

AMENDMENTS TO LB 880

(Amendments to Standing Committee amendments, AM1787)

Introduced by Kopplin, 3.

1 1. Strike amendments 1 and 2 and insert the following new
2 amendments:

3 "1. Insert the following new sections:

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

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

1 political subdivision. A village, city, or metropolitan utilities
2 district may negotiate and, if necessary, exercise the power of
3 eminent domain for the acquisition of water supply facilities of
4 the district which are within its boundaries.

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

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

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

25 (3) For purposes of this section water project means
26 a project with cooperators or others, as authorized in section
27 2-3235, that results in construction of a reservoir or other body

1 of water having a permanent pool suitable for recreational purposes
2 greater than one hundred fifty surface acres, the construction
3 of which commenced after July 14, 2006. Water project shall
4 not mean soil conservation projects, wetlands projects, projects
5 described in section 2 of this act, or other district projects with
6 cooperators or others that do not have a recreational purpose.

7 (4) For projects funded under section 2 of this act that
8 result in a reservoir or other body of water having a permanent
9 pool suitable for recreational purposes greater than twenty surface
10 acres, the district shall provide public access for recreational
11 use at designated access points and shall include access to the
12 land area a minimum distance of one hundred feet from the permanent
13 pool. Recreational users, whether public or private, shall abide
14 by all applicable rules, regulations, ordinances, or resolutions
15 for use of the project adopted by the district or the political
16 subdivision in which the project is located. Public recreational
17 users may only access the project through such designated access
18 points.

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

21 2. On page 2, line 10, before "The" insert "(1)"; and in
22 line 15 after the period insert: "For purposes of this section,
23 flood control and water quality projects and practices include,
24 but are not limited to, low-impact development best management
25 measures, flood plain buyout, dams, reservoir basins, and levees.
26 No such project shall include a reservoir or water quality basin
27 having a permanent pool greater than four hundred surface acres.

1 Any project having a permanent pool greater than twenty surface
2 acres shall provide for public access.

3 (2) (a) Bond proceeds shall not be expended for projects
4 and practices unless the political subdivision exercising zoning
5 jurisdiction over the area encompassing the project or practices
6 has adopted into its comprehensive plan, zoning ordinances or
7 resolutions, or stormwater management policies a requirement that
8 low-impact development measures and techniques shall be employed to
9 control at a minimum the first one-half inch of rainwater runoff
10 from any new development; and

11 (b) Bond proceeds shall not be expended for projects and
12 practices that are prohibited under the comprehensive plan, zoning
13 ordinances or resolutions, or stormwater management policies of the
14 political subdivision exercising zoning jurisdiction over the area
15 encompassing such project or practices.

16 (3) A district shall not acquire real property for a
17 project described in subsection (1) of this section by eminent
18 domain proceedings pursuant to sections 76-704 to 76-724 if the
19 real property is to be conveyed to a private entity or private
20 enterprise after such acquisition."

21 3. Renumber the remaining section accordingly."