

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 769

Introduced by Gragert, 40; Erdman, 47.

Read first time January 08, 2020

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission;
- 2 to amend section 2-1504, Revised Statutes Cumulative Supplement,
- 3 2018; to change provisions relating to membership; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-1504, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 2-1504 (1) The Nebraska Natural Resources Commission is established.
4 The commission shall advise the department as requested by the director
5 and shall perform such other functions as are specifically conferred on
6 the commission by law. The commission shall have no jurisdiction over
7 matters pertaining to water rights.

8 (2) Each member of the commission shall be a resident of the State
9 of Nebraska and shall have attained the age of majority. The voting
10 members of the commission, ~~all of whom shall have attained the age of~~
11 ~~majority,~~ shall be:

12 (a) One resident of each of the following river basins, with
13 delineations being those on the Nebraska river basin map officially
14 adopted by the commission and on file with the department: (i) The
15 Niobrara River, White River, and Hat Creek basin, (ii) the North Platte
16 River basin, (iii) the South Platte River basin, (iv) the middle Platte
17 River basin, (v) the lower Platte River basin, (vi) the Loup River basin,
18 (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin,
19 (ix) the Republican River basin, (x) the Little Blue River basin, (xi)
20 the Big Blue River basin, and (xii) the Nemaha River basin;

21 (b) One additional resident of each river basin which encompasses
22 one or more cities of the metropolitan class; and

23 (c) Fourteen members appointed by the Governor, subject to
24 confirmation by the Legislature. Of the members appointed by the
25 Governor, one shall represent each of the following categories:
26 Agribusiness interests; agricultural interests; ground water irrigators;
27 irrigation districts; manufacturing interests; metropolitan utilities
28 districts; municipal users of water from a city of the primary class;
29 municipal users of water from a city of the first or second class or a
30 village; outdoor recreation users; public power districts; public power
31 and irrigation districts; range livestock owners; surface water

1 irrigators; and wildlife conservation interests.

2 (3) Members of the commission described in subdivision (2)(a) of
3 this section shall be selected for four-year terms at individual caucuses
4 of the natural resources district directors residing in the river basin
5 from which the member is selected. Such caucuses shall be held for each
6 basin within ten days following the first Thursday after the first
7 Tuesday of the year the term of office of the member from that basin
8 expires. The dates and locations for such caucuses shall be established
9 by the commission, and the commission shall provide notice to the public
10 by issuing press releases for publication in a newspaper of general
11 circulation in each county that comprises the river basin for which a
12 caucus election will be held. Terms of office of such members shall
13 follow the sequence originally determined by the river basin
14 representatives to the commission at their first meeting on the third
15 Thursday after the first Tuesday in January 1975. All river basin members
16 shall take office on the third Thursday after the first Tuesday in
17 January following their selection and any vacancy shall be filled for the
18 unexpired term by a caucus held within thirty days following the date
19 such vacancy is created. Each member of the commission representing a
20 river basin shall qualify by filing with the other members of the
21 commission an acceptance in writing of his or her selection.

22 (4) Members of the commission described in subdivision (2)(b) of
23 this section shall be residents of natural resources districts which
24 encompass one or more cities of the metropolitan class and shall be
25 selected in the same manner, at the same time, and for a four-year term
26 having the same term sequence as provided for the other members from such
27 basin under subsection (3) of this section.

28 (5) For members of the commission described in subdivision (2)(c) of
29 this section:

30 (a) The Governor shall appoint the eleven additional members added
31 by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven

1 additional appointments shall be for staggered four-year terms, as
2 determined by the Governor. The Governor shall also set the terms of the
3 current members of the commission appointed under such subdivision and
4 serving on April 17, 2014, to staggered four-year terms. Future
5 appointments shall be for four-year terms. Members whose terms have
6 expired shall continue to serve until their successors have been
7 appointed. In the case of a vacancy, the Governor shall appoint a
8 successor for the unexpired term. Members may be removed for cause.
9 Initial appointees shall begin serving immediately following notice of
10 appointment, except that the member appointed representing municipal
11 users of water from the class of city or a village that is being
12 represented by the current member representing municipal users of water
13 and the members representing surface water irrigators and ground water
14 irrigators shall not begin serving until the term of the current member
15 representative of the category expires or such member resigns or is
16 otherwise removed; and

17 (b) In appointing such members, the Governor shall:

18 (i) Create a broad-based commission which has knowledge of, has
19 experience with, and is representative of Nebraska's water use and
20 economy;

21 (ii) Give recognition to the importance of both water quantity and
22 water quality; and

23 (iii) Appoint members who represent diverse geographic regions of
24 the state, including urban and rural areas, and represent, to the extent
25 possible, the racial and ethnic diversity of the state.

26 (6) After the members have been appointed as required under this
27 section, the commission shall revise or adopt and promulgate rules and
28 regulations as necessary to administer the Water Sustainability Fund
29 pursuant to sections 2-1506 to 2-1513.

30 Sec. 2. Original section 2-1504, Revised Statutes Cumulative
31 Supplement, 2018, is repealed.