

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 517

Introduced by Carlson, 38.

Read first time January 23, 2013

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to water management; to amend section 57-705,
2 Reissue Revised Statutes of Nebraska; to state intent; to
3 create and provide duties for the Water Sustainability
4 Project Task Force; to create a fund; to provide for
5 transfers; to provide a termination date; to harmonize
6 provisions; and to repeal the original section.

7 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, an
14 appraisal of the state's water needs must be conducted utilizing
15 research done by, but not limited to, the natural resources
16 districts, the Department of Natural Resources, and the Legislature
17 through an interim study. Weighting criteria must first be
18 established in order to identify statewide project and research
19 priorities in need of funding; and

20 (4) To facilitate the creation of criteria to establish
21 priorities, a collaborative effort of experts representing all water
22 interests and areas of the state is necessary to ensure a fair and
23 balanced water funding evaluation.

24 Sec. 2. (1) The Water Sustainability Project Task Force
25 is created. The task force shall consist of fifteen voting members,

1 twelve of whom shall be appointed by the Natural Resources Committee
2 of the Legislature and three of whom shall be appointed by the
3 Governor. There shall be four members from each of the state's
4 congressional districts and three at-large members. The voting
5 members shall be appointed within thirty days after the effective
6 date of this act. Voting members of the task force shall demonstrate
7 knowledge and experience with and represent municipal users of water;
8 surface water users; ground water users; agriculture; recreation; and
9 conservation. Members shall begin serving immediately following
10 notice of appointment. The Director of Natural Resources, the
11 chairperson of the Nebraska Natural Resources Commission, and the
12 secretary of the Game and Parks Commission shall be ex officio,
13 nonvoting members of the task force. Members of the task force shall
14 be reimbursed for their actual and necessary expenses incurred in
15 carrying out their duties as members as provided in sections 81-1174
16 to 81-1177.

17 (2) For administrative and budgetary purposes only, the
18 task force shall be housed within the Department of Natural
19 Resources. Additional advisory support may be requested from
20 appropriate federal and state agencies.

21 (3) The task force shall convene within thirty days after
22 appointment of the members to elect a chairperson and a vice-
23 chairperson and conduct such other business as deemed necessary. The
24 task force shall meet as necessary and may hire a consultant to
25 facilitate the work and meetings of the task force and enter into

1 agreements with the Department of Natural Resources to utilize
2 planning division staff of the department to achieve the objectives
3 of the task force.

4 (4) The task force shall identify water resources
5 programs, projects, and activities in need of funding to meet the
6 long-term statewide goals of water sustainability, increased water-
7 use productivity, and otherwise maximize the beneficial use of
8 Nebraska's water resources for the benefit of its citizens.

9 Sec. 3. By January 31, 2014, the Water Sustainability
10 Project Task Force shall develop and provide a report electronically
11 to the Legislature which contains the following:

12 (1) A listing of programs, projects, and activities in
13 each river basin related to the state's water supply, both ground
14 water and surface water, in need of funding to meet the long-term
15 goals described in section 2 of this act;

16 (2) Such programs, projects, and activities shall be
17 grouped into four broad areas: (a) Research, data, and modeling
18 needed to assist the state in meeting its water management goals; (b)
19 rehabilitation or restoration of water supply infrastructure, new
20 water supply infrastructure, or water supply infrastructure
21 maintenance; (c) conjunctive management, storage, and integrated
22 management of ground water and surface water; and (d) compliance with
23 interstate compacts or agreements; and

24 (3) Recommendations for the prioritization of programs,
25 projects, and activities to be funded. The recommendations shall

1 consist of three time periods: (a) Programs, projects, and activities
2 the task force recommends to be funded for implementation during the
3 period of January 1, 2015, through December 31, 2016; (b) programs,
4 projects, and activities the task force recommends to be funded for
5 implementation during the period of January 1, 2017, through December
6 31, 2021; and (c) programs, projects, and activities the task force
7 recommends to be funded for implementation during the period of
8 January 1, 2022, through December 31, 2026.

9 The task force shall develop a statewide map that
10 identifies the location of the programs, projects, and activities
11 identified for funding pursuant to this section.

12 Sec. 4. To identify recommendations for statewide funding
13 priorities under section 3 of this act, the Water Sustainability
14 Project Task Force shall establish criteria based on, but not limited
15 to, the following factors:

16 (1) The extent to which the program, project, or activity
17 assists the state in meeting its obligations under interstate
18 compacts or decrees or other formal state contracts or agreements;

19 (2) The cost-effectiveness of the program, project, or
20 activity relative to achieving the state's water management goals;

21 (3) The extent to which the program, project, or activity
22 contributes to the state's ability to leverage state dollars with
23 local or federal government partners or other partners to maximize
24 the use of its dollars; and

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

1 contributes to multiple water supply management goals, including, but
2 not limited to, flood control, recreation benefits, wildlife habitat,
3 conservation of water resources, and preservation of water resources
4 for future generations.

5 Sec. 5. The Water Sustainability Project Task Force
6 terminates on February 1, 2014.

7 Sec. 6. The Water Sustainability Project Task Force Cash
8 Fund is created. The fund shall be administered by the Department of
9 Natural Resources and expended at the direction of the Water
10 Sustainability Project Task Force. The fund shall consist of
11 transfers pursuant to section 57-705, other transfers authorized by
12 the Legislature, and money received as gifts, grants, and donations.
13 Any money in the fund available for investment shall be invested by
14 the state investment officer pursuant to the Nebraska Capital
15 Expansion Act and the Nebraska State Funds Investment Act.

16 Sec. 7. Section 57-705, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 57-705 (1) All severance taxes levied by Chapter 57,
19 article 7, shall be paid to the Tax Commissioner. He or she shall
20 remit all such money received to the State Treasurer. All such money
21 received by the State Treasurer shall be credited to a fund to be
22 known as the Severance Tax Fund. An amount equal to one percent of
23 the gross severance tax receipts, excluding those receipts from tax
24 derived from oil and natural gas severed from school lands, credited
25 to the fund shall be credited by the State Treasurer, upon the first

1 day of each month, and shall inure to the Severance Tax
2 Administration Fund to be used for the expenses of administering
3 Chapter 57, article 7. Transfers may be made from the Severance Tax
4 Administration Fund to the General Fund at the direction of the
5 Legislature. The balance of the Severance Tax Fund received from
6 school lands shall be credited by the State Treasurer, upon the first
7 day of each month, and shall inure to the permanent school fund.

8 (2) Of the balance of the Severance Tax Fund received
9 from other than school lands (a) the Legislature may transfer an
10 amount to be determined by the Legislature through the appropriations
11 process up to three hundred thousand dollars for each year to the
12 State Energy Office Cash Fund, (b) the Legislature may transfer an
13 amount to be determined by the Legislature through the appropriations
14 process up to thirty thousand dollars for each year to the Public
15 Service Commission for administration of the Municipal Rate
16 Negotiations Revolving Loan Fund, (c) the State Treasurer shall
17 transfer \$XXX from the Severance Tax Fund to the Water Sustainability
18 Project Task Force Cash Fund on the effective date of this act, or as
19 soon thereafter as administratively possible, and ~~(e)~~—(d) the
20 remainder shall be credited and inure to the permanent school fund.

21 (3) The State Treasurer shall transfer two hundred fifty
22 thousand dollars from the Severance Tax Administration Fund to the
23 Department of Revenue Enforcement Fund on July 1, 2009, or as soon
24 thereafter as administratively possible. The State Treasurer shall
25 transfer two hundred fifty thousand dollars from the Severance Tax

1 Administration Fund to the Department of Revenue Enforcement Fund on
2 July 1, 2010, or as soon thereafter as administratively possible.

3 Sec. 8. Original section 57-705, Reissue Revised Statutes
4 of Nebraska, is repealed.