

## LEGISLATIVE BILL 626

Approved by the Governor April 30, 1971

Introduced by Herbert J. Duis, 39th District; Ellen E. Craft, 45th District; Wayne W. Ziebarth, 37th District

AN ACT to amend sections 70-629 and 70-667, Reissue Revised Statutes of Nebraska, 1943, relating to public power and public power and irrigation districts; to provide for assessments; to confer on public power and public power and irrigation districts the powers granted in Chapters 46 and 31, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; to provide duties for natural resources districts as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 70-629, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-629. Except for the authority to make assessments granted by section 70-667 to districts organized under Chapter 70, article 7, the The district shall have no power of taxation, and no governmental authority shall have the power to levy or collect taxes for the purpose of paying, in whole or in part, any indebtedness or obligation of or incurred by the district or upon which the district may be or become in any manner liable.

Sec. 2. That section 70-667, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-667. All power plants and systems, and all irrigation works, constructed or otherwise acquired, or used or operated by any district under the provisions of sections 70-601 to 70-672, or proposed by such district to be so constructed, acquired, owned, used, or operated, are hereby declared to be works of internal improvement. All laws applicable to works of internal improvement, and all provisions of law now applicable to electric light and power corporations, or to irrigation districts, or to privately owned irrigation corporations, the use and occupation of state and other public lands and highways, the appropriation, or other

acquisition, or use of water, water power, water rights, or water diversion or storage rights, for any of the purposes contemplated in such statutory provisions, the manner or method of construction and physical operation of power plants, systems, transmission lines and irrigation works, as herein contemplated, shall be applicable, as nearly as may be, to districts organized under sections 70-601 to 70-672, and in the performance of the duties conferred or imposed upon them under such statutory provisions. Such laws, provisions of law, or statutory provisions are hereby made applicable to all irrigation works and facilities operated by districts under sections 70-601 to 70-672, and shall include, but not be limited to, the right of such district to exercise the powers conferred upon districts by Chapters 46 and 31, relating to operation, maintenance, recharge facilities for groundwater within the irrigation service area of the district, and surface and subsurface drainage projects, and the assessment of the cost thereof to the lands benefited thereby. The right to exercise the power of eminent domain is conferred. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 3. A natural resources district having within, or partially within its boundary, the irrigation service area of an operational irrigation district, reclamation district, or public power and irrigation district, shall, prior to construction of any project within such irrigation service area that would have a direct effect upon the conveyance, distribution, use, recovery, reuse and drainage of water, obtain approval of such project by the governing board of the irrigation district, reclamation district or public power and irrigation district whose irrigation service area is so affected.

Sec. 4. That original sections 70-629 and 70-667, Reissue Revised Statutes of Nebraska, 1943, are repealed.