

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1201

Introduced by Bostelman, 23; Brandt, 32; Brewer, 43; Kolterman, 24; Lowe, 37; McCollister, 20; Pansing Brooks, 28.

Read first time January 23, 2020

Committee:

- 1 A BILL FOR AN ACT relating to natural resources; to state legislative
- 2 findings and intent; to create the Flood Mitigation and Planning
- 3 Task Force; to provide duties; to require reports; and to provide a
- 4 termination date.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Legislature finds and declares that the State of
2 Nebraska experienced a historic flood event in 2019 which significantly
3 impacted numerous communities and individual Nebraskans. Coordination and
4 communication between state and local entities implementing flood
5 mitigation strategies is essential to maximize federal funds for
6 mitigation efforts. A flood mitigation plan shall be adopted and be
7 comprehensive, collaborative, and statewide in scope, with opportunities
8 for input from diverse stakeholders.

9 (2) It is the intent of the Legislature that comprehensive flood
10 planning and mitigation efforts shall include the coordination of
11 response sources, identification of available recovery programs to assist
12 individuals and communities impacted by a flood event, evaluation of
13 floodwater management issues within the context of existing land use
14 programs, and assessment of hazard mitigation strategies to reduce the
15 impact of future flooding.

16 Sec. 2. (1) The Flood Mitigation and Planning Task Force is hereby
17 created. The task force shall be housed for administrative purposes
18 within the Nebraska Emergency Management Agency. Task force members shall
19 include:

20 (a) The Director of Natural Resources or his or her designee;

21 (b) The Director of Environment and Energy or his or her designee;

22 (c) The Director-State Engineer for the Department of Transportation
23 or his or her designee;

24 (d) The Adjutant General as director of the Nebraska Emergency
25 Management Agency or his or her designee;

26 (e) The Director of Agriculture or his or her designee;

27 (f) One representative from a natural resources district created
28 pursuant to Chapter 2, article 32, appointed by the Governor; and

29 (g) The chairperson of the Natural Resources Committee of the
30 Legislature or his or her designee, and one at-large member of the
31 Legislature appointed by the Executive Board of the Legislative Council.

1 Both members of the Legislature shall serve as nonvoting, ex officio
2 members of the task force. The Adjutant General as director of the
3 Nebraska Emergency Management Agency or his or her designee shall serve
4 as the task force chairperson.

5 (2) Task force members shall serve on the task force without
6 compensation but shall be entitled to receive reimbursement for any
7 actual expenses incurred for such service as provided in sections 81-1174
8 to 81-1177.

9 (3) Meetings of the task force shall be at the call of the
10 chairperson. The task force may convene advisory groups to provide
11 technical expertise and advice on any issue and to assist the task force
12 in carrying out its duties under section 3 of this act. The advisory
13 groups may be composed of representatives of stakeholder groups which may
14 include representatives of various political subdivisions including, but
15 not limited to, counties, cities, villages, drainage districts, sanitary
16 improvement districts, and natural resources districts.

17 Sec. 3. (1) The task force shall:

18 (a) Determine how Nebraska compares to neighboring states and the
19 nation in flood mitigation planning, and how Nebraska ranks in
20 eligibility for federal funds;

21 (b) Identify opportunities to implement flood hazard mitigation
22 strategies with the intent to reduce the impact of future flood events;

23 (c) Examine current program requirements at the federal level to
24 enhance hazard mitigation programs at the state and local level and
25 engage other stakeholders in the development of hazard mitigation
26 activities;

27 (d) Inventory flood planning and mitigation programs or activities
28 and assess the delivery model of the State of Nebraska using an outcome-
29 based assessment of programs to assist all stakeholders with an improved
30 knowledge and understanding of available recovery resources, while also
31 identifying any gaps in program delivery;

1 (e) Develop strategies to minimize disruption to economic and
2 business activities and improve resiliency to ensure sustainable and
3 economically viable communities;

4 (f) Identify interim, temporary, and permanent housing recovery
5 solutions that effectively support the needs of an entire flood-affected
6 community and identify strategies for removing vulnerable populations out
7 of high-risk areas;

8 (g) Support the efficient assessment, restoration, and
9 revitalization of infrastructure systems including roads, dams, or levee
10 systems and identify potential federal funding available to mitigate
11 infrastructure systems that are continually devastated by flood events to
12 ensure resilience from future floods;

13 (h) Support the efficient restoration and revitalization of
14 agricultural systems after a flood disaster by researching, planning, and
15 executing projects to rehabilitate and increase the resilience of such
16 agricultural systems;

17 (i) Evaluate the current floodplain management program as defined in
18 the Nebraska Administrative Code, Title 455, Chapter 1, Rules and
19 Regulations concerning Minimum Standards for Floodplain Management
20 Programs;

21 (j) Examine whether technology investments may enhance the capacity
22 of state and local government officials in managing their floodplain
23 management programs. Any recommended technology should enhance local
24 zoning plans, coordinate state and local mitigation plans and evacuation
25 plans, and improve public awareness on mitigation measures for homes and
26 businesses;

27 (k) Determine if additional statutory changes are necessary to
28 improve collaboration and coordination between state and local entities
29 in statewide flood mitigation planning; and

30 (l) Make any other recommendations that the task force may find
31 pertinent to improving flood water management issues.

1 (2) The task force shall report its findings to the Executive Board
2 of the Legislative Council in two separate annual reports submitted no
3 later than November 1, 2020, and November 1, 2021. The reports shall be
4 submitted electronically.

5 Sec. 4. Sections 1 to 4 of this act terminate on December 31, 2021.