

E AND R AMENDMENTS TO LB 1057

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

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

3 Section 1. (1) The Republican River Basin Water
4 Sustainability Task Force is created. The task force shall consist
5 of twenty-one voting members, and except for the state agency
6 representatives, the members shall be residents representing a
7 cross-section of the Republican River basin. The Governor shall
8 appoint two representatives from each natural resources district in
9 the basin; four representatives from the irrigation districts in
10 the basin; one representative each from the University of Nebraska
11 Institute of Agriculture and Natural Resources, the Game and Parks
12 Commission, the Department of Agriculture, and the Department of
13 Natural Resources; one representative each from a school district,
14 a city, a county, and a public power district in the basin; and
15 two representatives from agriculture-related businesses in the
16 Republican River basin. The chairperson of the Executive Board of
17 the Legislative Council shall appoint three ex officio, nonvoting
18 members from the Legislature, two of whom are residents of the
19 basin and one who is the chairperson of the Natural Resources
20 Committee of the Legislature. For administrative and budgetary
21 purposes only, the task force shall be housed within the Department
22 of Natural Resources. Additional advisory support may be requested
23 from appropriate federal and state agencies. Members of the task

1 force who are not state employees shall be reimbursed for their
2 actual and necessary expenses incurred in carrying out their duties
3 as members as provided in sections 81-1174 to 81-1177.

4 (2) The task force shall meet no less than quarterly
5 and shall hire a trained facilitator to conduct its meetings. The
6 purposes of the task force are to define water sustainability for
7 the Republican River basin, develop and recommend a plan to help
8 reach water sustainability in the basin, and develop and recommend
9 a plan to help avoid a water-short year in the basin. The task
10 force shall convene within thirty days after appointment of the
11 members is completed to elect a chairperson and conduct such other
12 business as deemed necessary.

13 (3) The task force shall present a preliminary report to
14 the Governor and the Legislature on or before May 15, 2011, and a
15 final report before May 15, 2012. This section terminates on June
16 30, 2012.

17 Sec. 2. It is the intent of the Legislature that expenses
18 of the Republican River Basin Water Sustainability Task Force be
19 paid from funds appropriated from the Water Resources Cash Fund and
20 not exceed twenty-five thousand dollars per fiscal year.

21 Sec. 3. Section 61-218, Revised Statutes Cumulative
22 Supplement, 2008, as amended by section 39, Legislative Bill
23 3, One Hundred First Legislature, First Special Session, 2009, is
24 amended to read:

25 61-218 (1) The Water Resources Cash Fund is created. The
26 fund shall be administered by the Department of Natural Resources.
27 Transfers may be made from the fund to the General Fund at the

1 direction of the Legislature. Any money in the Water Resources
2 Cash Fund available for investment shall be invested by the state
3 investment officer pursuant to the Nebraska Capital Expansion Act
4 and the Nebraska State Funds Investment Act.

5 (2) The State Treasurer shall credit to the fund such
6 money as is (a) transferred to the fund by the Legislature, (b)
7 paid to the state as fees, deposits, payments, and repayments
8 relating to the fund, both principal and interest, (c) donated as
9 gifts, bequests, or other contributions to such fund from public or
10 private entities, (d) made available by any department or agency of
11 the United States if so directed by such department or agency, and
12 (e) credited to the fund from the excise taxes imposed by section
13 66-1345.01 beginning January 1, 2013.

14 (3) The fund shall be expended by the department (a)
15 to aid management actions taken to reduce consumptive uses of
16 water in river basins, subbasins, or reaches which are deemed
17 by the department overappropriated pursuant to section 46-713 or
18 fully appropriated pursuant to section 46-714 or are bound by
19 an interstate compact or decree or a formal state contract or
20 agreement and (b) to the extent funds are not expended pursuant to
21 subdivision (a) of this subsection, the department may conduct a
22 statewide assessment of short-term and long-term water management
23 activities and funding needs to meet statutory requirements in
24 sections 46-713 to 46-718 and 46-739 and any requirements of an
25 interstate compact or decree or formal state contract or agreement.
26 The fund may be used to pay for up to twenty-five thousand
27 dollars in annual expenses for the Republican River Basin Water

1 Sustainability Task Force but shall not be used to pay for any
2 other administrative expenses or any salaries for the department or
3 any political subdivision.

4 (4) It is the intent of the Legislature that two million
5 seven hundred thousand dollars be transferred each fiscal year from
6 the General Fund to the Water Resources Cash Fund for FY2009-10
7 through FY2018-19.

8 (5) (a) Expenditures from the Water Resources Cash
9 Fund may be made to natural resources districts eligible under
10 subsection (3) of this section for activities to either achieve a
11 sustainable balance of consumptive water uses or assure compliance
12 with an interstate compact or decree or a formal state contract
13 or agreement and shall require a match of local funding in an
14 amount equal to or greater than forty percent of the total cost
15 of carrying out the eligible activity. The department shall, no
16 later than August 1 of each year, beginning in 2007, determine the
17 amount of funding that will be made available to natural resources
18 districts from the Water Resources Cash Fund and notify natural
19 resources districts of this determination. The department shall
20 adopt and promulgate rules and regulations governing application
21 for and use of the Water Resources Cash Fund by natural resources
22 districts. Such rules and regulations shall, at a minimum, include
23 the following components:

24 (i) Require an explanation of how the planned activity
25 will assure compliance with an interstate compact or decree or a
26 formal state contract or agreement as required by section 46-715
27 and the controls, rules, and regulations designed to carry out the

1 activity; and

2 (ii) A schedule of implementation of the activity or its
3 components.

4 (b) Any natural resources district that fails to
5 implement and enforce its controls, rules, and regulations as
6 required by section 46-715 shall not be eligible for funding
7 from the Water Resources Cash Fund until it is determined by the
8 department that compliance with the provisions required by section
9 46-715 has been established.

10 (6) The Department of Natural Resources shall submit an
11 annual report to the Legislature no later than October 1 of each
12 year, beginning in the year 2007, that shall detail the use of the
13 Water Resources Cash Fund in the previous year. The report shall
14 provide:

15 (a) Details regarding the use and cost of activities
16 carried out by the department; and

17 (b) Details regarding the use and cost of activities
18 carried out by each natural resources district that received funds
19 from the Water Resources Cash Fund.

20 Sec. 4. Original section 61-218, Revised Statutes
21 Cumulative Supplement, 2008, as amended by section 39, Legislative
22 Bill 3, One Hundred First Legislature, First Special Session, 2009,
23 is repealed.

24 Sec. 5. Since an emergency exists, this act takes effect
25 when passed and approved according to law.

26 2. On page 1, strike beginning with "create" in line 1
27 through line 4 and insert "amend section 61-218, Revised Statutes

1 Cumulative Supplement, 2008, as amended by section 39, Legislative
2 Bill 3, One Hundred First Legislature, First Special Session, 2009;
3 to create the Republican River Basin Water Sustainability Task
4 Force; to provide duties; to state intent relating to expenses;
5 to harmonize provisions; to repeal the original section; and to
6 declare an emergency.".