

E AND R AMENDMENTS TO LB 57

Introduced by Murante, 49, Chairman Enrollment and Review

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

3           Section 1. Section 81-15,175, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           81-15,175 (1) The board may make an annual allocation  
6 each fiscal year from the Nebraska Environmental Trust Fund to  
7 the Nebraska Environmental Endowment Fund as provided in section  
8 81-15,174.01. The board shall make annual allocations from the  
9 Nebraska Environmental Trust Fund and may make annual allocations  
10 each fiscal year from the Nebraska Environmental Endowment Fund  
11 for projects which conform to the environmental categories of the  
12 board established pursuant to section 81-15,176 and to the extent  
13 the board determines those projects to have merit. The board  
14 shall establish a calendar annually for receiving and evaluating  
15 proposals and awarding grants. To evaluate the economic, financial,  
16 and technical feasibility of proposals, the board may establish  
17 subcommittees, request or contract for assistance, or establish  
18 advisory groups. Private citizens serving on advisory groups shall  
19 be reimbursed for their actual and necessary expenses pursuant to  
20 sections 81-1174 to 81-1177.

21           (2) The board shall establish rating systems for ranking  
22 proposals which meet the board's environmental categories and other  
23 criteria. The rating systems shall include, but not be limited to,

1 the following considerations:

2 (a) Conformance with categories established pursuant to  
3 section 81-15,176;

4 (b) Amount of funds committed from other funding sources;

5 (c) Encouragement of public-private partnerships;

6 (d) Geographic mix of projects over time;

7 (e) Cost-effectiveness and economic impact;

8 (f) Direct environmental impact;

9 (g) Environmental benefit to the general public and the  
10 long-term nature of such public benefit; and

11 (h) Applications recommended by the Director of Natural  
12 Resources and submitted by the Department of Natural Resources  
13 pursuant to subsection (7) of section 61-218 shall be awarded  
14 fifty priority points in the ranking process for the 2011 grant  
15 application if the Legislature has authorized annual transfers of  
16 three million three hundred thousand dollars to the Water Resources  
17 Cash Fund for each of fiscal years 2011-12 and 2012-13 and has  
18 stated its intent to transfer three million three hundred thousand  
19 dollars to the Water Resources Cash Fund in fiscal year 2013-14.  
20 Priority points shall be awarded if the proposed programs set  
21 forth in the grant application are consistent with the purposes  
22 of reducing consumptive uses of water, enhancing streamflows,  
23 recharging ground water, or supporting wildlife habitat in any  
24 river basin determined to be fully appropriated pursuant to section  
25 46-714 or designated as overappropriated pursuant to section  
26 46-713.

27 (3) A grant awarded under this section pursuant to an

1 application made under subsection (7) of section 61-218 shall be  
2 paid out in the following manner:

3 (a) The initial three million three hundred thousand  
4 dollar installment shall be remitted to the State Treasurer for  
5 credit to the Water Resources Cash Fund no later than fifteen  
6 business days after the date that the grant is approved by the  
7 board;

8 (b) The second three million three hundred thousand  
9 dollar installment shall be remitted to the State Treasurer for  
10 credit to the Water Resources Cash Fund no later than May 15, 2013;  
11 and

12 (c) The third three million three hundred thousand dollar  
13 installment shall be remitted to the State Treasurer for credit  
14 to the Water Resources Cash Fund no later than May 15, 2014,  
15 if the Legislature has authorized a transfer of three million  
16 three hundred thousand dollars from the General Fund to the Water  
17 Resources Cash Fund for fiscal year 2013-14.

18 (4) It is the intent of the Legislature that the  
19 Department of Natural Resources apply for an additional three-year  
20 grant from the Nebraska Environmental Trust Fund that would begin  
21 in fiscal year 2014-15 and such application shall be awarded fifty  
22 priority points in the ranking process as set forth in subdivision  
23 (2) (h) of this section if the following criteria are met:

24 (a) The Natural Resources Committee of the Legislature  
25 has examined options for water funding and has submitted a report  
26 electronically to the Clerk of the Legislature and the Governor by  
27 December 1, 2012, setting forth:

1           (i) An outline and priority listing of water management  
2 and funding needs in Nebraska, including instream flows,  
3 residential, agricultural, recreational, and municipal needs,  
4 interstate obligations, water quality issues, and natural habitats  
5 preservation;

6           (ii) An outline of statewide funding options which create  
7 a dedicated, sustainable funding source to meet the needs set forth  
8 in the report; and

9           (iii) Recommendations for legislation;

10          (b) The projects and activities funded by the department  
11 through grants from the Nebraska Environmental Trust Fund under  
12 this section have resulted in enhanced streamflows, reduced  
13 consumptive uses of water, recharged ground water, supported  
14 wildlife habitat, or otherwise contributed towards conserving,  
15 enhancing, and restoring Nebraska's ground water and surface water  
16 resources. On or before July 1, 2014, the department shall submit  
17 electronically a report to the Natural Resources Committee of the  
18 Legislature providing demonstrable evidence of the benefits accrued  
19 from such projects and activities; and

20          (c) In addition to the grant reporting requirements of  
21 the trust, on or before July 1, 2014, the department provides to  
22 the board a report which includes documentation that:

23           (i) Expenditures from the Water Resources Cash Fund  
24 made to natural resources districts have met the matching fund  
25 requirements provided in subdivision (5) (a) of section 61-218;

26           (ii) Ten percent or less of the matching fund  
27 requirements has been provided by in-kind contributions for

1 expenses incurred for projects enumerated in the grant application.

2 In-kind contributions shall not include land or land rights; and

3 (iii) All other projects and activities funded by the  
4 department through grants from the Nebraska Environmental Trust  
5 Fund under this section were matched not less than forty percent of  
6 the project or activity cost by other funding sources.

7 (5) The board may establish a subcommittee to rate grant  
8 applications. If the board uses a subcommittee, the meetings of  
9 such subcommittee shall be subject to the Open Meetings Act. The  
10 subcommittee shall (a) use the rating systems established by the  
11 board under subsection (2) of this section, (b) assign a numeric  
12 value to each rating criterion, combine these values into a total  
13 score for each application, and rank the applications by the total  
14 scores, (c) recommend an amount of funding for each application,  
15 which amount may be more or less than the requested amount, and (d)  
16 submit the ranked list and recommended funding to the board for its  
17 approval or disapproval.

18 (6) The board may commit funds to multiyear projects,  
19 subject to available funds and appropriations. No commitment shall  
20 exceed three years without formal action by the board to renew the  
21 grant or contract. Multiyear commitments may be exempt from the  
22 rating process except for the initial application and requests to  
23 renew the commitment.

24 (7) The board shall require a grant application from a  
25 nonpublic grantee, which application proposes to use grant funds to  
26 purchase real property that will at any time be sold or transferred  
27 to or exchanged with a federal land management agency and cause

1 the removal of such property from its current county property tax  
2 assessment, to provide for the replacement of property taxes to the  
3 affected county in the grant contract between the board and the  
4 grantee. Tax replacement methods that may be required in the grant  
5 contract include, but are not limited to, payments in addition  
6 to in lieu of taxes paid on the property to the county and the  
7 establishment of a permanent endowment fund for use by the affected  
8 county to offset the reduction in property taxes to the affected  
9 county.

10 (8) The board shall require, in the contract between  
11 the board and a nonpublic grantee, that such grantee not sell,  
12 transfer, or exchange, unless approved in the original grant, any  
13 portion or all of the real property acquired by such grantee in  
14 whole or in part by trust funds without the prior written approval  
15 of the board. Such approval shall be granted if the sale, transfer,  
16 or exchange is consistent with the purposes of the original grant.  
17 Such grantee shall provide the board in writing the details of any  
18 proposed sale, transfer, or exchange of the real property at least  
19 thirty days in advance of the next scheduled board meeting and  
20 obtain written approval of the board prior to executing any such  
21 transaction. If the board does not provide written approval of the  
22 sale, transfer, or exchange, such grantee may repay the value of  
23 the grant to the trust in order to be released from all further  
24 obligations. If the board provides written approval of a sale,  
25 transfer, or exchange, the real property shall be released from any  
26 further restrictions regarding its sale, transfer, or exchange.

27 The board shall require, in the contract between the

1 board and such grantee, (a) that such grantee provide the board,  
2 in advance of the distribution of trust funds, with written  
3 confirmation on behalf of any financial institution that is to  
4 provide such grantee with a portion of the funds for purchase of  
5 real property to be acquired by such grantee in part by trust  
6 funds, acknowledging that such grantee may not sell, transfer,  
7 or exchange any portion or all of the real property without the  
8 written approval of the board and (b) that the deed or other  
9 instrument conveying title to real property acquired by such  
10 grantee in whole or in part by trust funds shall contain express  
11 provisions stating that the grantee may not sell, transfer, or  
12 exchange any portion or all of such real property without the  
13 prior written approval of the board. Failure of such deed or  
14 other instrument to contain the required statement shall allow such  
15 grantee to sell, transfer, or exchange any portion or all of the  
16 real property without having to obtain prior written approval of  
17 the board. If the board does not approve or deny such request for  
18 approval within forty-five days after the request, such request  
19 shall be deemed approved.

20 (9) Members of the board may participate in and vote on  
21 issues at a regular or special meeting of the trust by telephone  
22 conference call or videoconference as long as the chairperson or  
23 vice-chairperson of the board conducts the meeting at a location  
24 where the public is able to participate by attendance at that  
25 location and the telephone conference call or videoconference  
26 otherwise conforms to the requirements of subdivisions (2)(a)  
27 through (e) of section 84-1411.

1           ~~(7)~~ (10) The board shall adopt and promulgate rules and  
2 regulations and publish guidelines governing allocations from the  
3 fund. The board shall conduct annual reviews of existing projects  
4 for compliance with project goals and grant requirements.

5           ~~(8)~~ (11) Every five years the board may evaluate the  
6 long-term effects of the projects it funds. The evaluation may  
7 assess a sample of such projects. The board may hire an independent  
8 consultant to conduct the evaluation and may report the evaluation  
9 findings to the Legislature and the Governor. The report submitted  
10 to the Legislature shall be submitted electronically.

11           Sec. 2. Original section 81-15,175, Revised Statutes  
12 Cumulative Supplement, 2012, is repealed.

13           2. On page 1, line 4, strike "allocations" and insert  
14 "grants; to provide requirements for telephone conferencing and  
15 videoconferencing as prescribed".