 2015. The report submitted to the Clerk of the Legislature shall be
17 submitted electronically.

18 Sec. 2. Section 2-1508, Revised Statutes Cumulative Supplement,
19 2014, is amended to read:

20 2-1508 The commission shall rank and score applications for funding
21 based on criteria that demonstrate the extent to which a program,
22 project, or activity:

23 (1) Remediates or mitigates threats to drinking water;

24 (2) Meets the goals and objectives of an approved integrated
25 management plan or ground water management plan;

26 (3) Contributes to water sustainability goals by increasing aquifer
27 recharge, reducing aquifer depletion, or increasing streamflow;

28 (4) Contributes to multiple water supply management goals,
29 including, but not limited to, flood control, agricultural use, municipal
30 and industrial uses, recreational benefits, wildlife habitat,
31 conservation of water resources, and preservation of water resources;

1 (5) Maximizes the beneficial use of Nebraska's water resources for
2 the benefit of the state's residents;

3 (6) Is cost-effective;

4 (7) Helps the state meet its obligations under interstate compacts,
5 decrees, or other state contracts or agreements or federal law;

6 (8) Reduces threats to property damage or protects critical
7 infrastructure that consists of the physical assets, systems, and
8 networks vital to the state or the United States such that their
9 incapacitation would have a debilitating effect on public security or
10 public health and safety;

11 (9) Improves water quality;

12 (10) Has utilized all available funding resources of the local
13 jurisdiction to support the program, project, or activity;

14 (11) Has a local jurisdiction with plans in place that support
15 sustainable water use;

16 (12) Addresses a statewide problem or issue;

17 (13) Contributes to the state's ability to leverage state dollars
18 with local or federal government partners or other partners to maximize
19 the use of its resources;

20 (14) Contributes to watershed health and function; and

21 (15) Uses objectives described in the annual report and plan of work
22 for the state water planning and review process issued by the department.

23 The commission shall develop and utilize a ranking system to give
24 priority consideration to projects to which funds have been allocated
25 from the Nebraska Resources Development Fund as of March 30, 2014, that
26 are still in need of state funding assistance.

27 Sec. 3. Section 2-1509, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 2-1509 (1) Applicants for funds may file an application with the
30 department for a grant or loan from the Water Sustainability Fund.
31 Applications for grants to the department itself shall be filed by the

1 department. Each application shall be filed in such manner and form and
2 be accompanied by such information as may be prescribed by the director
3 and the commission.

4 (2) Any such application shall:

5 (a) Describe the nature and purpose of the proposed program,
6 project, or activity;

7 (b) Set forth or be accompanied by a plan for development of the
8 proposed program, project, or activity, together with engineering,
9 economic, and financial feasibility data and information, and such
10 estimated costs of construction or implementation as may be required by
11 the director and the commission;

12 (c) State whether money other than that for which the application is
13 made will be used to help in meeting program, project, or activity costs
14 and whether such money is available or has been sought for this purpose;

15 (d) When appropriate, state that the applicant holds or can acquire
16 title to all lands or has the necessary easements and rights-of-way for
17 the program, project, or activity and related lands and has or may
18 acquire all water rights necessary for the proposed program, project, or
19 activity;

20 (e) Show that the applicant possesses all necessary authority to
21 undertake or participate in the proposed program, project, or activity;
22 and

23 (f) Demonstrate the probable environmental and ecological
24 consequences that may result from such proposed program, project, or
25 activity.

26 (3) Upon receipt of an application or a statement of need pursuant
27 to subsection (5) of section 2-1507, the director shall evaluate and
28 investigate all aspects of the proposed program, project, or activity and
29 the proposed schedule for development and completion of such program,
30 project, or activity, determine eligibility for funding, and make
31 appropriate recommendations to the commission pursuant to sections 2-1506

1 to 2-1513. As a part of his or her investigation, the director shall
2 consider whether the plan for development of the program, project, or
3 activity is satisfactory. If the director determines that the plan is
4 unsatisfactory or that the application or statement of need does not
5 contain adequate information upon which to make determinations, the
6 director shall return the application or statement of need ~~to the~~
7 ~~applicant~~ and may make such recommendations to the applicant or person
8 submitting the statement of need as are considered necessary to make the
9 plan or the application or statement of need satisfactory.

10 (4) Requests for utilization of the Water Sustainability Fund for
11 state participation in any water and related land-water resources
12 projects shall also be filed with the department for the director's
13 evaluation, investigation, and recommendations. Such requests shall be
14 filed in the manner and form and be accompanied by such information as
15 shall be prescribed by the department and the commission.

16 Sec. 4. Original sections 2-1507, 2-1508, and 2-1509, Revised
17 Statutes Cumulative Supplement, 2014, are repealed.