

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1124

Introduced by Groene, 42.

Read first time January 18, 2018

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to public entities; to provide for notice and
- 2 hearings relating to acquisition of land and installation of certain
- 3 pumping equipment as prescribed.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A governmental entity, governmental agency,
2 political subdivision, or joint entity created pursuant to the Interlocal
3 Cooperation Act seeking to pump ground water for the governmental purpose
4 of augmenting water supplies in order to comply with an interstate
5 compact to which the state is a party, prior to acquiring or using land
6 or commencing pumping, shall:

7 (a) After publication of notice for three consecutive weeks in one
8 or more newspapers of general circulation in the affected area, hold a
9 public hearing to obtain public comment, including, but not limited to,
10 in-person testimony and submission of written testimony regarding the
11 need for such pumping, the governmental use of the ground water, and the
12 expected amount and duration of the pumping; and

13 (b) Adopt a resolution setting forth the need for such ground water
14 pumping, the governmental use of the ground water, and the expected
15 amount and duration of the pumping.

16 (2) Upon commencement of such ground water pumping, the governmental
17 entity, governmental agency, political subdivision, or joint entity
18 shall:

19 (a) Five years after initiating pumping pursuant to the resolution
20 described in subdivision (1)(b) of this section, and once every five
21 years thereafter, hold a public hearing with the opportunity for public
22 comment, including, but not limited to, in-person testimony and
23 submission of written testimony. The hearing described in this section
24 shall be held after publication of notice of such hearing for three
25 consecutive weeks in one or more newspapers of general circulation in the
26 affected area. The purpose of the hearing shall be to review the
27 resolution described in subdivision (1)(b) of this section. This review
28 shall include consideration of: (i) The entity's compliance with either
29 its resolution adopted pursuant to subdivision (1)(b) of this section
30 prior to commencing pumping or the resolution adopted pursuant to
31 subdivision (2)(b) of this section after commencing such pumping,

1 whichever is most recent; (ii) the continued need of ground water
2 pumping; (iii) any effect of pumping on other individuals, entities, or
3 their interests located within five miles of the land used for ground
4 water pumping; (iv) any effect of pumping on surface water rights; (v)
5 any effect of pumping on ground water resources, including, but not
6 limited to, the increase or decrease in the water table in the areas
7 affected by such pumping; (vi) the sustainability of ground water
8 pumping; and (vii) the expected continued amount and duration of ground
9 water pumping. Any governmental entity, governmental agency, political
10 subdivision, or joint entity subject to subsection (1) of this section
11 that has commenced ground water pumping prior to the effective date of
12 this act shall hold a hearing pursuant to this subdivision no later than
13 December 1, 2018; and

14 (b) Within sixty days after the hearing described in subdivision (2)
15 (a) of this section, adopt a resolution setting forth whether there is a
16 continued need for such pumping, the governmental use of the ground
17 water, and the expected amount and duration of the pumping.