

AMENDMENTS TO LB 701

Introduced by Natural Resources

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:

3 Section 1. The Riparian Vegetation Management Task Force
4 is created. The Governor shall appoint the members of the task
5 force. The members shall include one surface water project
6 representative from each river basin that has been determined
7 to be fully appropriated pursuant to section 46-714 or 46-720
8 or designated as overappropriated pursuant to section 46-713
9 by the Department of Natural Resources; one representative from
10 the Department of Agriculture, the Department of Environmental
11 Quality, the Department of Natural Resources, the office of the
12 Governor, the office of the State Forester, the Game and Parks
13 Commission, and the University of Nebraska; two representatives
14 nominated by the Nebraska Association of Resources Districts; two
15 representatives nominated by the Nebraska Weed Control Association;
16 and one riparian landowner from each of the state's congressional
17 districts. In addition to such members, any member of the
18 Legislature may serve as a member of the task force at his or
19 her option. This section terminates on June 30, 2009.

20 Sec. 2. The Riparian Vegetation Management Task Force, in
21 consultation with appropriate federal agencies, shall develop and
22 prioritize vegetation management goals and objectives and develop
23 plans and policies to achieve such goals and objectives. The

1 task force shall convene within thirty days after the appointment
2 of the members is complete to elect a chairperson and conduct
3 such other business as deemed necessary. The efforts of the task
4 force shall be initially directed toward river basins designated
5 by the Department of Natural Resources as fully appropriated or
6 overappropriated. Task force meetings shall be held in communities
7 within the Republican and Platte River basins. The task force
8 shall make preliminary recommendations to the Governor and the
9 Legislature regarding funding and legislation needed to achieve its
10 goals on or before December 15, 2007, and each year thereafter,
11 with a final report due prior to June 30, 2009. It is the
12 intent of the Legislature that expenses of the task force be paid
13 from funds appropriated for this legislative bill and shall not
14 exceed twenty-five thousand dollars per fiscal year. This section
15 terminates on June 30, 2009.

16 Sec. 3. Section 2-945.01, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 2-945.01 Sections 2-945.01 to 2-966 and sections 1 and 2
19 of this act shall be known and may be cited as the Noxious Weed
20 Control Act.

21 Sec. 4. Section 2-958.02, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 2-958.02 (1) From funds available in the Noxious Weed and
24 Invasive Plant Species Assistance Fund, the director may administer
25 a grant program to assist local control authorities and other weed
26 management entities in the cost of implementing and maintaining
27 noxious weed control programs and in addressing special weed

1 control problems as provided in this section.

2 (2) The director shall receive applications by local
3 control authorities and weed management entities for assistance
4 under this subsection ~~section~~ and, in consultation with the
5 advisory committee created under section 2-965.01, award grants
6 for any of the following eligible purposes:

7 (a) To conduct applied research to solve locally
8 significant weed management problems;

9 (b) To demonstrate innovative control methods or land
10 management practices which have the potential to reduce landowner
11 costs to control noxious weeds or improve the effectiveness of
12 noxious weed control;

13 (c) To encourage the formation of weed management
14 entities;

15 (d) To respond to introductions or infestations of
16 invasive plants that threaten or potentially threaten the
17 productivity of cropland and rangeland over a wide area;

18 (e) To respond to introductions and infestations of
19 invasive plant species that threaten or potentially threaten the
20 productivity and biodiversity of wildlife and fishery habitats on
21 public and private lands;

22 (f) To respond to special weed control problems involving
23 weeds not included in the list of noxious weeds promulgated by
24 rule and regulation of the director if the director has approved a
25 petition to bring such weeds under the county control program;

26 (g) To conduct monitoring or surveillance activities
27 to detect, map, or determine the distribution of invasive plant

1 species and to determine susceptible locations for the introduction
2 or spread of invasive plant species; and

3 (h) To conduct educational activities.

4 ~~(2)~~ (3) The director shall select and prioritize
5 applications for assistance under ~~this~~ subsection (2) of this
6 section based on the following considerations:

7 (a) The seriousness of the noxious weed or invasive plant
8 problem or potential problem addressed by the project;

9 (b) The ability of the project to provide timely
10 intervention to save current and future costs of control and
11 eradication;

12 (c) The likelihood that the project will prevent or
13 resolve the problem or increase knowledge about resolving similar
14 problems in the future;

15 (d) The extent to which the project will leverage federal
16 funds and other nonstate funds;

17 (e) The extent to which the applicant has made progress
18 in addressing noxious weed or invasive plant problems;

19 (f) The extent to which the project will provide a
20 comprehensive approach to the control or eradication of noxious
21 weeds;

22 (g) The extent to which the project will reduce the total
23 population or area of infestation of a noxious weed;

24 (h) The extent to which the project uses the principles
25 of integrated vegetation management and sound science; and

26 (i) Such other factors that the director determines to be
27 relevant.

1 (4) The director shall receive applications for grants
2 under this subsection and shall award grants to recipients and
3 programs eligible under this subsection. Priority shall be given
4 to grant applicants whose proposed programs are consistent with
5 the policy established in section 2 of this act. Beginning
6 in fiscal year 2007-08, it is the intent of the Legislature
7 to appropriate two million dollars annually for the management
8 of vegetation within the banks of a natural stream or within
9 one hundred feet of the banks of a channel of any natural
10 stream. Such funds shall only be used to pay for activities and
11 equipment as part of vegetation management programs that have
12 as their primary objective improving conveyance of streamflow
13 in natural streams. Grants from funds appropriated as provided
14 in this subsection shall be disbursed only to weed management
15 entities, including local weed control authorities and natural
16 resources districts, whose territory includes one or more fully
17 appropriated or overappropriated river basins as designated by the
18 Department of Natural Resources with priority for the first year
19 given to fully appropriated river basins that are the subject
20 of an interstate compact or decree. The Nebraska Game and Parks
21 Commission shall assist grant recipients in implementing grant
22 projects under this subsection, and interlocal agreements under the
23 Interlocal Cooperation Act or the Joint Public Agency Act shall be
24 utilized whenever possible in carrying out the grant projects. This
25 subsection terminates June 30, 2009.

26 ~~(3)~~ (5) Nothing in this section shall be construed to
27 relieve control authorities of their duties and responsibilities

1 under the Noxious Weed Control Act or the duty of a person to
2 control the spread of noxious weeds on lands owned and controlled
3 by him or her.

4 ~~(4)~~ (6) The Department of Agriculture may adopt and
5 promulgate necessary rules and regulations to carry out this
6 section.

7 Sec. 5. Section 2-3202, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 2-3202 For purposes of Chapter 2, article 32, and
10 sections 6 to 9 and 15 of this act unless the context otherwise
11 requires:

12 (1) Commission means the Nebraska Natural Resources
13 Commission;

14 (2) Natural resources district or district means a
15 natural resources district operating pursuant to Chapter 2, article
16 32;

17 (3) Board means the board of directors of a district;

18 (4) Director means a member of the board;

19 (5) Other special-purpose districts means rural
20 water districts, drainage districts, reclamation districts, and
21 irrigation districts;

22 (6) Manager means the chief executive hired by a majority
23 vote of the board to be the supervising officer of the district;
24 and

25 (7) Department means the Department of Natural Resources.

26 Sec. 6. In order to implement its duties and obligations
27 under the Nebraska Ground Water Management and Protection Act

1 and in addition to other powers authorized by law, the board
2 of a district with jurisdiction that includes a river subject
3 to an interstate compact among three or more states and that
4 also includes one or more irrigation districts within the compact
5 river basin may issue negotiable bonds and refunding bonds of the
6 district and entitled river flow enhancement bonds, with terms
7 determined appropriate by the board, payable by (1) funds granted
8 to such district by the state or federal government for one or more
9 qualified projects, (2) the occupation tax authorized by section
10 9 of this act, or (3) the levy authorized by section 2-3231.
11 The district may issue the bonds or refunding bonds directly
12 or such bonds may be issued to any joint entity as defined in
13 section 13-803 or to any joint public agency as defined in section
14 13-2503 in connection with any joint project which is to be owned,
15 operated, or financed by the joint entity or joint public agency
16 for the benefit of the district. For the payment of such bonds
17 or refunding bonds, the district may pledge one or more permitted
18 payment sources.

19 Sec. 7. The board of a district issuing bonds pursuant to
20 section 6 of this act may agree to pay fees to fiscal agents in
21 connection with the placement of bonds of the district. Such bonds
22 shall be subject to the same terms and conditions as provided by
23 section 2-3254.07 for improvement area bonds and such other terms
24 and conditions as the board determines appropriate.

25 Sec. 8. The proceeds of bonds issued pursuant to section
26 6 of this act shall only be used to pay or refinance the costs
27 of: (1) Acquisition and ownership of water rights in accordance

1 with Chapter 46, article 6, pertaining to groundwater, and Chapter
2 46, article 2, pertaining to surface water, including storage
3 water rights with respect to a river or any of its tributaries;
4 (2) acquisition by purchase or lease or the administration and
5 management, pursuant to mutual agreement, of canals and other
6 works, including reservoirs, constructed for irrigation from a
7 river or any of its tributaries; (3) vegetation management,
8 including but not limited to, the removal of invasive species
9 in or near a river or any of its tributaries; and (4) the
10 augmentation of river flows.

11 Sec. 9. (1) The district may levy an occupation tax
12 upon the activity of irrigation of agricultural lands within
13 such district on an annual basis, not to exceed ten dollars per
14 irrigated acre, for the purpose of repaying principal and interest
15 on any bonds or refunding bonds issued pursuant to section 6 of
16 this act for one or more projects under section 8 of this act.

17 (2) Acres classified by the county assessor as irrigated
18 shall be subject to such district's occupation tax unless, on or
19 before July 1, 2007, and on or before March 1 in each subsequent
20 year, the record owner certifies to the district the nonirrigation
21 status of such acres.

22 (3) Any such occupation tax shall remain in effect so
23 long as the district has bonds outstanding which have been issued
24 stating such occupation tax as an available source for payment.

25 (4) Such occupation taxes shall be collected and
26 accounted for by the county treasurer at the same time as general
27 real estate taxes, and such occupation taxes shall be and remain a

1 perpetual lien against such real estate until paid.

2 (5) Such lien shall be inferior only to general taxes
3 levied by political subdivisions of the state. When such occupation
4 taxes have become delinquent and the real property on which the
5 irrigation took place has not been offered at any tax sale, the
6 district may proceed in district court in the county in which the
7 real estate is situated to foreclose in its own name the lien
8 in the same manner and with like effect as a foreclosure of a
9 real estate mortgage, except that sections 77-1903 to 77-1917 shall
10 govern when applicable.

11 Sec. 10. Section 2-3225, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 2-3225 (1)(a) Each district shall have the power and
14 authority to levy a tax of not to exceed four and one-half cents
15 on each one hundred dollars of taxable valuation annually on all of
16 the taxable property within such district unless a higher levy is
17 authorized pursuant to section 77-3444.

18 (b) Each district shall also have the power and authority
19 to levy a tax equal to the dollar amount by which its restricted
20 funds budgeted to administer and implement ground water management
21 activities and integrated management activities under the Nebraska
22 Ground Water Management and Protection Act exceed its restricted
23 funds budgeted to administer and implement ground water management
24 activities and integrated management activities for FY2003-04, not
25 to exceed one cent on each one hundred dollars of taxable valuation
26 annually on all of the taxable property within the district.

27 (c) In addition to the power and authority granted in

1 subdivisions (1) (a) and (b) of this section, each district located
2 in a river basin, subbasin, or reach that has been determined
3 to be fully appropriated pursuant to section 46-714 or designated
4 overappropriated pursuant to section 46-713 by the Department of
5 Natural Resources shall also have the power and authority to
6 levy a tax equal to the dollar amount by which its restricted
7 funds budgeted to administer and implement ground water management
8 activities and integrated management activities under the Nebraska
9 Ground Water Management and Protection Act exceed its restricted
10 funds budgeted to administer and implement ground water management
11 activities and integrated management activities for FY2005-06, not
12 to exceed three cents on each one hundred dollars of taxable
13 valuation on all of the taxable property within the district for
14 fiscal year 2006-07 and ~~not to exceed two cents on each one~~
15 ~~hundred dollars of taxable valuation annually on all of the taxable~~
16 ~~property within the district for fiscal years 2007-08 and 2008-09.~~
17 and each fiscal year thereafter through fiscal year 2011-12.

18 (d) In addition to the power and authority granted in
19 subdivisions (a) through (c) of this subsection, a district with
20 jurisdiction that includes a river subject to an interstate compact
21 among three or more states and that also includes one or more
22 irrigation districts within the compact river basin may annually
23 levy a tax not to exceed ten cents per one hundred dollars of
24 taxable valuation of all taxable property in the district for
25 the payment of principal and interest on bonds and refunding
26 bonds issued pursuant to section 6 of this act. Such levy is
27 not includable in the computation of other limitations upon the

1 district's tax levy.

2 (2) The proceeds of such tax shall be used, together with
3 any other funds which the district may receive from any source, for
4 the operation of the district. When adopted by the board, the levy
5 shall be certified by the secretary to the county clerk of each
6 county which in whole or in part is included within the district.
7 Such levy shall be handled by the counties in the same manner
8 as other levies, and proceeds shall be remitted to the district
9 treasurer. Such levy shall not be considered a part of the general
10 county levy and shall not be considered in connection with any
11 limitation on levies of such counties.

12 Sec. 11. Section 2-3231, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 2-3231 Each district shall have the power and authority
15 to:

16 (1) Contract for the construction, preservation,
17 operation, and maintenance of tunnels, reservoirs, regulating or
18 reregulating basins, diversion works and canals, dams, drains,
19 drainage systems, or other projects for a purpose mentioned in
20 section 2-3229, and necessary works incident thereto, and to hold
21 the federal government or any agency thereof free from liability
22 arising from any construction;

23 (2) Contract with the United States for a water supply
24 and water distribution and drainage systems under any Act of
25 Congress providing for or permitting such contract;

26 (3) Acquire by purchase, lease, or otherwise mutually
27 arrange to administer and manage any project works undertaken by

1 the United States or any of its agencies, or by this state or
2 any of its agencies; ~~Provided,~~ except that this section shall
3 not apply to any project being administered or managed by any
4 public power district, public power and irrigation district, or
5 metropolitan utilities district; and ~~reclamation district, or~~
6 ~~irrigation district, and~~

7 (4) Act as agent of the United States, or any of its
8 agencies, or for this state or any of its agencies, in connection
9 with the acquisition, construction, operation, maintenance or
10 management of any project within its boundaries.

11 Sec. 12. Section 13-808, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 13-808 (1) Any joint entity may issue such types of bonds
14 as its governing body may determine subject only to any agreement
15 with the holders of outstanding bonds, including bonds as to which
16 the principal and interest are payable exclusively from all or a
17 portion of the revenue from one or more projects, from one or more
18 revenue-producing contracts, including securities acquired from any
19 person, bonds issued by any qualified public agency under the
20 Public Facilities Construction and Finance Act, or leases made by
21 the joint entity with any person, including any of those public
22 agencies which are parties to the agreement creating the joint
23 entity, or from its revenue generally or which may be additionally
24 secured by a pledge of any grant, subsidy, or contribution from any
25 person or a pledge of any income or revenue, funds, or money of the
26 joint entity from any source whatsoever or a mortgage or security
27 interest in any real or personal property, commodity, product, or

1 service or interest therein.

2 (2) Any bonds issued by such joint entity shall be
3 issued on behalf of those public agencies which are parties to
4 the agreement creating such joint entity and shall be authorized
5 to be issued for the specific purpose or purposes for which
6 the joint entity has been created. Such specific purposes may
7 include, but shall not be limited to, joint projects authorized by
8 the Public Facilities Construction and Finance Act; solid waste
9 collection, management, and disposal; waste recycling; sanitary
10 sewage treatment and disposal; public safety communications;
11 correctional facilities; water treatment plants and distribution
12 systems; drainage systems; flood control projects; fire protection
13 services; ground water quality management and control; river flow
14 enhancement; education and postsecondary education; hospital and
15 other health care services; bridges, roads, and streets; and law
16 enforcement.

17 (3) As an alternative to issuing bonds for financing
18 public safety communication projects, any joint entity may enter
19 into a financing agreement with the Nebraska Investment Finance
20 Authority for such purpose.

21 (4) Any joint entity formed for purposes of providing or
22 assisting with the provision of public safety communications may
23 enter into an agreement with any other joint entity relating to
24 (a) the operation, maintenance, or management of the property or
25 facilities of such joint entity or (b) the operation, maintenance,
26 or management of the property or facilities of such other joint
27 entity.

1 Sec. 13. Section 13-2530, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 13-2530 (1) Any joint public agency may issue such types
4 of bonds as its board may determine subject only to any agreement
5 with the holders of outstanding bonds, including bonds as to which
6 the principal and interest are payable exclusively from all or
7 a portion of the revenue from one or more projects, from one
8 or more revenue-producing contracts, including securities acquired
9 from any person, bonds issued by any qualified public agency under
10 the Public Facilities Construction and Finance Act, or leases made
11 by the joint public agency with any person, including any of
12 the public agencies which are parties to the agreement creating
13 the joint public agency, or from its revenue generally or which
14 may be additionally secured by a pledge of any grant, subsidy,
15 or contribution from any person or a pledge of any income or
16 revenue, funds, or money of the joint public agency from any
17 source whatsoever or a mortgage or security interest in any real
18 or personal property, commodity, product, or service or interest
19 therein.

20 (2) Any bonds issued by such joint public agency shall
21 be issued on behalf of the joint public agency solely for the
22 specific purpose or purposes for which the joint public agency has
23 been created. Such specific purposes may include, but shall not
24 be limited to, joint projects authorized by the Public Facilities
25 Construction and Finance Act; solid waste collection, management,
26 and disposal; waste recycling; sanitary sewage treatment and
27 disposal; public safety communications; correctional facilities;

1 water treatment plants and distribution systems; drainage systems;
2 flood control projects; fire protection services; ground water
3 quality management and control; river flow enhancement; education
4 and postsecondary education; hospital and other health care
5 services; bridges, roads, and streets; and law enforcement.

6 (3) As an alternative to issuing bonds for financing
7 public safety communication projects, any joint public agency may
8 enter into a financing agreement with the Nebraska Investment
9 Finance Authority for such purpose.

10 (4) Any joint public agency formed for purposes of
11 providing or assisting with the provision of public safety
12 communications may enter into an agreement with any other joint
13 public agency relating to (a) the operation, maintenance, or
14 management of the property or facilities of such joint public
15 agency or (b) the operation, maintenance, or management of the
16 property or facilities of such other joint public agency.

17 Sec. 14. Section 46-229.04, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 46-229.04 (1) At ~~such~~ a hearing held pursuant to section
20 46-229.03, the verified field investigation report of an employee
21 of the department, or such other report or information that
22 is relied upon by the department to reach the preliminary
23 determination of nonuse, shall be prima facie evidence for the
24 forfeiture and annulment of such water appropriation. If no person
25 appears at the hearing, such water appropriation or unused part
26 thereof shall be declared forfeited and annulled. If an interested
27 person appears and contests the same, the department shall hear

1 evidence, and if it appears that such water has not been put to a
2 beneficial use or has ceased to be used for such purpose for more
3 than five consecutive years, the same shall be declared canceled
4 and annulled unless the department finds that (a) there has been
5 sufficient cause for such nonuse as provided for in subsection (2),
6 (3), or (4) of this section or (b) subsection (5) or (6) of this
7 section applies.

8 (2) Sufficient cause for nonuse shall be deemed to exist
9 for up to thirty consecutive years if such nonuse was caused by the
10 unavailability of water for that use. For a river basin, subbasin,
11 or reach that has been designated as overappropriated pursuant
12 to section 46-713 or determined by the department to be fully
13 appropriated pursuant to section 46-714, the period of time within
14 which sufficient cause for nonuse because of the unavailability
15 of water may be deemed to exist may be extended beyond thirty
16 years by the department upon petition therefor by the owner of
17 the appropriation if the department determines that an integrated
18 management plan being implemented in the river basin, subbasin, or
19 reach involved is likely to result in restoration of a usable water
20 supply for the appropriation.

21 (3) Sufficient cause for nonuse shall be deemed to exist
22 indefinitely if such nonuse was the result of one or more of the
23 following:

24 (a) For any tract of land under separate ownership, the
25 available supply was used but on only part of the land under the
26 appropriation because of an inadequate water supply;

27 (b) The appropriation is a storage appropriation and

1 there was an inadequate water supply to provide the water for the
2 storage appropriation or less than the full amount of the storage
3 appropriation was needed to keep the reservoir full; or

4 (c) The appropriation is a storage-use appropriation and
5 there was an inadequate water supply to provide the water for the
6 appropriation or use of the storage water was unnecessary because
7 of climatic conditions.

8 (4) Sufficient cause for nonuse shall be deemed to exist
9 for up to fifteen consecutive years if such nonuse was a result of
10 one or more of the following:

11 (a) Federal, state, or local laws, rules, or regulations
12 temporarily prevented or restricted such use;

13 (b) Use of the water was unnecessary because of climatic
14 conditions;

15 (c) Circumstances were such that a prudent person,
16 following the principles of good husbandry, would not have been
17 expected to use the water;

18 (d) The works, diversions, or other facilities essential
19 to use the water were destroyed by a cause not within the control
20 of the owner of the appropriation and good faith efforts to repair
21 or replace the works, diversions, or facilities have been and are
22 being made;

23 (e) The owner of the appropriation was in active
24 involuntary service in the armed forces of the United States
25 or was in active voluntary service during a time of crisis;

26 (f) Legal proceedings prevented or restricted use of the
27 water; or

1 (g) The land subject to the appropriation is under
2 an acreage reserve program or production quota or is otherwise
3 withdrawn from use as required for participation in any federal or
4 state program or such land previously was under such a program but
5 currently is not under such a program and there have been not more
6 than five consecutive years of nonuse on that land since that land
7 was last under that program.

8 The department may specify by rule and regulation other
9 circumstances that shall be deemed to constitute sufficient cause
10 for nonuse for up to fifteen years.

11 (5) When an appropriation is held in the name of an
12 irrigation district, a reclamation district, a public power and
13 irrigation district, ~~or~~ a mutual irrigation company or canal
14 company, or the United States Bureau of Reclamation and the
15 director determines that water under that appropriation has not
16 been used on a specific parcel of land for more than five years and
17 that no sufficient cause for such nonuse exists, the right to use
18 water under that appropriation on that parcel shall be terminated
19 and notice of the termination shall be posted on the department's
20 web site and shall be given in the manner provided in subsection
21 (2), (3), or (4) of section 46-229.03. The district or company
22 holding such right shall have five years after the determination,
23 or five years after an order of cancellation issued by the
24 department following the filing of a voluntary relinquishment of
25 the water appropriation that has been signed by the landowner and
26 the appropriator of record, to assign the right to use that portion
27 of the appropriation to other land within the district or the

1 area served by the company, to file an application for a transfer
2 in accordance with section 46-290, or to transfer the right in
3 accordance with sections 46-2,127 to 46-2,129. The department
4 shall issue its order of cancellation within sixty days after
5 receipt of the voluntary relinquishment unless the relinquishment
6 is conditioned by the landowner upon an action of a governmental
7 agency. If the relinquishment contains such a provision, the
8 department shall issue its order of cancellation within sixty days
9 after receipt of notification that such action has been completed.
10 The department shall be notified of any such assignment within
11 thirty days after such assignment. If the district or company does
12 not assign the right to use that portion of the appropriation to
13 other land, does not file an application for a transfer within the
14 five-year period, or does not notify the department within thirty
15 days after any such assignment, that portion of the appropriation
16 shall be canceled without further proceedings by the department
17 and the district or company involved shall be so notified by the
18 department. During the time within which assignment of a portion
19 of an appropriation is pending, the allowable diversion rate for
20 the appropriation involved shall be reduced, as necessary, to avoid
21 inconsistency with the rate allowed by section 46-231 or with any
22 greater rate previously approved for such appropriation by the
23 director in accordance with section 46-229.06.

24 (6) When it is determined by the director that an
25 appropriation, for which the location of use has been temporarily
26 transferred in accordance with sections 46-290 to 46-294, has not
27 been used at the new location for more than five years and that

1 no sufficient cause for such nonuse exists, the right to use that
2 appropriation at the temporary location of use shall be terminated.
3 Notice of that termination shall be posted on the department's
4 web site and shall be given in the manner provided in subsection
5 (2), (3), or (4) of section 46-229.03. The right to reinstate
6 use of that appropriation at the location of use prior to the
7 temporary transfer shall continue to exist for five years after the
8 director's determination, but if such use is not reinstated at
9 that location within such five-year period, the appropriation shall
10 be subject to cancellation in accordance with sections 46-229 to
11 46-229.04.

12 (7) If at the time of a hearing conducted in accordance
13 with subsection (1) of this section there is an application for
14 incidental or intentional underground water storage pending before
15 the department and filed by the owner of the appropriation, the
16 proceedings shall be consolidated.

17 Sec. 15. (1) Whenever a natural resources district
18 imposes an immediate temporary stay for one hundred eighty days in
19 accordance with subsection (2) of section 46-707, the director may
20 place an immediate temporary stay without prior notice or hearing
21 on the issuance of new surface water natural-flow appropriations
22 for one hundred eighty days in the area, river basin, subbasin,
23 or reach of the same area included in the natural resources
24 district's temporary stay, except the director shall not place a
25 temporary stay on new surface water natural-flow appropriations
26 that are necessary to alleviate an emergency situation involving
27 the provision of water for human consumption or public health or

1 safety.

2 (2) The department shall hold at least one public hearing
3 on the matter within the affected area within the period of
4 the one-hundred-eighty-day temporary stay, with the notice of
5 hearing given as provided in section 46-743, prior to making a
6 determination as to imposing a stay or conditions in accordance
7 with section 46-234 and subsection (12) of section 46-714. The
8 department may hold the public hearing in conjunction with the
9 natural resources district's hearing.

10 (3) Within forty-five days after a hearing pursuant to
11 this section, the department shall decide whether to exempt from
12 the immediate temporary stay the issuance of appropriations for
13 which applications were pending prior to the declaration commencing
14 the stay but for which the application was not approved prior to
15 such date, to continue the stay, or to allow the issuance of new
16 surface water appropriations.

17 Sec. 16. Section 46-601.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 46-601.01 For purposes of Chapter 46, article 6:

20 ~~(1)~~ (1)(a) Water well means any excavation that is
21 drilled, cored, bored, washed, driven, dug, jetted, or otherwise
22 constructed for the purpose of exploring for ground water,
23 monitoring ground water, utilizing the geothermal properties of
24 the ground, obtaining hydrogeologic information, or extracting
25 water from or injecting fluid as defined in section 81-1502 into
26 the underground water reservoir.

27 (b) Water well includes any excavation made for any

1 purpose if ground water flows into the excavation under natural
2 pressure and a pump or other device is placed in the excavation
3 for the purpose of withdrawing water from the excavation for
4 irrigation. For such excavations, construction means placing a pump
5 or other device into the excavation for the purpose of withdrawing
6 water for irrigation.

7 (c) Water well does not include (i) any excavation
8 made for obtaining or prospecting for oil or natural gas or for
9 inserting media to repressure oil or natural gas bearing formations
10 regulated by the Nebraska Oil and Gas Conservation Commission or
11 (ii) any structure requiring a permit by the Department of Natural
12 Resources used to exercise surface water appropriation; and

13 (2) Common carrier means any carrier of water including a
14 pipe, canal, ditch, or other means of piping or adjoining water for
15 irrigation purposes.

16 Sec. 17. Section 46-602, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 46-602 (1) Each water well completed in this state on
19 or after July 1, 2001, excluding test holes and dewatering wells
20 to be used for less than ninety days, shall be registered with
21 the Department of Natural Resources as provided in this section
22 within sixty days after completion of construction of the water
23 well. The water well contractor as defined in section 46-1213
24 constructing the water well, or the owner of the water well if
25 the owner constructed the water well, shall file the registration
26 on a form made available by the department and shall also file
27 with the department the information from the well log required

1 pursuant to section 46-1241. The department shall, by January 1,
2 2002, provide water well contractors with the option of filing such
3 registration forms electronically. No signature shall be required
4 on forms filed electronically. The fee required by subsection (3)
5 of section 46-1224 shall be the source of funds for any required
6 fee to a contractor which provides the on-line services for such
7 registration. Any discount in the amount paid the state by a credit
8 card, charge card, or debit card company or a third-party merchant
9 bank for such registration fees shall be deducted from the portion
10 of the registration fee collected pursuant to section 46-1224.

11 (2) (a) If the newly constructed water well is a
12 replacement water well, the registration form shall include
13 (i) the registration number of the water well being replaced,
14 if applicable, and (ii) the date the original water well was
15 decommissioned or a certification that the water well will be
16 decommissioned within one hundred eighty days or a certification
17 that the original water well will be modified and equipped to
18 pump fifty gallons per minute or less and will be used only for
19 livestock, monitoring, observation, or any other nonconsumptive
20 use or de ~~minimus~~ minimis use approved by the applicable natural
21 resources district.

22 (b) For purposes of this section, replacement water well
23 means a water well which is constructed to provide water for
24 the same purpose as the original water well and is operating in
25 accordance with any applicable permit from the department and any
26 applicable rules and regulations of the natural resources district
27 and, if the purpose is for irrigation, the replacement water well

1 delivers water to the same tract of land served by the original
2 water well and (i) replaces ~~an abandoned~~ a decommissioned water
3 well within ~~three years~~ one hundred eighty days after the last
4 ~~operation~~ decommissioning of the ~~abandoned~~ original water well, and
5 the original water well is decommissioned either before or within
6 one hundred eighty days after such construction, (ii) replaces a
7 water well that has not been ~~abandoned~~ decommissioned but will not
8 be used after construction of the new water well and the original
9 water well will be decommissioned within one hundred eighty days
10 after such construction, except that in the case of a municipal
11 water well, the original municipal water well may be used after
12 construction of the new water well but shall be decommissioned
13 within one year after completion of the replacement water well, or
14 (iii) the original water well will continue to be used but will
15 be modified and equipped within one hundred eighty days after such
16 construction of the replacement water well to pump fifty gallons
17 per minute or less and will be used only for livestock, monitoring,
18 observation, or any other nonconsumptive or de ~~minimus~~ minimis use
19 and approved by the applicable natural resources district.

20 (c) No water well shall be registered as a replacement
21 water well until the Department of Natural Resources has received
22 a properly completed notice of decommissioning for the water well
23 being replaced on a form made available by the department, or
24 properly completed notice, prepared in accordance with subsection
25 (7) of this section, of the modification and equipping of the
26 original water well to pump fifty gallons per minute or less
27 for use only for livestock, monitoring, observation, or any other

1 nonconsumptive or de ~~minimus~~ minimis use approved by the applicable
2 natural resources district. Such notices, as required, shall be
3 completed by (i) the water well contractor as defined in section
4 46-1213 who decommissions the water well or modifies and equips
5 the water well, (ii) the pump installation contractor as defined
6 in section 46-1209 who decommissions the water well or modifies
7 and equips the water well, or (iii) the owner if the owner
8 decommissions a driven sandpoint well which is on land owned by him
9 or her for farming, ranching, or agricultural purposes or as his
10 or her place of abode. The Department of Health and Human Services
11 Regulation and Licensure shall, by rule and regulation, determine
12 which contractor or owner shall be responsible for such notice
13 in situations in which more than one contractor or owner may be
14 required to provide notice under this subsection.

15 (3) For a series of two or more water wells completed and
16 pumped into a common carrier as part of a single site plan for
17 irrigation purposes, a registration form and a detailed site plan
18 shall be filed for each water well. The registration form shall
19 include the registration numbers of other water wells included in
20 the series if such water wells are already registered.

21 (4) A series of water wells completed for purposes
22 of installation of a ground heat exchanger for a structure
23 for utilizing the geothermal properties of the ground shall be
24 considered as one water well. One registration form and a detailed
25 site plan shall be filed for each such series.

26 (5) One registration form shall be required along with
27 a detailed site plan which shows the location of each such water

1 well in the site and a log from each such water well for water
2 wells constructed as part of a single site plan for (a) monitoring
3 ground water, obtaining hydrogeologic information, or extracting
4 contaminants from the ground, (b) water wells constructed as part
5 of remedial action approved by the Department of Environmental
6 Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, and
7 (c) water well owners who have a permit issued pursuant to the
8 Industrial Ground Water Regulatory Act and also have an underground
9 injection control permit issued by the Department of Environmental
10 Quality.

11 (6) The Department of Natural Resources shall be notified
12 by the owner of any change in the ownership of a water well
13 required to be registered under this section. Notification shall be
14 in such form and include such evidence of ownership as the Director
15 of Natural Resources by rule and regulation directs. The department
16 shall use such notice to update the registration on file. The
17 department shall not collect a fee for the filing of the notice.

18 (7) The water well contractor or pump installation
19 contractor responsible therefor shall notify the department within
20 sixty days on a form provided by the department of any pump
21 installation or any modifications to the construction of the water
22 well or pump, after the initial registration of the well. For
23 a change of use resulting in modification and equipping of an
24 original water well which is being replaced in accordance with
25 subsection (2) of this section, the water well contractor or pump
26 installation contractor shall notify the department within sixty
27 days on a form provided by the department of the water well and

1 pump modifications and equipping of the original water well. A
2 water well owner shall notify the department within sixty days on
3 a form provided by the department of any other changes or any
4 inaccuracies in recorded water well information, including, but not
5 limited to, changes in use. The department shall not collect a fee
6 for the filing of the notice.

7 (8) Whenever a water well becomes an illegal water well
8 as defined in section 46-706, the owner of the water well shall
9 either correct the deficiency that causes the well to be an
10 illegal water well or shall cause the proper decommissioning of
11 the water well in accordance with rules and regulations adopted
12 pursuant to the Water Well Standards and Contractors' Licensing
13 Act. The water well contractor who decommissions the water well,
14 the pump installation contractor who decommissions the water well,
15 or the owner if the owner decommissions a driven sandpoint well
16 which is on land owned by him or her for farming, ranching, or
17 agricultural purposes or as his or her place of abode, shall
18 provide a properly completed notice of ~~abandonment~~ decommissioning
19 to the Department of Natural Resources within sixty days. The
20 Department of Health and Human Services Regulation and Licensure
21 shall, by rule and regulation, determine which contractor or owner
22 shall be responsible for such notice in situations in which more
23 than one contractor or owner may be required to provide notice
24 under this subsection. The Department of Natural Resources shall
25 not collect a fee for the filing of the notice.

26 (9) Except for water wells which are used solely for
27 domestic purposes and were constructed before September 9, 1993,

1 and for test holes and dewatering wells used for less than ninety
2 days, each water well which was completed in this state before
3 July 1, 2001, and which is not registered on that date shall be an
4 illegal water well until it is registered with the Department of
5 Natural Resources. Such registration shall be completed by a water
6 well contractor or by the current owner of the water well, shall
7 be on forms provided by the department, and shall provide as much
8 of the information required by subsections (1) through (5) of this
9 section for registration of a new water well as is possible at the
10 time of registration.

11 (10) Water wells which are or were used solely for
12 injecting any fluid other than water into the underground water
13 reservoir, which were constructed before July 16, 2004, and which
14 have not been properly decommissioned on or before July 16, 2004,
15 shall be registered on or before July 1, 2005.

16 (11) Water wells described in subdivision (1)(b) of
17 section 46-601.01 shall be registered with the Department of
18 Natural Resources as provided in subsection (1) of this section
19 within sixty days after the water well is constructed. Water wells
20 described in subdivision (1)(b) of section 46-601.01 which were
21 constructed prior to the operative date of this section shall be
22 registered within one hundred eighty days after such date.

23 Sec. 18. Section 46-609, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 46-609 (1) Except as otherwise provided by this section
26 or section 46-610, no irrigation water well shall be drilled
27 constructed upon any land in this state within six hundred feet of

1 any registered irrigation water well and no existing nonirrigation
2 water well within six hundred feet of any registered irrigation
3 water well shall be used for irrigation purposes. Such spacing
4 requirement shall not apply to (a) any well used to irrigate two
5 acres or less or (b) any replacement irrigation water well if it is
6 ~~drilled~~ constructed within fifty feet of the irrigation water well
7 being replaced and if the water well being replaced was ~~drilled~~
8 constructed prior to September 20, 1957, and is less than six
9 hundred feet from a registered irrigation water well.

10 (2) The spacing protection of subsection (1) of this
11 section shall apply to an unregistered water well for a period of
12 sixty days after completion of such water well.

13 (3) No person shall use a water well for purposes other
14 than its registered purpose until the water well registration has
15 been changed to the intended new use, except that a person may
16 use a water well registered for purposes other than its intended
17 purpose for use for livestock, monitoring, observation, or any
18 other nonconsumptive or de minimis use approved by the applicable
19 natural resources district. The change to a new use shall be
20 made by filing a water well registration modification with the
21 Department of Natural Resources and shall be approved only if the
22 water well is in conformity with subsection (1) of this section and
23 with section 46-651.

24 Sec. 19. Section 46-644, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 46-644 Permits granted by the Director of Natural
27 Resources shall be valid for a period of five years after the

1 granting of a permit and as long thereafter as the water for
2 which the permit is granted is used. For the purposes of the
3 Municipal and Rural Domestic Ground Water Transfers Permit Act,
4 the commencement of construction of facilities to provide water
5 for beneficial use shall be deemed the date of the commencement of
6 beneficial use. If it appears that the holder of a permit granted
7 under the act has not used water for a beneficial purpose and in
8 accordance with the terms of the permit for more than ~~three~~ five
9 years, such permit may be revoked or modified by the director. The
10 procedure for such revocation or modification shall be the same as
11 that provided for in sections 46-229.02 to 46-229.05.

12 Sec. 20. Section 46-707, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 46-707 (1) Regardless of whether or not any portion of
15 a district has been designated as a management area, in order
16 to administer and enforce the Nebraska Ground Water Management
17 and Protection Act and to effectuate the policy of the state to
18 conserve ground water resources, a district may:

19 ~~(1)~~ (a) Adopt and promulgate rules and regulations
20 necessary to discharge the administrative duties assigned in the
21 act;

22 ~~(2)~~ (b) Require such reports from ground water users as
23 may be necessary;

24 ~~(3)~~ (c) Require meters to be placed on any water wells
25 for the purpose of acquiring water use data;

26 ~~(4)~~ (d) Require decommissioning of water wells that are
27 not properly classified as active status water wells as defined in

1 section 46-1204.02 or inactive status water wells as defined in
2 section 46-1207.02;

3 ~~(5)~~ (e) Conduct investigations and cooperate or contract
4 with agencies of the United States, agencies or political
5 subdivisions of this state, public or private corporations, or
6 any association or individual on any matter relevant to the
7 administration of the act;

8 ~~(6)~~ (f) Report to and consult with the Department
9 of Environmental Quality on all matters concerning the entry
10 of contamination or contaminating materials into ground water
11 supplies; and

12 ~~(7)~~ (g) Issue cease and desist orders, following ten
13 days' notice to the person affected stating the contemplated action
14 and in general the grounds for the action and following reasonable
15 opportunity to be heard, to enforce any of the provisions of the
16 act or of orders or permits issued pursuant to the act, to initiate
17 suits to enforce the provisions of orders issued pursuant to the
18 act, and to restrain the construction of illegal water wells or the
19 withdrawal or use of water from illegal water wells.

20 Before any rule or regulation is adopted pursuant to
21 this ~~section~~, subsection, a public hearing shall be held within
22 the district. Notice of the hearing shall be given as provided in
23 section 46-743.

24 (2) In addition to the powers enumerated in subsection
25 (1) of this section, a district may impose an immediate temporary
26 stay for a period of one hundred eighty days on the construction
27 of any new water well and on any increase in the number of

1 acres historically irrigated, without prior notice or hearing, upon
2 adoption of a resolution by the board finding that such temporary
3 immediate stay is necessary. The district shall hold at least
4 one public hearing on the matter within the district during such
5 one hundred eighty days, with the notice of the hearing given
6 as provided in section 46-743, prior to making a determination
7 as to imposing a permanent stay or conditions in accordance with
8 subsections (1) and (6) of section 46-739. Within forty-five days
9 after a hearing pursuant to this subsection, the district shall
10 decide whether to exempt from the immediate temporary stay the
11 construction of water wells for which permits were issued prior
12 to the date of the resolution commencing the stay but for which
13 construction had not begun prior to such date. If construction of
14 such water wells is allowed, all permits that were valid when the
15 stay went into effect shall be extended by a time period equal to
16 the length of the stay and such water wells shall otherwise be
17 completed in accordance with section 46-738. Water wells listed in
18 subsection (3) of section 46-714 are exempt from this subsection.

19 Sec. 21. Section 46-715, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 46-715 (1) Whenever the Department of Natural
22 Resources has designated a river basin, subbasin, or reach as
23 overappropriated or has made a final determination that a river
24 basin, subbasin, or reach is fully appropriated, the natural
25 resources districts encompassing such river basin, subbasin, or
26 reach and the department shall jointly develop an integrated
27 management plan for such river basin, subbasin, or reach. The plan

1 shall be completed, adopted, and take effect within three years
2 after such designation or final determination unless the department
3 and the natural resources districts jointly agree to an extension
4 of not more than two additional years.

5 (2) In developing an integrated management plan, the
6 effects of existing and potential new water uses on existing
7 surface water appropriators and ground water users shall be
8 considered. An integrated management plan shall include the
9 following: (a) Clear goals and objectives with a purpose of
10 sustaining a balance between water uses and water supplies so that
11 the economic viability, social and environmental health, safety,
12 and welfare of the river basin, subbasin, or reach can be achieved
13 and maintained for both the near term and the long term; (b)
14 a map clearly delineating the geographic area subject to the
15 integrated management plan; (c) one or more of the ground water
16 controls authorized for adoption by natural resources districts
17 pursuant to section 46-739; (d) one or more of the surface water
18 controls authorized for adoption by the department pursuant to
19 section 46-716; and (e) a plan to gather and evaluate data,
20 information, and methodologies that could be used to implement
21 sections 46-715 to 46-717, increase understanding of the surface
22 water and hydrologically connected ground water system, and test
23 the validity of the conclusions and information upon which the
24 integrated management plan is based. The plan may also provide for
25 utilization of any applicable incentive programs authorized by law.
26 Nothing in the integrated management plan for a fully appropriated
27 river basin, subbasin, or reach shall require a natural resources

1 district to regulate ground water uses in place at the time of
2 the department's preliminary determination that the river basin,
3 subbasin, or reach is fully appropriated, but a natural resources
4 district may voluntarily adopt such regulations. The applicable
5 natural resources district may decide to include all water users
6 within the district boundary in an integrated management plan.

7 (3) The ground water and surface water controls proposed
8 for adoption in the integrated management plan pursuant to
9 subsection (1) of this section shall, when considered together
10 and with any applicable incentive programs, (a) be consistent with
11 the goals and objectives of the plan, (b) be sufficient to ensure
12 that the state will remain in compliance with applicable state and
13 federal laws and with any applicable interstate water compact or
14 decree or other formal state contract or agreement pertaining to
15 surface water or ground water use or supplies, and (c) protect the
16 ground water users whose water wells are dependent on recharge from
17 the river or stream involved and the surface water appropriators on
18 such river or stream from streamflow depletion caused by surface
19 water uses and ground water uses begun after the date the river
20 basin, subbasin, or reach was designated as overappropriated or
21 was preliminarily determined to be fully appropriated in accordance
22 with section 46-713.

23 (4)(a) In any river basin, subbasin, or reach that is
24 designated as overappropriated, when the designated area lies
25 within two or more natural resources districts, the department and
26 the affected natural resources districts shall jointly develop a
27 basin-wide plan for the area designated as overappropriated. Such

1 plan shall be developed using the consultation and collaboration
2 process described in subdivision (b) of this subsection, shall
3 be developed concurrently with the development of the integrated
4 management plan required pursuant to subsections (1) through (3) of
5 this section, and shall be designed to achieve, in the incremental
6 manner described in subdivision (d) of this subsection, the goals
7 and objectives described in subsection (2) of this section. The
8 basin-wide plan shall be adopted after hearings by the department
9 and the affected natural resources districts.

10 (b) In any river basin, subbasin, or reach designated
11 as overappropriated and subject to this subsection, the department
12 and each natural resources district encompassing such river basin,
13 subbasin, or reach shall jointly develop an integrated management
14 plan for such river basin, subbasin, or reach pursuant to
15 subsections (1) through (3) of this section. Each integrated
16 management plan for a river basin, subbasin, or reach subject
17 to this subsection shall be consistent with any basin-wide plan
18 developed pursuant to subdivision (a) of this subsection. Such
19 integrated management plan shall be developed after consultation
20 and collaboration with irrigation districts, reclamation districts,
21 public power and irrigation districts, mutual irrigation companies,
22 canal companies, and municipalities that rely on water from
23 within the affected area and that, after being notified of the
24 commencement of the plan development process, indicate in writing
25 their desire to participate in such process. In addition, the
26 department or the affected natural resources districts may include
27 designated representatives of other stakeholders. If agreement

1 is reached by all parties involved in such consultation and
2 collaboration process, the department and each natural resources
3 district shall adopt the agreed-upon integrated management plan. If
4 agreement cannot be reached by all parties involved, the integrated
5 management plan shall be developed and adopted by the department
6 and the affected natural resources district pursuant to sections
7 46-715 to 46-718 or by the Interrelated Water Review Board pursuant
8 to section 46-719.

9 (c) Any integrated management plan developed under
10 this subsection shall identify the overall difference between
11 the current and fully appropriated levels of development. Such
12 determination shall take into account cyclical supply, including
13 drought, identify the portion of the overall difference between the
14 current and fully appropriated levels of development that is due
15 to conservation measures, and identify the portions of the overall
16 difference between the current and fully appropriated levels of
17 development that are due to water use initiated prior to July 1,
18 1997, and to water use initiated on or after such date.

19 (d) Any integrated management plan developed under this
20 subsection shall adopt an incremental approach to achieve the goals
21 and objectives identified under subdivision (2)(a) of this section
22 using the following steps:

23 (i) The first incremental goals shall be to address the
24 impact of streamflow depletions to (A) surface water appropriations
25 and (B) water wells constructed in aquifers dependent upon recharge
26 from streamflow, to the extent those depletions are due to water
27 use initiated after July 1, 1997, and, unless an interstate

1 cooperative agreement for such river basin, subbasin, or reach is
2 no longer in effect, to prevent streamflow depletions that would
3 cause noncompliance by Nebraska with such interstate cooperative
4 agreement. During the first increment, the department and the
5 affected natural resources districts shall also pursue voluntary
6 efforts, subject to the availability of funds, to offset any
7 increase in streamflow depletive effects that occur after July 1,
8 1997, but are caused by ground water uses initiated prior to such
9 date. The department and the affected natural resources districts
10 may also use other appropriate and authorized measures for such
11 purpose;

12 (ii) The department and the affected natural resources
13 districts may amend an integrated management plan subject to this
14 subsection (4) as necessary based on an annual review of the
15 progress being made toward achieving the goals for that increment;

16 (iii) During the ten years following adoption of an
17 integrated management plan developed under this subsection (4)
18 or during the ten years after the adoption of any subsequent
19 increment of the integrated management plan pursuant to subdivision
20 (d) (iv) of this subsection, the department and the affected natural
21 resources district shall conduct a technical analysis of the
22 actions taken in such increment to determine the progress towards
23 meeting the goals and objectives adopted pursuant to subsection (2)
24 of this section. The analysis shall include an examination of (A)
25 available supplies and changes in long-term availability, (B) the
26 effects of conservation practices and natural causes, including,
27 but not limited to, drought, and (C) the effects of the plan

1 on reducing the overall difference between the current and fully
2 appropriated levels of development identified in subdivision (4)(c)
3 of this section. The analysis shall determine whether a subsequent
4 increment is necessary in the integrated management plan to meet
5 the goals and objectives adopted pursuant to subsection (2) of this
6 section and reduce the overall difference between the current and
7 fully appropriated levels of development identified in subdivision
8 (4)(c) of this section;

9 (iv) Based on the determination made in subdivision
10 (d)(iii) of this subsection, the department and the affected
11 natural resources districts, utilizing the consultative and
12 collaborative process described in subdivision (b) of this
13 subsection, shall if necessary identify goals for a subsequent
14 increment of the integrated management plan. Subsequent increments
15 shall be completed, adopted, and take effect not more than ten
16 years after adoption of the previous increment; and

17 (v) If necessary, the steps described in subdivisions
18 (d)(ii) through (iv) of this subsection shall be repeated until
19 the department and the affected natural resources districts agree
20 that the goals and objectives identified pursuant to subsection
21 (2) of this section have been met and the overall difference
22 between the current and fully appropriated levels of development
23 identified in subdivision (4)(c) of this section has been addressed
24 so that the river basin, subbasin, or reach has returned to a fully
25 appropriated condition.

26 (5) In any river basin, subbasin, or reach that is
27 designated as fully appropriated or overappropriated and whenever

1 necessary to ensure that the state is in compliance with an
2 interstate compact or decree or a formal state contract or
3 agreement, the department, in consultation with the affected
4 districts, shall forecast on an annual basis the maximum amount of
5 water that may be available from stream flow for beneficial use in
6 the short and long term in order to comply with the requirement
7 of subdivision (3)(b) of this section. This determination shall be
8 made by January 1, 2008, and each January 1 thereafter.

9 Sec. 22. Section 46-1212, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 46-1212 Water well shall mean any excavation that is
12 drilled, cored, bored, washed, driven, dug, jetted, or otherwise
13 constructed for the purpose of exploring for ground water,
14 monitoring ground water, utilizing the geothermal properties of
15 the ground, obtaining hydrogeologic information, or extracting
16 water from or injecting fluid as defined in section 81-1502 into
17 the underground water reservoir. Water well shall not include any
18 excavation made ~~for obtaining or prospecting for oil or natural gas~~
19 ~~or for inserting media to repressure oil or natural gas bearing~~
20 ~~formations regulated by the Nebraska Oil and Gas Conservation~~
21 ~~Commission.~~ described in subdivisions (1)(b) and (1)(c) of section
22 46-601.01.

23 Sec. 23. (1) The Water Resources Cash Fund is created.
24 The fund shall be administered by the Department of Natural
25 Resources. Any money in the fund available for investment shall be
26 invested by the state investment officer pursuant to the Nebraska
27 Capital Expansion Act and the Nebraska State Funds Investment Act.

1 (2) The State Treasurer shall credit to the fund such
2 money as is (a) transferred to the fund by the Legislature, (b)
3 paid to the state as fees, deposits, payments, and repayments
4 relating to the fund, both principal and interest, (c) donated as
5 gifts, bequests, or other contributions to such fund from public or
6 private entities, (d) made available by any department or agency of
7 the United States if so directed by such department or agency, and
8 (e) credited to the fund from the excise taxes imposed by section
9 66-1345.01 beginning January 1, 2013.

10 (3) The fund shall be expended by the department to
11 (i) aid management actions taken to reduce consumptive uses of
12 water in river basins, subbasins, or reaches which are deemed
13 by the department overappropriated pursuant to section 46-713 or
14 fully appropriated pursuant to section 46-714 or are bound by
15 an interstate compact or decree or a formal state contract or
16 agreement and (ii) the extent funds are not expended on subdivision
17 (i) of this subsection, the department may conduct a statewide
18 assessment of short and long-term water management activities and
19 funding needs to meet statutory requirements in sections 46-713 to
20 46-718 and 46-739 and any requirements of an interstate compact or
21 decree or formal state contract or agreement. The fund shall not
22 be used to pay for administrative expenses or any salaries for the
23 department or any political subdivision.

24 (4) It is the intent of the Legislature that two million
25 seven hundred thousand dollars be transferred each fiscal year from
26 the General Fund to the Water Resources Cash Fund for FY2009-10
27 through FY2018-19.

1 (5) (a) Expenditures from the Water Resources Cash
2 Fund may be made to natural resources districts eligible under
3 subsection (3) of this section for activities to either achieve
4 a sustainable balance of consumptive water uses or to assure
5 compliance with an interstate compact or decree or a formal state
6 contract or agreement and shall require a match of local funding
7 in an amount equal to or greater than forty percent of the total
8 cost of carrying out the eligible activity. Any natural resources
9 district receiving funding from the Water Resources Cash Fund
10 for fiscal year 2007-08 shall submit a report of its planned
11 expenditures for the activity to the Legislature by July 15, 2007,
12 and by November 15, 2007, for funding for any subsequent year. The
13 report shall include:

14 (i) An explanation of how the planned activity will
15 assure compliance with an interstate compact or decree or a formal
16 state contract or agreement as required by section 46-715 and
17 the controls, rules, and regulations designed to carry out the
18 activity; and

19 (ii) A schedule of implementation of the activity or its
20 components.

21 (b) Any natural resources district receiving funding from
22 the Water Resources Cash Fund shall agree as a condition to repay
23 the fund if the Legislature finds that the district failed to
24 implement and enforce its controls, rules, and regulations as
25 required by section 46-715.

26 Sec. 24. Section 61-210, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 61-210 The Department of Natural Resources Cash Fund
2 is created. The State Treasurer shall credit to such fund such
3 money as is specifically appropriated or reappropriated by the
4 Legislature. The State Treasurer shall also credit such fund with
5 payments, if any, accepted for services rendered by the department
6 and fees collected pursuant to subsection (6) of section 46-606
7 and section 61-209. The funds made available to the Department
8 of Natural Resources by the United States, through the Natural
9 Resources Conservation Service of the Department of Agriculture or
10 through any other agencies, shall be credited to the fund by the
11 State Treasurer. Any money in the fund available for investment
12 shall be invested by the state investment officer pursuant to
13 the Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act. The Department of Natural Resources shall allocate
15 money from the fund to pay costs of the programs or activities
16 of the department. The Director of Administrative Services, upon
17 receipt of proper vouchers approved by the department, shall issue
18 warrants on the fund, and the State Treasurer shall countersign
19 and pay from, but never in excess of, the amounts to the credit
20 of the fund. ~~The State Treasurer shall transfer any money in the~~
21 ~~Department of Water Resources Cash Fund and in the Nebraska Natural~~
22 ~~Resources Commission Cash Fund on July 1, 2000, to the Department~~
23 ~~of Natural Resources Cash Fund.~~

24 Sec. 25. Section 66-1345, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

26 66-1345 (1) There is hereby created the Ethanol
27 Production Incentive Cash Fund which shall be used by the board

1 to pay the credits created in section 66-1344 to the extent
2 provided in this section. Any money in the fund available for
3 investment shall be invested by the state investment officer
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act. The State Treasurer shall transfer to
6 the Ethanol Production Incentive Cash Fund such money as shall be
7 (a) appropriated to the Ethanol Production Incentive Cash Fund by
8 the Legislature, (b) given as gifts, bequests, grants, or other
9 contributions to the Ethanol Production Incentive Cash Fund from
10 public or private sources, (c) made available due to failure to
11 fulfill conditional requirements pursuant to investment agreements
12 entered into prior to April 30, 1992, (d) received as return on
13 investment of the Ethanol Authority and Development Cash Fund, (e)
14 credited to the Ethanol Production Incentive Cash Fund from the
15 excise taxes imposed by section 66-1345.01, and (f) credited to the
16 Ethanol Production Incentive Cash Fund pursuant to sections 66-489,
17 ~~66-4,134,~~ 66-726, 66-1345.04, and 66-1519.

18 (2) The Department of Revenue shall, at the end of each
19 calendar month, notify the State Treasurer of the amount of motor
20 fuel tax that was not collected in the preceding calendar month
21 due to the credits provided in section 66-1344. The State Treasurer
22 shall transfer from the Ethanol Production Incentive Cash Fund to
23 the Highway Trust Fund an amount equal to such credits less the
24 following amounts:

25 (a) For 1993, 1994, and 1995, the amount generated during
26 the calendar quarter by a one-cent tax on motor fuel pursuant to
27 sections 66-489 and 66-6,107;

1 (b) For 1996, the amount generated during the calendar
2 quarter by a three-quarters-cent tax on motor fuel pursuant to such
3 sections;

4 (c) For 1997, the amount generated during the calendar
5 quarter by a one-half-cent tax on motor fuel pursuant to such
6 sections; and

7 (d) For 1998 and each year thereafter, no reduction.

8 For 1993 through 1997, if the amount generated pursuant
9 to subdivisions (a), (b), and (c) of this subsection and the
10 amount transferred pursuant to subsection (1) of this section are
11 not sufficient to fund the credits provided in section 66-1344,
12 then the credits shall be funded through the Ethanol Production
13 Incentive Cash Fund but shall not be funded through either the
14 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year
15 thereafter, the credits provided in such section shall be funded
16 through the Ethanol Production Incentive Cash Fund but shall not be
17 funded through either the Highway Cash Fund or the Highway Trust
18 Fund.

19 If, during any month, the amount of money in the Ethanol
20 Production Incentive Cash Fund is not sufficient to reimburse the
21 Highway Trust Fund for credits earned pursuant to section 66-1344,
22 the Department of Revenue shall suspend the transfer of credits by
23 ethanol producers until such time as additional funds are available
24 in the Ethanol Production Incentive Cash Fund for transfer to the
25 Highway Trust Fund. Thereafter, the Department of Revenue shall, at
26 the end of each month, allow transfer of accumulated credits earned
27 by each ethanol producer on a prorated basis derived by dividing

1 the amount in the fund by the aggregate amount of accumulated
2 credits earned by all ethanol producers.

3 (3) The State Treasurer shall transfer from the Ethanol
4 Production Incentive Cash Fund to the Management Services Expense
5 Revolving Fund the amount reported under subsection (4) of section
6 66-1345.02 for each calendar month of the fiscal year as provided
7 in such subsection.

8 (4) On December 31, 2012, the State Treasurer shall
9 transfer ~~one-half~~ of the unexpended and unobligated funds,
10 including all subsequent investment interest, from the Ethanol
11 Production Incentive Cash Fund to the ~~Nebraska Corn Development,~~
12 ~~Utilization,~~ and ~~Marketing Fund~~ and ~~Grain Sorghum Development,~~
13 ~~Utilization,~~ and ~~Marketing Fund~~ in the same proportion as funds
14 were collected pursuant to section 66-1345.01 from corn and grain
15 sorghum. The Department of Agriculture shall assist the State
16 Treasurer in determining the amounts to be transferred to the
17 funds. The remaining ~~one-half~~ of the unexpended and unobligated
18 funds shall be transferred to the General Fund. Water Resources
19 Cash Fund.

20 (5) Whenever the unobligated balance in the Ethanol
21 Production Incentive Cash Fund exceeds twenty million dollars, the
22 Department of Revenue shall notify the Department of Agriculture at
23 which time the Department of Agriculture shall suspend collection
24 of the excise tax levied pursuant to section 66-1345.01. If, after
25 suspension of the collection of such excise tax, the balance of
26 the fund falls below ten million dollars, the Department of Revenue
27 shall notify the Department of Agriculture which shall resume

1 collection of the excise tax.

2 (6) On or before December 1, 2003, and each December
3 1 thereafter, the Department of Revenue and the Nebraska Ethanol
4 Board shall jointly submit a report to the Legislature which shall
5 project the anticipated revenue and expenditures from the Ethanol
6 Production Incentive Cash Fund through the termination of the
7 ethanol production incentive programs pursuant to section 66-1344.
8 The initial report shall include a projection of the amount
9 of ethanol production for which the Department of Revenue has
10 entered agreements to provide ethanol production credits pursuant
11 to section 66-1344.01 and any additional ethanol production which
12 the Department of Revenue and the Nebraska Ethanol Board reasonably
13 anticipate may qualify for credits pursuant to section 66-1344.

14 Sec. 26. Section 66-1345.01, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 66-1345.01 An excise tax is levied upon all corn and
17 grain sorghum sold through commercial channels in Nebraska or
18 delivered in Nebraska. For any sale or delivery of corn or grain
19 sorghum occurring on or after July 1, 1995, and before January
20 1, 2000, the tax is three-fourths cent per bushel for corn and
21 three-fourths cent per hundredweight for grain sorghum. For any
22 sale or delivery of corn or grain sorghum occurring on or after
23 January 1, 2000, and before January 1, 2001, the tax is one-half
24 cent per bushel for corn and one-half cent per hundredweight for
25 grain sorghum. For any sale or delivery of corn or grain sorghum
26 occurring on or after October 1, 2001, and before October 1, 2004,
27 the tax is one-half cent per bushel for corn and one-half cent per

1 hundredweight for grain sorghum. For any sale or delivery of corn
2 or grain sorghum occurring on or after October 1, 2004, and before
3 October 1, 2005, the tax is three-fourths cent per bushel for
4 corn and three-fourths cent per hundredweight for grain sorghum.
5 For any sale or delivery of corn or grain sorghum occurring on
6 or after October 1, 2005, and before October 1, 2010, the tax is
7 seven-eighths cent per bushel for corn and seven-eighths cent per
8 hundredweight for grain sorghum. For any sale or delivery of corn
9 or grain sorghum occurring on or after October 1, 2012, and before
10 October 1, 2019, the tax is one-half cent per bushel for corn and
11 one-half cent per hundredweight for grain sorghum. The tax shall
12 be in addition to any fee imposed pursuant to sections 2-3623 and
13 2-4012.

14 The excise tax shall be imposed at the time of sale or
15 delivery and shall be collected by the first purchaser. The tax
16 shall be collected, administered, and enforced in conjunction with
17 the fees imposed pursuant to sections 2-3623 and 2-4012. The tax
18 shall be collected, administered, and enforced by the Department of
19 Agriculture. No corn or grain sorghum shall be subject to the tax
20 imposed by this section more than once.

21 In the case of a pledge or mortgage of corn or grain
22 sorghum as security for a loan under the federal price support
23 program, the excise tax shall be deducted from the proceeds of such
24 loan at the time the loan is made. If, within the life of the loan
25 plus thirty days after the collection of the excise tax for corn
26 or grain sorghum that is mortgaged as security for a loan under
27 the federal price support program, the grower of the corn or grain

1 sorghum so mortgaged decides to purchase the corn or grain sorghum
2 and use it as feed, the grower shall be entitled to a refund of
3 the excise tax previously paid. The refund shall be payable by the
4 department upon the grower's written application for a refund. The
5 application shall have attached proof of the tax deducted.

6 The excise tax shall be deducted whether the corn or
7 grain sorghum is stored in this or any other state. The excise
8 tax shall not apply to the sale of corn or grain sorghum to the
9 federal government for ultimate use or consumption by the people
10 of the United States when the State of Nebraska is prohibited from
11 imposing such tax by the Constitution of the United States and laws
12 enacted pursuant thereto.

13 Sec. 27. Section 66-1345.02, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 66-1345.02 (1) The first purchaser, at the time of sale
16 or delivery, shall retain the excise tax as provided in section
17 66-1345.01 and shall maintain the necessary records of the excise
18 tax for each sale or delivery of corn or grain sorghum. Records
19 maintained by the first purchaser shall provide (a) the name and
20 address of the seller or deliverer, (b) the date of the sale or
21 delivery, (c) the number of bushels of corn or hundredweight of
22 grain sorghum sold or delivered, and (d) the amount of excise
23 tax retained on each sale or delivery. The records shall be open
24 for inspection and audit by authorized representatives of the
25 Department of Agriculture during normal business hours observed by
26 the first purchaser.

27 (2) The first purchaser shall render and have on file

1 with the department by the last day of each January, April, July,
2 and October on forms prescribed by the department a statement of
3 the number of bushels of corn and hundredweight of grain sorghum
4 sold or delivered in Nebraska. At the time the statement is filed,
5 the first purchaser shall pay and remit to the department the
6 excise tax.

7 (3) The department shall remit the excise tax collected
8 to the State Treasurer for credit to the Ethanol Production
9 Incentive Cash Fund within thirty days after the end of each
10 quarter through December 31, 2010. Beginning January 1, 2013,
11 the department shall remit the excise tax collected to the State
12 Treasurer for credit to the Water Resources Cash Fund within thirty
13 days after the end of each quarter.

14 (4) The department shall calculate its costs in
15 collecting and enforcing the excise tax imposed by section
16 66-1345.01 and shall report such costs to the budget division of
17 the Department of Administrative Services within thirty days after
18 the end of the fiscal year. Sufficient funds to cover such costs
19 shall be transferred from the Ethanol Production Incentive Cash
20 Fund to the Management Services Expense Revolving Fund at the end
21 of each calendar month, with such transfers ending December 31,
22 2010. Beginning January 1, 2013, the department shall calculate its
23 costs in collecting and enforcing the excise tax imposed by section
24 66-1345.01 and shall report such costs to the budget division
25 of the Department of Administrative Services within thirty days
26 after the end of the fiscal year. Sufficient funds to cover such
27 costs shall be transferred from the Water Resources Cash Fund to

1 the Management Services Expense Revolving Fund at the end of each
2 calendar month. Funds shall be transferred upon the receipt of
3 a report of costs incurred by the Department of Agriculture for
4 the previous calendar month by the Department of Administrative
5 Services.

6 Sec. 28. The State Treasurer shall transfer \$2,700,000
7 from the General Fund to the Water Resources Cash Fund, on
8 or before June 30, 2008, on such date as directed by the
9 budget administrator of the budget division of the Department
10 of Administrative Services.

11 Sec. 29. The State Treasurer shall transfer \$2,700,000
12 from the General Fund to the Water Resources Cash Fund, on
13 or before June 30, 2009, on such date as directed by the
14 budget administrator of the budget division of the Department
15 of Administrative Services.

16 Sec. 30. It is the intent of the Legislature that the
17 Department of Natural Resources may undertake measures in fiscal
18 year 2006-07 to further facilitate compliance with interstate
19 compact or decree stipulations.

20 Sec. 31. Section 77-3442, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 77-3442 (1) Property tax levies for the support of local
23 governments for fiscal years beginning on or after July 1, 1998,
24 shall be limited to the amounts set forth in this section except as
25 provided in section 77-3444.

26 (2) (a) Except as provided in subdivision (2) (d) of this
27 section, school districts and multiple-district school systems,

1 except learning communities and school districts that are members
2 of learning communities, may levy a maximum levy of one dollar and
3 five cents per one hundred dollars of taxable valuation of property
4 subject to the levy.

5 (b) Except as provided in subdivision (2)(d) of this
6 section, for fiscal year 2008-09 and each fiscal year thereafter,
7 (i) learning communities may levy a maximum levy for the general
8 fund budgets of member school districts equal to the ratio of the
9 aggregate difference of one hundred ten percent of the formula
10 needs as calculated pursuant to section 79-1007.02 minus the amount
11 of state aid certified pursuant to section 79-1022 and minus the
12 other actual receipts included in local system formula resources
13 pursuant to section 79-1018.01 for each member school district for
14 such school fiscal year divided by each one hundred dollars of
15 taxable property subject to the levy, except that such levy shall
16 not exceed one dollar and two cents on each one hundred dollars
17 of taxable property subject to the levy, and (ii) school districts
18 that are members of learning communities may levy a maximum levy
19 of the difference of one dollar and two cents on each one hundred
20 dollars of taxable property subject to the levy minus the learning
21 community levy pursuant to this subdivision for purposes of such
22 school district's general fund budget and special building funds.

23 (c) Excluded from the limitations in subdivisions (a) and
24 (b) of this subsection are amounts levied to pay for sums agreed to
25 be paid by a school district to certificated employees in exchange
26 for a voluntary termination of employment and amounts levied
27 to pay for special building funds and sinking funds established

1 for projects commenced prior to April 1, 1996, for construction,
2 expansion, or alteration of school district buildings. For purposes
3 of this subsection, commenced means any action taken by the school
4 board on the record which commits the board to expend district
5 funds in planning, constructing, or carrying out the project.

6 (d) Federal aid school districts may exceed the maximum
7 levy prescribed by subdivision (2)(a) or (b) of this section
8 only to the extent necessary to qualify to receive federal aid
9 pursuant to Title VIII of Public Law 103-382, as such title existed
10 on September 1, 2001. For purposes of this subdivision, federal
11 aid school district means any school district which receives ten
12 percent or more of the revenue for its general fund budget from
13 federal government sources pursuant to Title VIII of Public Law
14 103-382, as such title existed on September 1, 2001.

15 (e) For school fiscal year 2002-03 through school fiscal
16 year 2007-08, school districts and multiple-district school systems
17 may, upon a three-fourths majority vote of the school board of
18 the school district, the board of the unified system, or the
19 school board of the high school district of the multiple-district
20 school system that is not a unified system, exceed the maximum
21 levy prescribed by subdivision (2)(a) of this section in an amount
22 equal to the net difference between the amount of state aid that
23 would have been provided under the Tax Equity and Educational
24 Opportunities Support Act without the temporary aid adjustment
25 factor as defined in section 79-1003 for the ensuing school fiscal
26 year for the school district or multiple-district school system
27 and the amount provided with the temporary aid adjustment factor.

1 The State Department of Education shall certify to the school
2 districts and multiple-district school systems the amount by which
3 the maximum levy may be exceeded for the next school fiscal year
4 pursuant to this subdivision (e) of this subsection on or before
5 February 15 for school fiscal years 2004-05 through 2007-08.

6 (f) For fiscal year 2008-09 and each fiscal year
7 thereafter, learning communities may levy a maximum levy of two
8 cents on each one hundred dollars of taxable property subject to
9 the levy for special building funds for member school districts.

10 (g) For fiscal year 2008-09 and each fiscal year
11 thereafter, learning communities may levy a maximum levy of one
12 cent on each one hundred dollars of taxable property subject to the
13 levy for the learning community budget and for projects approved by
14 the learning community coordinating council.

15 (3) Community colleges may levy a maximum levy on each
16 one hundred dollars of taxable property subject to the levy of
17 seven cents, plus amounts allowed under subsection (7) of section
18 85-1536.01, except that any community college whose valuation per
19 reported aid equivalent student as defined in section 85-1503 was
20 less than eighty-two percent of the average valuation per statewide
21 reimbursable reported aid equivalent total as defined in section
22 85-1503 for all community colleges for fiscal year 1997-98 may levy
23 up to an additional one-half cent for each of fiscal years 2005-06
24 and 2006-07 upon a three-fourths majority vote of the board.

25 (4) Natural resources districts may levy a maximum levy
26 of four and one-half cents per one hundred dollars of taxable
27 valuation of property subject to the levy. Natural resources

1 districts shall also have the power and authority to levy a
2 tax equal to the dollar amount by which their restricted funds
3 budgeted to administer and implement ground water management
4 activities and integrated management activities under the Nebraska
5 Ground Water Management and Protection Act exceed their restricted
6 funds budgeted to administer and implement ground water management
7 activities and integrated management activities for FY2003-04,
8 not to exceed one cent on each one hundred dollars of taxable
9 valuation annually on all of the taxable property within the
10 district. In addition, natural resources districts located in a
11 river basin, subbasin, or reach that has been determined to be
12 fully appropriated pursuant to section 46-714 or designated as
13 overappropriated pursuant to section 46-713 by the Department of
14 Natural Resources shall also have the power and authority to
15 levy a tax equal to the dollar amount by which their restricted
16 funds budgeted to administer and implement ground water management
17 activities and integrated management activities under the Nebraska
18 Ground Water Management and Protection Act exceed their restricted
19 funds budgeted to administer and implement ground water management
20 activities and integrated management activities for FY2005-06, not
21 to exceed three cents on each one hundred dollars of taxable
22 valuation on all of the taxable property within the district for
23 fiscal year 2006-07 and ~~not to exceed two cents on each one~~
24 ~~hundred dollars of taxable valuation annually on all of the taxable~~
25 ~~property within the district for fiscal years 2007-08 and 2008-09.~~
26 and each fiscal year thereafter through fiscal year 2011-12.

27 (5) Educational service units may levy a maximum levy of

1 one and one-half cents per one hundred dollars of taxable valuation
2 of property subject to the levy.

3 (6) (a) Incorporated cities and villages which are not
4 within the boundaries of a municipal county may levy a maximum levy
5 of forty-five cents per one hundred dollars of taxable valuation
6 of property subject to the levy plus an additional five cents per
7 one hundred dollars of taxable valuation to provide financing for
8 the municipality's share of revenue required under an agreement
9 or agreements executed pursuant to the Interlocal Cooperation Act
10 or the Joint Public Agency Act. The maximum levy shall include
11 amounts levied to pay for sums to support a library pursuant
12 to section 51-201, museum pursuant to section 51-501, visiting
13 community nurse, home health nurse, or home health agency pursuant
14 to section 71-1637, or statue, memorial, or monument pursuant to
15 section 80-202.

16 (b) Incorporated cities and villages which are within the
17 boundaries of a municipal county may levy a maximum levy of ninety
18 cents per one hundred dollars of taxable valuation of property
19 subject to the levy. The maximum levy shall include amounts paid
20 to a municipal county for county services, amounts levied to pay
21 for sums to support a library pursuant to section 51-201, a museum
22 pursuant to section 51-501, a visiting community nurse, home health
23 nurse, or home health agency pursuant to section 71-1637, or a
24 statue, memorial, or monument pursuant to section 80-202.

25 (7) Sanitary and improvement districts which have been in
26 existence for more than five years may levy a maximum levy of forty
27 cents per one hundred dollars of taxable valuation of property

1 subject to the levy, and sanitary and improvement districts which
2 have been in existence for five years or less shall not have
3 a maximum levy. Unconsolidated sanitary and improvement districts
4 which have been in existence for more than five years and are
5 located in a municipal county may levy a maximum of eighty-five
6 cents per hundred dollars of taxable valuation of property subject
7 to the levy.

8 (8) Counties may levy or authorize a maximum levy of
9 fifty cents per one hundred dollars of taxable valuation of
10 property subject to the levy, except that five cents per one
11 hundred dollars of taxable valuation of property subject to the
12 levy may only be levied to provide financing for the county's
13 share of revenue required under an agreement or agreements executed
14 pursuant to the Interlocal Cooperation Act or the Joint Public
15 Agency Act. The maximum levy shall include amounts levied to pay
16 for sums to support a library pursuant to section 51-201 or museum
17 pursuant to section 51-501. The county may allocate up to fifteen
18 cents of its authority to other political subdivisions subject
19 to allocation of property tax authority under subsection (1) of
20 section 77-3443 and not specifically covered in this section to
21 levy taxes as authorized by law which do not collectively exceed
22 fifteen cents per one hundred dollars of taxable valuation on any
23 parcel or item of taxable property. The county may allocate to
24 one or more other political subdivisions subject to allocation
25 of property tax authority by the county under subsection (1) of
26 section 77-3443 some or all of the county's five cents per one
27 hundred dollars of valuation authorized for support of an agreement

1 or agreements to be levied by the political subdivision for the
2 purpose of supporting that political subdivision's share of revenue
3 required under an agreement or agreements executed pursuant to the
4 Interlocal Cooperation Act or the Joint Public Agency Act. If an
5 allocation by a county would cause another county to exceed its
6 levy authority under this section, the second county may exceed the
7 levy authority in order to levy the amount allocated.

8 (9) Municipal counties may levy or authorize a maximum
9 levy of one dollar per one hundred dollars of taxable valuation
10 of property subject to the levy. The municipal county may allocate
11 levy authority to any political subdivision or entity subject to
12 allocation under section 77-3443.

13 (10) Property tax levies for judgments, except judgments
14 or orders from the Commission of Industrial Relations, obtained
15 against a political subdivision which require or obligate a
16 political subdivision to pay such judgment, to the extent such
17 judgment is not paid by liability insurance coverage of a
18 political subdivision, for preexisting lease-purchase contracts
19 approved prior to July 1, 1998, for bonded indebtedness approved
20 according to law and secured by a levy on property, and for
21 payments by a public airport to retire interest-free loans from the
22 Department of Aeronautics in lieu of bonded indebtedness at a lower
23 cost to the public airport are not included in the levy limits
24 established by this section.

25 (11) The limitations on tax levies provided in this
26 section are to include all other general or special levies
27 provided by law. Notwithstanding other provisions of law, the

1 only exceptions to the limits in this section are those provided by
2 or authorized by sections 77-3442 to 77-3444.

3 (12) Tax levies in excess of the limitations in this
4 section shall be considered unauthorized levies under section
5 77-1606 unless approved under section 77-3444.

6 (13) For purposes of sections 77-3442 to 77-3444,
7 political subdivision means a political subdivision of this state
8 and a county agricultural society.

9 Sec. 32. If any section in this act or any part of any
10 section is declared invalid or unconstitutional, the declaration
11 shall not affect the validity or constitutionality of the remaining
12 portions.

13 Sec. 33. Original sections 2-3231, 46-601.01, 46-609,
14 46-644, 46-707, 46-1212, and 66-1345.02, Reissue Revised Statutes
15 of Nebraska, and sections 2-945.01, 2-958.02, 2-3202, 2-3225,
16 13-808, 13-2530, 46-229.04, 46-602, 46-715, 61-210, 66-1345,
17 66-1345.01, and 77-3442, Revised Statutes Cumulative Supplement,
18 2006, are repealed.

19 Sec. 34. Since an emergency exists, this act takes effect
20 when passed and approved according to law.