

voting.

SPEAKER NICHOL: LB 493 passes. We will back up to LB 488 with the emergency clause attached since Senator Beutler is here.

CLERK: Mr. President, Senator Beutler would move to return 488 to Select File for a specific amendment. (See Beutler amendment on page 1758 of the Legislative Journal.)

SPEAKER NICHOL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, if you would take a glance at 488, you will recall that this is the bill that had to do essentially with obtaining storage rights for underground water, and has to do primarily with surface water irrigation systems and companies and districts being able to levy assessments on landowners who are located near or right in these particular districts who do not use the surface water that is being distributed, but who benefit from the project by virtue of the projects affect on underground water, that is it keeps up the level of the underground water, therefore, they benefit from the project and, therefore, the theory of LB 488 precedent legislation was to allow the districts to levy annual assessments on these landowners for the benefits they derive from the underground water levels being maintained. Now the way that these assessments are levied, under current law and under 488, there are essentially two ways you could do it. Actually there was one way at the beginning, and then on Select File an amendment was put on that allowed for a second method of assessment. What my amendment seeks to do is to strike that second method of assessment, which I will describe to you in a minute, and which I think is not a particularly healthy provision. Okay, the first method of assessment, and one that I am not tinkering with, allows them to assess up to 50 cents per year per acre for irrigation that is mechanically withdrawn, it is irrigated by mechanical means. So that would be an annual assessment up to the amount of 50 cents per acre per year. The bill sets forth, on page 12, page 12 is actually the page in the bill that we are talking about, how you go about doing that. It says the fee shall be determined according to the degree to which incidental underground storage has occurred and the actual benefit to the overlying land. Okay. That is the one method. That is okay. Then,