

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 993

FINAL READING

Introduced by Carlson, 38; Christensen, 44.

Read first time January 20, 2010

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to water resources; to amend section 61-218,
2 Revised Statutes Cumulative Supplement, 2008, as amended
3 by section 39, Legislative Bill 3, One Hundred First
4 Legislature, First Special Session, 2009; to change
5 provisions relating to the Water Resources Cash Fund;
6 and to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 61-218, Revised Statutes Cumulative
2 Supplement, 2008, as amended by section 39, Legislative Bill 3, One
3 Hundred First Legislature, First Special Session, 2009, is amended
4 to read:

5 61-218 (1) The Water Resources Cash Fund is created. The
6 fund shall be administered by the Department of Natural Resources.
7 Transfers may be made from the fund to the General Fund at the
8 direction of the Legislature. Any money in the Water Resources
9 Cash Fund available for investment shall be invested by the state
10 investment officer pursuant to the Nebraska Capital Expansion Act
11 and the Nebraska State Funds Investment Act.

12 (2) The State Treasurer shall credit to the fund such
13 money as is (a) transferred to the fund by the Legislature, (b)
14 paid to the state as fees, deposits, payments, and repayments
15 relating to the fund, both principal and interest, (c) donated as
16 gifts, bequests, or other contributions to such fund from public or
17 private entities, (d) made available by any department or agency of
18 the United States if so directed by such department or agency, and
19 (e) credited to the fund from the excise taxes imposed by section
20 66-1345.01 beginning January 1, 2013.

21 (3) The fund shall be expended by the department (a)
22 to aid management actions taken to reduce consumptive uses of
23 water and to enhance streamflows or ground water recharge in river
24 basins, subbasins, or reaches which are deemed by the department
25 overappropriated pursuant to section 46-713 or fully appropriated

1 pursuant to section 46-714 or are bound by an interstate compact
2 or decree or a formal state contract or agreement and (b) to the
3 extent funds are not expended pursuant to subdivision (a) of this
4 subsection, the department may conduct a statewide assessment of
5 short-term and long-term water management activities and funding
6 needs to meet statutory requirements in sections 46-713 to 46-718
7 and 46-739 and any requirements of an interstate compact or decree
8 or formal state contract or agreement. The fund shall not be
9 used to pay for administrative expenses or any salaries for the
10 department or any political subdivision.

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

15 (5) (a) Expenditures from the Water Resources Cash
16 Fund may be made to natural resources districts eligible under
17 subsection (3) of this section for activities to either achieve a
18 sustainable balance of consumptive water uses or assure compliance
19 with an interstate compact or decree or a formal state contract
20 or agreement and shall require a match of local funding in an
21 amount equal to or greater than forty percent of the total cost
22 of carrying out the eligible activity. The department shall, no
23 later than August 1 of each year, beginning in 2007, determine the
24 amount of funding that will be made available to natural resources
25 districts from the Water Resources Cash Fund and notify natural

1 resources districts of this determination. The department shall
2 adopt and promulgate rules and regulations governing application
3 for and use of the Water Resources Cash Fund by natural resources
4 districts. Such rules and regulations shall, at a minimum, include
5 the following components:

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

11 (ii) A schedule of implementation of the activity or its
12 components.

13 (b) Any natural resources district that fails to
14 implement and enforce its controls, rules, and regulations as
15 required by section 46-715 shall not be eligible for funding
16 from the Water Resources Cash Fund until it is determined by the
17 department that compliance with the provisions required by section
18 46-715 has been established.

19 (6) The Department of Natural Resources shall submit an
20 annual report to the Legislature no later than October 1 of each
21 year, beginning in the year 2007, that shall detail the use of the
22 Water Resources Cash Fund in the previous year. The report shall
23 provide:

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

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

4 Sec. 2. Original section 61-218, Revised Statutes
5 Cumulative Supplement, 2008, as amended by section 39, Legislative
6 Bill 3, One Hundred First Legislature, First Special Session, 2009,
7 is repealed.