

AMENDMENTS TO LB 701

(Amendments to E & R amendments, ER8070)

Introduced by Flood, 19

1 1. Insert the following section:

2 Sec. 21. Section 46-702, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 46-702 The Legislature finds that ownership of water is
5 held by the state for the benefit of its citizens, that ground
6 water is one of the most valuable natural resources in the state,
7 and that an adequate supply of ground water is essential to the
8 general welfare of the citizens of this state and to the present
9 and future development of agriculture in the state. The Legislature
10 recognizes its duty to define broad policy goals concerning the
11 utilization and management of ground water and to ensure local
12 implementation of those goals. The Legislature also finds that
13 natural resources districts have the legal authority to regulate
14 certain activities and, except as otherwise specifically provided
15 by statute, as local entities are the preferred regulators of
16 activities which may contribute to ground water depletion.

17 Every landowner shall be entitled to a reasonable and
18 beneficial use of the ground water underlying his or her land
19 subject to the provisions of Chapter 46, article 6, and the
20 Nebraska Ground Water Management and Protection Act and the
21 correlative rights of other landowners when the ground water
22 supply is insufficient for all users. The Legislature determines

1 that the goal shall be to extend ground water reservoir life to the
2 greatest extent practicable consistent with beneficial use of the
3 ground water and best management practices.

4 The Legislature further recognizes and declares that the
5 management, protection, and conservation of ground water and the
6 beneficial use thereof are essential to the economic prosperity
7 and future well-being of the state and that the public interest
8 demands procedures for the implementation of management practices
9 to conserve and protect ground water supplies and to prevent
10 the contamination or inefficient or improper use thereof. The
11 Legislature recognizes the need to provide for orderly management
12 systems in areas where management of ground water is necessary to
13 achieve locally determined ground water management objectives and
14 where available data, evidence, or other information indicates
15 that present or potential ground water conditions, including
16 subirrigation conditions, require the designation of areas with
17 special regulation of development and use.

18 The Legislature finds that given the impact of extended
19 drought on areas of the state, the economic prosperity and
20 future well-being of the state is advanced by providing economic
21 assistance in the form of providing bonding authority for certain
22 natural resources districts as defined in section 6 of this act
23 and in the creation of the Water Resources Cash Fund to alleviate
24 the adverse economic impact of regulatory decisions necessary
25 for management, protection, and conservation of limited water
26 resources. The Legislature specifically finds that, consistent with
27 the public ownership of water held by the state for the benefit of

1 its citizens, any action by the Legislature, or through authority
2 conferred by it to any agency or political subdivision, to provide
3 economic assistance does not establish any precedent that the
4 Legislature in sections 6 and 23 of this act or in the future
5 must or should purchase water or compensate for any economic impact
6 resulting from regulation necessary pursuant to the terms of this
7 legislative bill.

8 2. On page 1, line 18, strike "Fund"; in line 20 after
9 the first period insert "For administrative and budgetary purposes
10 only, the task force shall be housed within the Department of
11 Agriculture."; and in line 23 after "objectives" insert ", analyze
12 the cost effectiveness of available vegetation treatment,".

13 3. On page 2, line 1, after the period insert "Any plan
14 shall utilize the principles of integrated vegetation management
15 and sound science.".

16 4. On page 5, line 16, strike "including" and after
17 "authorities" insert an underscored comma.

18 5. On page 6, line 27, before "In" insert "(1)".

19 6. On page 7, line 8, strike "(1)" and insert "(a)"; in
20 line 10 strike "(2)" and insert "(b)"; in line 11 strike "(3)" and
21 insert "(c)"; in line 14 after "13-803" insert "whose member public
22 agencies consist only of qualified natural resources districts"; in
23 line 15 after "13-2503" insert "whose participating public agencies
24 consist only of qualified natural resources districts,"; in line
25 17, strike "the district" and insert "its member natural resources
26 districts"; after line 19 insert:

27 "(2) Within forty-five days after receipt of a written

1 request by the Natural Resources Committee of the Legislature, the
2 qualified natural resources districts shall submit a written report
3 to the committee containing an explanation of existing or planned
4 activities for river-flow enhancement, the revenue source for
5 implementing such activities, and a description of the estimated
6 benefit or benefits to the district or districts.

7 (3) Beginning on April 1, 2008, if a district uses the
8 proceeds of a bond issued pursuant to this section for the purposes
9 described in subdivision (1) of section 9 of this act or the state
10 uses funds for those same purposes, such district shall restrict
11 the use of ground water from water wells used on acres certified
12 for both ground water use and surface water use to no greater than
13 the total ground water allocation previously permitted by district
14 rule or regulation less any surface water purchased, leased, or
15 otherwise acquired for implementation of the project entered into
16 by the district. "; in line 22 after "that" insert "(1)" and strike
17 "in existence" and insert "outstanding"; and strike beginning with
18 "projects" in line 23 through line 25 and insert "as of such date
19 are permitted to remain outstanding and the district shall retain
20 all powers of taxation provided for in section 6 of this act to
21 provide for the payment of principal and interest on such bonds and
22 (2) refunding bonds may continue to be issued and outstanding as
23 of January 1, 2023, including extension of principal maturities if
24 determined appropriate.".

25 7. On page 8, line 7, strike "and ownership" and insert
26 "by purchase or lease"; and in line 17 after "flows" insert
27 "consistent with the authority granted under Chapter 2, article

1 32".

2 8. On page 9, line 5, strike "collected" and insert
3 "certified to, collected by,"; and in line 8 after the period
4 insert "Such occupation taxes shall become delinquent at the same
5 time as general real property taxes.".

6 9. On page 11, line 9, strike "such tax", show as
7 stricken, and insert "the tax levies authorized in subdivisions
8 (1)(a) through (c) of this section"; and in line 11 strike "levy",
9 show as stricken, and insert "tax levies authorized in subdivisions
10 (1)(a) through (d) of this section".

11 10. On page 20, line 26; and page 21, line 4, strike
12 "director" and insert "department".

13 11. On page 32, line 25, after "46-714" insert "and water
14 wells of public water suppliers".

15 12. On page 39, line 15, strike "determination" and
16 insert "forecast".

17 13. On page 40, line 18, strike "to"; in line 19 after
18 "(a)" insert "to"; and in line 24 after "(b)" insert "to".

19 14. On page 41, strike beginning with "Any" in line
20 16 through line 27 and insert "The department shall, no later
21 than August 1 of each year, beginning in 2007, determine the
22 amount of funding that will be made available to natural resources
23 districts from the Water Resources Cash Fund and notify natural
24 resources districts of this determination. The department shall
25 adopt and promulgate rules and regulations governing application
26 for and use of the Water Resources Cash Fund by natural resources
27 districts. Such rules and regulations shall, at a minimum, include

1 the following components:

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

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

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

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

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

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

25 15. On page 42, strike lines 1 through 6.

26 16. On page 47, line 19, strike "one-half" and insert
27 "three-fifths".

- 1 17. On page 58, line 22, after the first comma insert
- 2 "46-702,".
- 3 18. Renumber the remaining sections accordingly.