

Legislature - First Session - 2019

Introducer's Statement of Intent

LB368

Chairperson: Senator Dan Hughes

Committee: Natural Resources

Date of Hearing: February 20, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 368 provides that a river basin, sub basin, or reach that was designated as overappropriated will now be deemed fully appropriated. It also specifies that the surface water controls in an integrated management plan shall include requirements needed to maintain compliance with any interstate compact or decree or other formal state contract or agreement. Finally, it provides that on-stream reservoirs in fully appropriated river basins, sub basins, or reaches shall be managed by the Department of Natural Resources as flood control structures to protect lives and property below the structures. Such structures shall not exceed 80% capacity prior to March 1 of any year.

When the Nebraska Legislature passed LB 962 in 2004, which required the Department of Natural Resources to conduct an annual assessment of the water balance in each watershed in the state, the Department was instructed to classify each watershed as under, fully, or overappropriated based upon a set of criteria. The basins were then to undertake an integrated management planning process utilizing stakeholder groups. The purpose is to create a balance between water uses and water supplies so that the economic viability, as well as the social and environmental health, safety, and welfare of the affected area, can be maintained. These integrated management plans impose duties upon the Natural Resources Districts to manage the area's water uses.

The Legislature also created a corresponding local funding option – an additional 3-cent property tax levy that could only be used to fund the activities required by the fully and overappropriated status. That funding option ended in June 30, 2018. Because there is no longer that specific tool given to the NRDs that are directed to undertake the overappropriated related activities, this bill was introduced to allow reconsideration of the mandates placed upon those districts.

Principal Introducer: _____

Senator Dan Hughes