

AMENDMENTS TO LB 880

Introduced by Natural Resources.

1 1. Insert the following new sections:

2 Sec. 5. Section 2-3234, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 2-3234 ~~Each~~ Except as provided in section 2 of this
5 act, each district shall have the power and authority to exercise
6 the power of eminent domain when necessary to carry out its
7 authorized purposes within the limits of the district or outside
8 its boundaries. Exercise of eminent domain shall be governed by the
9 provisions of sections 76-704 to 76-724, except that whenever any
10 district seeks to acquire the right to interfere with the use of
11 any water being used for power purposes in accordance with sections
12 46-204, 70-668, 70-669, and 70-672 and is unable to agree with
13 the user of such water upon the compensation to be paid for such
14 interference, the procedure to condemn property shall be followed
15 in the manner set forth in sections 76-704 to 76-724 and no other
16 property shall be included in such condemnation. No district shall
17 contract for delivery of water to persons within the corporate
18 limits of any village, city, or metropolitan utilities district,
19 nor in competition therewith outside such corporate limits, except
20 by consent of and written agreement with the governing body of such
21 political subdivision. A village, city, or metropolitan utilities
22 district may negotiate and, if necessary, exercise the power of
23 eminent domain for the acquisition of water supply facilities of

1 the district which are within its boundaries.

2 Sec. 6. Section 2-3290.01, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 2-3290.01 (1) A district shall permit public use of
5 those portions of a water project located on lands owned by
6 the district and on land over which the district has a lease
7 or an easement permitting use thereof for public recreational
8 purposes. All recreational users of such portions of a water
9 project shall abide by the applicable rules and regulations adopted
10 and promulgated by the board.

11 (2) The district shall provide public access for
12 recreational use at designated access points at any water
13 project. Recreational users, whether public or private, shall
14 abide by all applicable rules and regulations for use of the
15 water project adopted and promulgated by the district or the
16 political subdivision in which the water project is located. Public
17 recreational users may only access the water project through such
18 designated access points. Nothing in this subsection shall require
19 public access when the portion of the project cost paid by the
20 natural resources district with public funds does not exceed twenty
21 percent of the total cost of the project.

22 (3) For purposes of this section water project means
23 a project with cooperators or others, as authorized in section
24 2-3235, that results in construction of a reservoir or other body
25 of water having a permanent pool suitable for recreational purposes
26 greater than one hundred fifty surface acres, the construction
27 of which commenced after July 14, 2006. Water project shall

1 not mean soil conservation projects, wetlands projects, projects
2 described in section 2 of this act, or other district projects with
3 cooperators or others that do not have a recreational purpose.

4 Sec. 8. Original sections 2-3234 and 2-3290.01, Revised
5 Statutes Cumulative Supplement, 2006, are repealed.

6 2. On page 2, line 10, before "The" insert "(1)"; and in
7 line 15 after the period insert: "No such project shall include a
8 reservoir or water quality basin having a permanent pool greater
9 than five hundred surface acres. Any project having a permanent
10 pool greater than twenty surface acres shall provide for public
11 access.

12 (2) A district shall not acquire real property for a
13 project described in subsection (1) of this section by eminent
14 domain proceedings pursuant to sections 76-704 to 76-724 if the
15 real property is to be turned over to a nonpublic entity after such
16 acquisition."

17 3. Renumber the remaining section accordingly.