

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1127

Introduced by Christensen, 44; Carlson, 38.

Read first time January 23, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Water Resources Cash Fund; to amend
2 section 61-218, Revised Statutes Supplement, 2007; to
3 change permitted uses of the fund; to repeal the original
4 section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 61-218, Revised Statutes Supplement,
2 2007, is amended to read:

3 61-218 (1) The Water Resources Cash Fund is created. The
4 fund shall be administered by the Department of Natural Resources.
5 Any money in the fund available for investment shall be invested
6 by the state investment officer pursuant to the Nebraska Capital
7 Expansion Act and the Nebraska State Funds Investment Act.

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

17 (3) The fund shall be expended by the department (a)
18 to aid management actions taken to reduce consumptive uses of
19 water in river basins, subbasins, or reaches which are deemed
20 by the department overappropriated pursuant to section 46-713 or
21 fully appropriated pursuant to section 46-714 or are bound by
22 an interstate compact or decree or a formal state contract or
23 agreement, (b) to provide drought relief assistance and river
24 flow augmentation, or (c) and ~~(b)~~ to the extent funds are not
25 expended pursuant to ~~subdivision (a)~~ subdivisions (a) and (b) of

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

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

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

1 Resources Cash Fund by natural resources districts. Such rules and
2 regulations shall, at a minimum, include the following components:

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

8 (ii) A schedule of implementation of the activity or its
9 components.

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

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

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

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

1 Sec. 2. Original section 61-218, Revised Statutes
2 Supplement, 2007, is repealed.

3 Sec. 3. Since an emergency exists, this act takes effect
4 when passed and approved according to law.