

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 406**

Introduced by McDonnell, 5.

Read first time January 14, 2021

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to natural resources; to amend section 61-224,  
2 Revised Statutes Cumulative Supplement, 2020; to create the Lower  
3 Platte River Infrastructure Task Force; to provide for a fund  
4 transfer; to change provisions relating to use of the Critical  
5 Infrastructure Facilities Cash Fund; to eliminate obsolete  
6 provisions; and to repeal the original section.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Lower Platte River Infrastructure Task Force is  
2 created. The task force shall consist of the following members: (a) Four  
3 directors or their designees, each from the board of directors of four  
4 natural resources districts with boundaries that include river basins  
5 along the lower Platte River, (b) the dean of the College of Engineering  
6 at the University of Nebraska-Lincoln or the dean's designee, (c) the  
7 mayor of a city of the primary class or such mayor's designee, (d) three  
8 representatives from communities located adjacent to the lower Platte  
9 River, and (e) the Director of Natural Resources as a nonvoting, ex  
10 officio member. The Director of Natural Resources shall appoint the  
11 members listed in subdivisions (a), (c), and (d) of this subsection. The  
12 task force shall convene within forty-five days after the effective date  
13 of this act at the call of the Director of Natural Resources and shall be  
14 housed in the Department of Natural Resources for administrative  
15 purposes. The task force shall select a chairperson and may hire  
16 consultants with funds as appropriated by the Legislature pursuant to  
17 section 2 of this act. Task force members shall receive no compensation  
18 for their services on the task force other than reimbursement for  
19 expenses incurred in carrying out their duties as provided in sections  
20 81-1174 to 81-1177.

21           (2) The task force shall study three to five potential flood-control  
22 infrastructure projects along the river basin of the lower Platte River  
23 and gather the following data and information to compile an analysis:

- 24           (a) Hydrology and water supply;
- 25           (b) Topography of the area;
- 26           (c) Geotechnical information;
- 27           (d) Existing infrastructure that may be impacted;
- 28           (e) Existing and future recreation and economic needs of the area;
- 29           (f) Existing and expected economic data of the area;
- 30           (g) Existing and expected demographic data of the area;
- 31           (h) Environmental data of flood sites and regional environmental

1 data;

2 (i) Future land-use master plans;

3 (j) Existing and planned transportation infrastructure; and

4 (k) Land ownership data.

5 (3)(a) The task force shall (i) identify potential project locations  
6 and project size based on existing constraints, (ii) develop threshold  
7 criteria for project size to be of adequate scale to serve regional, or  
8 at a minimum, sub-regional populations, with appropriate amenities, and  
9 (iii) establish criteria for regional and sub-regional projects.

10 (b) Factors for task force consideration include:

11 (i) Location. The proximity to urban areas and centers of economic  
12 development;

13 (ii) Size. Identify opportunities to serve regional or subregional  
14 populations;

15 (iii) Water supply and land availability. Identify minimum water  
16 supplies required to sustain and support a water-based project in  
17 addition to sediment storage for reservoir sustainability and identify  
18 contiguous land areas for a project;

19 (iv) Infrastructure considerations. Assess public and private  
20 infrastructure that presents opportunities or may pose constraints, and  
21 to what degree;

22 (v) Socioeconomic considerations. Assess socioeconomic factors that  
23 are opportunities or constraints;

24 (vi) Environmental considerations. Assess environmental resources  
25 that may be augmented, or possibly impacted, and that may influence  
26 siting; and

27 (vii) Public acceptance. Assess the general likelihood of public  
28 acceptance of a project in a proposed area.

29 (4) The task force shall define project elements to maximize project  
30 benefits within physical constraints of a project, including concept-  
31 level definition of project features sufficient to estimate costs and

1 benefits and anticipated water-based project benefits that could include  
2 flood control, water supply, water quality, and hydropower. An event-  
3 based hydrologic model shall be developed and used in conjunction with  
4 existing hydrologic models to define flood-risk-reduction benefits. A  
5 long-term hydrologic model shall be used to determine firm yield of a  
6 potential site for assessing pool viability, water quality, water supply,  
7 and hydropower benefits. The definition of project features shall include  
8 type and size of project infrastructure, property acquisition, existing  
9 infrastructure impacts, recreation amenities, relocations, if applicable  
10 or required, and an estimate of costs.

11 (5) The task force shall also perform an economic analysis to assess  
12 project economic benefits, including:

13 (a) Flood-risk reduction;

14 (b) Water supply;

15 (c) Hydropower;

16 (d) Increased flat water recreational opportunities near the major  
17 population centers of Nebraska;

18 (e) Enhanced tourism in Nebraska from surrounding areas,  
19 capitalizing on and complimenting existing state recreational facilities  
20 in eastern Nebraska;

21 (f) Direct and indirect regional economic benefits associated with  
22 development of major recreation opportunities in eastern Nebraska;

23 (g) Population and workforce retention; and

24 (h) Any other relevant benefits.

25 (6) The task force shall also perform an environmental analysis to  
26 identify environmental constraints, impacts, and challenges to project  
27 development, including a general socioeconomic and natural resource  
28 assessment and evaluation of potential project-related effects. Such  
29 assessment and evaluation shall be performed in the context of a federal  
30 National Environmental Policy Act evaluation and evaluate typical social  
31 and natural resource categories, identify federal, state, and local

1 regulatory authorizations that would be required, and evaluate the  
2 complexity of obtaining any regulatory authorizations.

3 (7) The task force shall report its findings to the Clerk of the  
4 Legislature no later than XXXX. The report shall be submitted  
5 electronically.

6 Sec. 2. Within ten days after the effective date of this act, the  
7 State Treasurer shall transfer nine hundred thousand dollars from the  
8 Water Sustainability Fund to the Critical Infrastructure Facilities Cash  
9 Fund to carry out the purposes of the Lower Platte River Infrastructure  
10 Task Force, except that such funds may only be expended by the task force  
11 on a dollar-per-dollar basis with matching funds from private sources in  
12 support of the study described in section 1 of this act.

13 Sec. 3. Section 61-224, Revised Statutes Cumulative Supplement,  
14 2020, is amended to read:

15 61-224 (1) There is hereby created the Critical Infrastructure  
16 Facilities Cash Fund in the Department of Natural Resources. The fund  
17 shall consist of funds appropriated or transferred by the Legislature.

18 (2)(a) The fund shall be used by the Department of Natural Resources  
19 (i) ~~(1)~~ to provide a grant to a natural resources district to offset  
20 costs related to soil and water improvements intended to protect critical  
21 infrastructure facilities within the district which includes military  
22 installations, transportation routes, and wastewater treatment facilities  
23 and (ii) ~~(2)~~ to provide a grant to an irrigation district for  
24 reimbursement of costs related to temporary repairs to the main canal and  
25 tunnels of an interstate irrigation system which experienced a failure.

26 (b) The fund shall also be used pursuant to section 2 of this act to  
27 carry out the purposes of the Lower Platte River Infrastructure Task  
28 Force.

29 (3) Any funds remaining after all such project and task force costs  
30 have been completely funded shall be transferred to the General Fund.  
31 Transfers may be made from the Critical Infrastructure Facilities Cash

1 Fund to the General Fund at the direction of the Legislature. ~~The State~~  
2 ~~Treasurer shall transfer three hundred eighty-four thousand two hundred~~  
3 ~~twenty-two dollars plus any accrued interest through April 5, 2018, from~~  
4 ~~the Critical Infrastructure Facilities Cash Fund to the General Fund on~~  
5 ~~or before June 30, 2019, on such dates and in such amounts as directed by~~  
6 ~~the budget administrator of the budget division of the Department of~~  
7 ~~Administrative Services.~~ Any money in the Critical Infrastructure  
8 Facilities Cash Fund available for investment shall be invested by the  
9 state investment officer pursuant to the Nebraska Capital Expansion Act  
10 and the Nebraska State Funds Investment Act, and any interest earned by  
11 the fund shall be credited to the General Fund.

12 Sec. 4. Original section 61-224, Revised Statutes Cumulative  
13 Supplement, 2020, is repealed.