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## II. CHARGE

# LEGISLATIVE CHARGE TO LB 1003 WATER POLICY TASK FORCE

**“The Legislature finds that there are significant issues relating to the laws of Nebraska governing the management and use of Nebraska surface water and ground water. The issues to be examined are:**

- 1) A review of laws of 1996, LB 108, to determine what, if any, changes are needed to adequately address Nebraska’s conjunctive use management issues;**
- 2) An evaluation of the utility of allowing temporary water transfers and, if deemed useful, development of draft legislation and procedures for authorizing and implementing a temporary water transfer law;**
- 3) An evaluation of the utility of authorizing additional types of permanent water transfers and, if deemed useful, development of draft legislation and procedures for authorizing and implementing additional types of permanent water transfers;**
- 4) A determination as to the usefulness of water leasing or transfers and development of a potential water banking system that would facilitate the temporary or permanent transfer of water uses; and**
- 5) A determination as to what other ways, if any, inequities between surface water users and ground water users need to be addressed and potential actions the state could take to address such inequities.**

**To address such issues, the Governor shall appoint a Water Policy Task Force ...”**

**“The Water Policy Task Force shall discuss the issues described in section 1 of this act and such related issues as it deems appropriate, shall identify options for resolution of such issues, and shall make recommendations to the Legislature and the Governor relating to any water policy changes the task force deems desirable.**

**The task force shall complete its work within eighteen months after the Governor notifies the Legislature that all members of the task force have been appointed and a meeting facilitator has been selected.”**

BRIEF SUMMARY OF LB 1003  
Prepared by Jodi Gittens, NR Committee Legal Counsel

1023 - Water Policy Task Force, Sections 1 through 7, Section 11, and Section 41, Incorporates the committee version of LB 1023

**Section 1 - Requires the Governor to appoint a Water Policy Task Force to examine five specific issues:**

- a review of LB 108, which was passed in 1996, to determine what, if any, changes are needed to adequately address Nebraska's conjunctive use management issues;
- an evaluation of the utility of allowing temporary water transfers, and if deemed useful, development of draft legislation and procedures for authorizing and implementing a temporary water transfer law;
- an evaluation of the utility of authorizing additional types of permanent water transfers, and, if deemed useful, development of draft legislation and procedures for authorizing and implementing additional types of permanent water transfers;
- a determination as to the usefulness of water leasing or transfer and development of a potential water banking system that would facilitate the temporary or permanent transfer of water uses; and
- a determination as to what other ways, if any, inequities between surface water users and ground water users need to be addressed and potential actions the state could take to address any such inequities.

**Section 2 - Specifies the membership of the Water Policy Task Force:**

- a. Twenty irrigators, with at least one irrigator from each of the state's thirteen river basins, giving consideration in maintaining a balance between surface and ground water users. These irrigators are to be selected as follows:
  - 1. Three irrigators from the Republican River Basin;
  - 2. Two irrigators from the North Platte River Basin;
  - 3. Two irrigators from the Middle Platte River Basin;
  - 4. Two irrigators from the Loup River Basin;
  - 5. Two irrigators from the Elkhorn River Basin;
  - 6. Two irrigators from the Big Blue River Basin;
  - 7. One irrigator from the South Platte River Basin;
  - 8. One irrigator from Lower Platte River Basin;
  - 9. One irrigator from the Little Blue River Basin;
  - 10. One irrigator from the Nemaha River Basin;
  - 11. One irrigator from the Niobrara River Basin;
  - 12. One irrigator from the White Hat River Basin; and
  - 13. One irrigator from the Missouri River Tributaries Basin.
- b. Three representatives from differing agricultural organizations;
- c. Three representatives from differing environmental organizations;
- d. Two representatives from differing recreational organizations;
- e. Three representatives of the state at-large;
- f. Five representatives suggested for the Governor's consideration by the Nebraska Association of Resources Districts;
- g. Four representatives suggested for the Governor's consideration by the Nebraska Power Association; and
- h. Five representatives suggested for the Governor's consideration by the League of Nebraska Municipalities, with consideration given to maintaining a balance between larger and smaller municipalities;
- i. One representative from the Department of Natural Resources to coordinate as appropriate with other state agencies;
- j. One representative from the Attorney General's office;
- k. The chairperson and vice chairperson of the Natural Resources Committee of the Legislature and other members of the Legislature may participate as desired.

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**Section 3** - Requires the Natural Resources Committee of the legislature on behalf of the Water Policy Task Force to contract for the services of a meeting facilitator and such other assistance as the task force deems necessary within the limits of the funds appropriated. The contract requires the approval of the Executive Board of the legislature, and must be done in consultation with the Attorney General's office and the Department of Natural Resources.

**Section 4** - Requires the Task Force to select a 14 member executive committee consisting of 3 representatives from irrigation interests; 1 representative of an agricultural organization; 1 representative from an environmental organization; 1 representative of a recreational organization; 1 representative of the state at-large; 1 representative of the Nebraska Power Association; 1 representative of municipalities; 1 representative of the Attorney General's office; 1 representative of the Department of Natural Resources; and the chair and vice chair of the Natural Resources Committee of the Legislature.

- Each member would be required to represent the remainder of his or her interest group on the executive committee.
- Requires the committee to apply for a grant of a minimum of \$350,000 from the Environment Trust Fund prior to the application deadline of September 9, 2002, for grants to be awarded and funded in 2003.

**Section 5** - Requires the Task Force to meet a minimum of four times each year, and at any other times the executive committee feels is necessary to accomplish the objectives established in section 1 of this act.

**Section 6** - Requires the Task Force to identify options for resolution of the issues, make recommendations to the Legislature and Governor relating to any water policy changes the Task Force deems desirable.

- Requires the Task Force to complete its work within 18 months after the Governor notifies the Legislature that all members have been appointed and a meeting facilitator has been selected.

**Section 7** - Creates the Water Policy Task Force Cash Fund, to be administered by the Department of Natural Resources at the direction of the Water Policy Task Force.

**Section 11** - Transfers \$250,000 from the Nebraska Soil and Water Conservation Fund to the Water Policy Task Force Cash Fund.

**Section 41** - The next section transfers \$150,000 from the Petroleum Release Remedial Action Cash Fund to the Water Policy Task Force Cash Fund.

**LB 938 – Allows the natural resources districts to cost-share for erosion and sediment control when areas are being developed into urban sites, Sections 8 through 10.**

**Add Nebraska Game and Parks Commission Member—Original Provision of LB 1003 added back in on Select File**

**Sections 12 and 13** – Creates an eighth commission on the Game and Parks Commission. Makes Lancaster County District 8, and transfers Sarpy County into District 1, and leaves Douglas County as the only county in District 2.

- Requires that appointments made for terms beginning after January 1, 2008, in districts which contain more than one county, the Governor shall not appoint a person from the same county as his or her predecessor.