

## LEGISLATIVE BILL 102

Approved by the Governor May 17, 1985

Introduced by Schmit, 23; Beyer, 3; Lamb, 43; DeCamp, 40

AN ACT relating to natural resources; to amend sections 46-2,108 to 46-2,110 and 46-2,114 to 46-2,117, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1504.03, 2-1588, 2-1594, 2-15,113, 2-15,114, 2-15,116, 2-4501, 2-4502, 2-4515, 2-4517, and 2-4518, Revised Statutes Supplement, 1984; to change provisions relating to the appointment of the Director of Natural Resources; to change provisions relating to the funding and advocacy of certain projects; to provide for adoption, review, and modification of state goals for water resource use; to restate intent; to provide additional powers and duties relating to water project revenue bonds; to change provisions relating to instream appropriations; to harmonize provisions; to eliminate the Public Advisory Board; to eliminate certain duties relating to instream appropriations; to repeal the original sections, and also sections 2-15,102 and 46-2,111 to 46-2,113, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. That section 2-1504.03, Revised Statutes Supplement, 1984, be amended to read as follows:

2-1504.03. The position of Director of Natural Resources is hereby created. The commission shall, within forty-five days after February 15, 1985, submit to the Governor a list of at least five names from which the Governor shall appoint the Director of Natural Resources who shall serve at the pleasure of the Governor. The Governor shall make the appointment within forty-five days after receipt of such list. If the commission fails to submit the list within the allotted time period, the Governor shall make the appointment within ninety days after February 15, 1985. If the Governor fails to make the appointment within forty-five days after receipt of such list, the appointment shall be made by the commission within ninety one hundred thirty-five days after February 15, 1985. The same time limits and procedures shall apply whenever a vacancy in the position occurs.

In the event of a vacancy, the Governor shall appoint an acting director and the commission shall, within ninety days of the date of the vacancy, submit to

the Governor a list of at least five names from which the Governor shall appoint a new director. The Governor shall make the appointment within forty-five days after receipt of such list. If the commission fails to submit the list within the allotted time period, the Governor shall make the appointment within one hundred thirty-five days of the date of the vacancy. If the Governor fails to make the appointment within forty-five days after receipt of the list, the appointment shall be made by the commission within one hundred eighty days of the date of the vacancy.

The director shall be experienced in natural resources conservation, development, and use and shall not hold any other public office or any position for any political committee or party.

The director shall be responsible for the administrative functions and policies of the commission, including personnel policies, budget, expenditures, duties required under sections 2-1599 to 2-15,101 and 2-15,103 to 2-15,106, and such duties as may be delegated by the commission. The director shall administer all rules and regulations adopted by the commission. The commission shall have only such powers and duties as are specifically given to the commission by statute.

Before the director assumes the duties of office, he or she shall take and subscribe to the constitutional oath of office and shall swear or affirm that he or she does not hold any other public office or any position for any political committee or party. Such oath or affirmation shall be filed with the Secretary of State.

Sec. 2. That section 2-1588, Revised Statutes Supplement, 1984, be amended to read as follows:

2-1588. Any money in the Nebraska Resources Development Fund may be allocated by the Nebraska Natural Resources Commission in accordance with the provisions of sections 2-1586 to 2-1595 for utilization by the commission, by any state office, agency, board, or commission, or by any political subdivision of the State of Nebraska to which has been granted the authority to develop the state's water and related land resources. Such money may be allocated in the form of grants or loans or for acquiring state interests in water and related land resources programs and projects undertaken within the state. The allocation of funds to a program or project in one form shall not of itself preclude additional allocations in the same or any other form to the same program or project. Funds may also be allocated to assist natural resources districts in the preparation of management plans as provided in section 46-673.01. Funds so allocated shall not be subject to the provisions of sections ~~2-1586~~ 2-1589 to 2-1595.

~~No project, including all related phases, segments, parts, or divisions, shall receive more than ten million dollars from the fund.~~

Only projects with estimated total costs of less than ten million dollars, which shall not include operation and maintenance costs, shall be eligible for assistance from the Nebraska Resources Development Fund. If cost overruns during project construction cause the cost of a project to exceed ten million dollars, the commission may continue to participate in the project and may allocate additional funds to ensure project completion.

No project, including all related phases, segments, parts, or divisions, shall receive more than ten million dollars from the fund.

Prior to September 1 of each even-numbered year, a biennial report shall be made to the Governor and the Clerk of the Legislature describing the work accomplished by the use of such development fund during the immediately preceding two-year period, which report shall include a complete financial statement. Each member of the Legislature shall receive a copy of such report upon making a request for it to the director.

Sec. 3. That section 2-1594, Revised Statutes Supplement, 1984, be amended to read as follows:

2-1594. The director may recommend approval of and the commission may approve grants or loans for program or project costs or acquisition of interests in projects if after investigation and evaluation the ~~commission~~ director finds that: (1) The plan does not conflict with any existing Nebraska state land plan; (2) the proposed program or project is economically and financially feasible based upon standards adopted by the commission pursuant to sections 2-1586 to 2-1595; (3) the plan for development of the proposed program or project is satisfactory; (4) the plan of development minimizes any adverse impacts on the natural environment; (5) the applicant is qualified, responsible, and legally capable of carrying out the program or project; (6) in the case of a loan, the borrower has demonstrated the ability to repay the loan and there is assurance of adequate operation, maintenance, and replacement during the repayment life of the project; (7) the plan considers other plans and programs of the state in accordance with section 84-135 and resources development plans of the political subdivisions of the state; and (8) the money required from the development fund is available.

Sec. 4. That section 2-15,113, Revised Statutes Supplement, 1984, be amended to read as follows:

2-15,113. (1) The Director of Natural Resources shall, as part of his or her planning and review duties and responsibilities pursuant to sections 2-15,100 and 2-15,103 to 2-15,106, on or before July 1, 1985, formulate a draft of state goals for water resource use for consideration by the Nebraska Natural Resources Commission. The commission may accept, reject, or modify

the draft goals formulated by the director and shall adopt state goals for water resource use within ninety days after the draft goals have been submitted to the commission by the director. The goals shall be sufficiently detailed to enable the Water Management Board to determine whether projects which come before the board meet state goals.

(2) Upon request of the board or the commission, the director shall review the state goals for water resource use to determine if modification is appropriate and shall submit any proposed modifications to the commission. The commission may accept, reject, or modify the proposed modifications. The state goals may be modified no more often than once a year.

Sec. 5. That section 2-15,114, Revised Statutes Supplement, 1984, be amended to read as follows:

2-15,114. (1) Any sponsor of a project costing more than ten million dollars who is seeking a feasibility study, state financial support funding from the Nebraska Water Management Fund, advocacy for a water resource project, or other state water resource for planning assistance, including feasibility studies or funding for project construction, or who requests advocacy for a federally funded water resource project shall submit an application to the Water Management Board. Each application shall be filed in such manner and form and be accompanied by such information as may be prescribed by the board.

(2) Any sponsor of a project meeting the criteria of subsection (1) of this section shall submit an application to the board for review and action prior to making application for any necessary water rights.

(3) Any project sponsor who has filed for a water right prior to February 15, 1985, may file an application with the board for board action pursuant to sections 2-15,110 to 2-15,112. No fee shall be required for such an application.

Sec. 6. That section 2-15,116, Revised Statutes Supplement, 1984, be amended to read as follows:

2-15,116. (1) An application filed with the board pursuant to section 2-15,114 or a request made pursuant to section 46-209 shall be reviewed in a nonjudicial setting.

(2) Applications for advocacy for federal funds for project construction or for funding from the Nebraska Water Management Fund for project construction shall be reviewed by the board to determine whether the project meets the criteria specified in sections 2-15,110 to 2-15,112.

If the board determines that the project meets the criteria specified in sections 2-15,110 to 2-15,112, the board in cooperation with the project sponsors shall assume acquisition of state interest and take such actions as are necessary for the planning implementation,

financing, water right approval, or ~~federal~~ advocacy regarding the project.

(3) If the board determines that the project is not economically feasible for state financial assistance, but meets all of the other criteria of sections 2-15,110 to 2-15,112, the sponsor may proceed to acquire water rights without state support.

(4) If the board determines that, regardless of economic feasibility, the project does not meet all of the other criteria specified in sections 2-15,110 to 2-15,112, the board shall oppose the granting of any water right or state financing for the project.

(3) Before approving any application for planning assistance from the Nebraska Water Management Fund or for advocacy for federal planning assistance, the Water Management Board shall determine that the proposed project does not appear to be inconsistent with any applicable criteria pursuant to section 2-15,110 and that preliminary studies conducted by the sponsor demonstrate that the expenditure of funds for additional project planning is a reasonable use of state or federal funds.

Sec. 7. That section 2-4501, Revised Statutes Supplement, 1984, be amended to read as follows:

2-4501. Sections 2-4501 to 2-4528 and section 12 of this act shall be known and may be cited as the Nebraska Water Project Revenue Bonding Act.

Sec. 8. That section 2-4502, Revised Statutes Supplement, 1984, be amended to read as follows:

2-4502. The Legislature acknowledges that the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the citizens of the state and contribute to the development of the natural resources of the state.

The Legislature finds that a state agency entity should be designated to acquire and finance interests in such structures on behalf of the people of the state. The Legislature further finds that in order to finance such structures, it is necessary to borrow in anticipation of revenue to be received from their operation. The purpose of the Nebraska Water Project Revenue Bonding Act is to provide a procedure for borrowing for such purposes and to authorize the creation of debt to finance these structures. The Legislature recognizes that hereby authorizes the Nebraska Natural Resources Commission may Water Management Board to acquire an interest in a water resources project in the name of the state as provided in sections 2-1587 to 2-1595 the Nebraska Water Project Revenue Bonding Act. The Legislature hereby designates the Nebraska Natural Resources Commission board as the state agency entity responsible for acquiring and financing interests in water retention and impoundment structures in the name of the state pursuant to the

**Nebraska Water Project Revenue Bonding Act act.**

It is the intent of the Legislature that the act shall implement Article XIII, section 1, of the Constitution of Nebraska which authorizes the issuance of revenue bonds to finance the construction of water retention and impoundment structures for the purposes of water conservation and management.

Sec. 9. That section 2-4515, Revised Statutes Supplement, 1984, be amended to read as follows:

2-4515. (1) The board may issue bonds and notes in such principal amounts as are necessary to provide sufficient funds for the purposes of the Nebraska Water Project Revenue Bonding Act including (a) the initiation, design, acquisition, construction, maintenance, repair, and operation of projects, (b) the payment, funding, or refunding of the principal of, or interest or redemption premium on, any bonds issued by it, whether the bonds or interest to be funded or refunded have or have not become due, (c) the establishment or increase of reserves to secure or pay such bonds or interest, and (d) all other costs or expenses of the board incident to and necessary to carry out the board's purposes and powers.

(2) Unless otherwise provided pursuant to section 2-4517 or 2-4518, all issues of bonds shall be a special obligation payable out of and secured by revenue and funds derived exclusively from specific projects or parts of such projects, financed in whole or in part from the proceeds of the bonds, subject only to an agreement with the holders of particular bonds pledging particular revenue or funds. The bonds may be additionally secured by a pledge of any gift, grant, subsidy, or contribution from a governmental agency or any person, or a pledge of any income or revenue, funds, or money of the board.

(3) The bonds shall be and are hereby made negotiable instruments within the meaning and for all purposes of Article 8 of the Uniform Commercial Code, subject only to the provisions of the bonds for registration or for their issuance in book entry form.

(4) Bonds issued by the board shall be authorized by a resolution of the board which may specify that the bonds (a) be issued in one or more series, (b) bear certain maturation dates, (c) bear interest at a certain rate, (d) be in specific denomination, (e) be in a certain form, either coupon, registered, or in book entry form, (f) carry conversion or registration privileges, (g) have specific rank or priority, (h) be executed in a certain manner, (i) be payable from certain sources in a medium of payment at a place or places within or without the state, and (j) be subject to specific terms of redemption, with or without premium.

(5) The State Treasurer may, at the direction of the board, act as transfer agent or registrar for the exchange or transfer of registered bonds and notes or

maintain records so that bonds and notes in book entry form may be effected and the board may contract with or otherwise designate a bank, trust company, or other person to maintain records so that bonds and notes in book entry form may be effected. Such bank, trust company, or other person, which may include the federal government or any of its agencies or instrumentalities or any officer, agency, or instrumentality of the state, may be located or have its principal office inside or outside the state. Bonds and notes in book entry form shall be effected by means of entries on the records of the State Treasurer or other designated person which shall reflect the description of the issue, the principal amount, the interest rate, the maturity date, and the owner of the bonds or notes and such other information as is deemed appropriate. The State Treasurer or other designated person may effect conversion between book entry bonds and notes and registered bonds and notes for owners of bonds and notes who request such a change. The State Treasurer or other designated transfer agent or registrar shall issue a confirmation of the transaction in the form of a written advice.

(6) The books of registry held by the State Treasurer or other designated registrar shall be confidential and the information contained in such books shall not be available to the public.

(7) Bonds issued by the board may be sold at public or private sale at a price and in such manner as the board shall determine.

(8) Bonds issued by the board shall not be a debt or liability of the state or of any political subdivision and shall not constitute a pledge of the faith and credit of the state or political subdivision. All such bonds, unless funded or refunded by bonds issued by the board, shall be payable solely from revenue or funds pledged or available for their payment as authorized in the Nebraska Water Project Revenue Bonding Act. Each bond shall contain on its face a statement indicating that the board is obligated to pay the principal or the interest only from revenue or funds collected pursuant to the act and that neither the state nor any political subdivision is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the state or any political subdivision is pledged to the payment of the principal or the interest on the bonds.

(9) All expenses incurred in carrying out the provisions of the Nebraska Water Project Revenue Bonding Act shall be payable solely from revenue or funds provided or to be provided under the provisions of the act and nothing in the act shall be construed to authorize the board to incur any indebtedness or liability on behalf of or payable by the state or any political subdivision.

Sec. 10. That section 2-4517, Revised Statutes Supplement, 1984, be amended to read as follows:

2-4517. In any resolution of the board empowering or relating to the issuance of any bonds, the board, in order to secure the payment of such bonds and in addition to its other powers, shall, by provisions contained in the resolution which shall constitute covenants by the board and contracts with the bondholders, have power to:

(1) Pledge all or any part of its revenue, income, or receipts in the Nebraska Water Management Fund consistent with Article XIII, section 17 of the Constitution of Nebraska collected pursuant to the Nebraska Water Project Revenue Bonding Act, the money derived from such revenue, income, or receipts, and the proceeds of any bonds;

(2) Pledge any lease, agreement, rents, revenue, or proceeds acquired pursuant to section 2-4513;

(3) Mortgage all or any part of its property, real or personal, acquired pursuant to section 2-4513;

(4) Covenant against pledging all or any part of its revenue, receipts, leases, agreements, or proceeds, or against mortgaging all or any part of its real or personal property acquired pursuant to section 2-4513, or against permitting or suffering any lien on any of its real or personal property;

(5) Covenant with respect to limitations on any right to sell, lease, or otherwise dispose of any project or any part of a project or any property of any kind acquired pursuant to the Nebraska Water Project Revenue Bonding Act;

(6) Covenant as to the limitations, terms, and conditions of any bonds, including the custody, application, investment, and disposition of the proceeds;

(7) Covenant as to the issuance of additional bonds or as to limitations on the issuance of additional bonds and on the incurring of other debts by the board;

(8) Covenant as to (a) the payment of the principal or interest on the bonds or any other obligations, (b) the sources and methods of payment, (c) the rank or priority of the bonds with respect to any lien or security, or (d) the acceleration of the maturity of bonds;

(9) Covenant against extending the time for payment of bonds or interest;

(10) Covenant as to the redemption of bonds and privileges of exchange for other bonds of the board;

(11) Covenant to create special funds to be held in pledge or otherwise for construction, operating expenses, payment or redemption of bonds, reserves, or other purposes and as to the use, investment, and disposition of those funds;

(12) Establish (a) a procedure by which the terms of any contract or covenant with or for the benefit of the bondholders may be amended or abrogated, (b) the

amount of the bonds to which the holders must consent, and (c) the manner in which the consent must be given;

(13) Provide for the rights, liabilities, powers, and duties arising upon the breach of any covenant, condition, or obligation and prescribe the events of default and the terms and conditions upon which any or all of the bonds of the board shall become or may be declared due and payable before maturity and the terms and conditions upon which any such declaration and its consequences may be waived;

(14) Vest in a trustee within or without the state such property, rights, powers, and duties in trust as the board may determine;

(15) Execute all mortgages, bills of sale, conveyances, deeds of trust, and other instruments necessary or convenient in the exercise of its powers, covenants, or duties;

(16) Pay the costs or expenses incident to the enforcement of bonds, the provisions of the resolution, or of any covenant or agreement of the board with the bondholders;

(17) Limit the rights of the bondholders to enforce any pledge or covenants securing bonds; and

(18) Make covenants other than those expressly authorized in this section which the board determines may be necessary, convenient, or desirable to better secure bonds or which will tend to make the bonds more marketable.

Sec. 11. That section 2-4518, Revised Statutes Supplement, 1984, be amended to read as follows:

2-4518. Any pledge of revenue, funds, or other property made by the board pursuant to section 2-4517 shall be valid and binding from the time when the pledge is made. The revenue, funds, or other property so pledged and received by the board, unless otherwise agreed, shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the board, irrespective of whether the parties have notice of the claims. Neither the resolution nor any other instrument by which a pledge of revenue or funds is created need be filed or recorded except in the records of the board.

Sec. 12. Any proceeds from the sale of bonds to the extent provided by the board in authorizing the issuance of such bonds, any money which may be made available to the board from any other sources for the purposes of the Nebraska Water Project Revenue Bonding Act, and any revenue and funds derived from a project or portion of a project financed with the proceeds of bonds issued by the board shall be deposited in such funds, reserves, or accounts as the board may create until such time as they are disbursed in accordance with the act.

The State Treasurer shall disburse the money in the funds, reserves, or accounts as directed by resolution of the board. All disbursements from the funds, reserves, or accounts shall be made upon warrants drawn by the Director of Administrative Services.

Any money in the funds, reserves, or accounts available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. The earnings, if any, from such investment shall be credited to such fund, reserve, or account as may be designated by the board.

Sec. 13. That section 46-2,108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:  
46-2,108. As used in sections 46-2,107 to 46-2,119 and sections 19 and 20 of this act, unless the context otherwise requires, instream appropriation shall mean the undiverted application of the waters of a natural stream within or bordering upon the state for recreation or fish and wildlife purposes. An instream appropriation may be obtained only by the Game and Parks Commission or a natural resources district Nebraska Natural Resources Commission and only for that amount of water necessary for recreation or fish and wildlife. An The instream use of water for recreation or fish and wildlife appropriation shall be considered a beneficial use of water.

Sec. 14. That section 46-2,109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:  
46-2,109. Each natural resources district and the Game and Parks Commission shall report to the Nebraska Natural Resources Commission the conduct studies to identify specific stream segments which the district or commission considers to have a critical need for instream flows. The district or commission shall, following notice and a public hearing, identify the locations on the stream at which the need for instream flows begins and ends and the time of year when instream flows are most critical and shall provide a detailed description of the amount of water necessary to provide adequate instream flows. Such studies shall quantify the instream flow needs in the identified stream segments. Any district or the Game and Parks Commission may request the assistance of the Conservation and Survey Division of the University of Nebraska, the Nebraska Natural Resources Commission, the Game and Parks Commission, the Department of Environmental Control, and the Department of Water Resources, or any other state agency in order to comply with this section.

Sec. 15. That section 46-2,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:  
46-2,110. The Nebraska Natural Resources Commission shall file an application in the name of the State of Nebraska following notice and a public hearing, any natural resources district or the Game and Parks Commission may file with the Director of Water Resources an

application for a permit to appropriate water for instream flows in each stream segment identified pursuant to section 46-2,109. The application shall include the locations on the stream at which the need for instream flows begins and ends and the time of year when instream flows are most critical. The application shall also provide a detailed description of the amount of water necessary to provide adequate instream flows. by a natural resources district or the Game and Parks Commission. The Director of Water Resources shall not grant any permit to appropriate water for instream flows prior to the completion of the study required by section 46-2,111, which shall be completed within one year from the date of the commission's application, and the hearing required by section 46-2,114.

Sec. 16. That section 46-2,114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,114. Prior to the granting or denying of taking action on an application for an instream appropriation, the Director of Water Resources shall conduct any studies he or she deems necessary to evaluate the proposed instream appropriation and the necessary amount of water for recreation or fish and wildlife application and shall hold a public hearing. Notice of the hearing shall be published. Notice of such application at least once a week for three weeks in a newspaper of general circulation in the area of the stream segment and also in a newspaper of statewide circulation. The notice shall state that any person may in writing object to and request a hearing on the application. Any such objection and request for hearing shall be filed with the Department of Water Resources within two weeks of final publication of the notice. at least seven days prior to the date set for the hearing. At the hearing, the Nebraska Natural Resources Commission and either the appropriate natural resources district or the Game and Parks Commission shall present their studies and any interested parties may present views on the proposed instream flow appropriation.

Sec. 17. That section 46-2,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,115. An application for an instream appropriation shall be approved by the Director of Water Resources if he or she finds that:

- (1) There is unappropriated water available to provide for the instream appropriation;
- (2) The appropriation is necessary to maintain the instream use or uses for which the appropriation has been requested;
- (3) ~~(2)~~ The appropriation will not interfere with any senior surface water appropriation;
- (4) ~~(3)~~ The rate and timing of the flow is the minimum necessary to maintain the instream use or uses for

which the appropriation has been requested; and

(5) ~~(4)~~ The application is in the public interest.

The application may be granted for a rate of flow that is less than that requested by the applicant or for a shorter period of time than requested by the applicant.

Sec. 18. That section 46-2,116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows: 46-2,116. In determining whether the an application for an instream appropriation is in the public interest, the director shall consider the following factors:

(1) The economic, social, and environmental value of the instream use or uses including, but not limited to, recreation, fish and wildlife, induced recharge for municipal water systems, and water quality maintenance; ~~and~~

(2) The economic, social, and environmental value of reasonably foreseeable alternative out-of-stream uses of water that will be foregone or accorded junior status if the appropriation is granted; ~~and~~

(3) Whether the application is consistent with any applicable state goals for water resource use adopted pursuant to section 2-15,113.

Sec. 19. If the Director of Water Resources determines that there is insufficient unappropriated natural flow available for an application for an instream appropriation and if the applicant consents, the director shall request the Nebraska Natural Resources Commission to conduct a study to determine whether the instream flow needs can be met through the use of stored water in new storage facilities. The study shall address the availability of storage sites, the estimated cost of providing any required storage, whether storage options would be consistent with the state goals for water resource use adopted pursuant to section 2-15,113, and such other findings and conclusions as the commission deems appropriate.

Sec. 20. If the Nebraska Natural Resources Commission determines that instream flow needs can be met through the use of stored water in new storage facilities, the applicant may request financial assistance for the construction of necessary storage facilities from the Nebraska Resources Development Fund or the Nebraska Water Management Fund. The cost of the project may be shared with any other users of the stored water.

Sec. 21. That section 46-2,117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,117. An instream appropriation shall be reviewed by the Water Management Board when a project sponsor files an application which meets the criteria of section 2-15,114 and granting where the project application would potentially conflict with the after

construction could be denied water for the benefit of the existing instream appropriation.

The Water Management Board shall determine recommend to the Director of Water Resources whether the state's interest demands the modification of the instream appropriation.

The Director of Water Resources may modify the instream appropriation only in the manner recommended by the Water Management Board, except that the director may find the instream appropriation should not be modified.

~~Modification of an instream appropriation may mean a reduction in the volume or rate approved for instream use as recommended by the Water Management Board.~~

Sec. 22. That original sections 46-2,108 to 46-2,110 and 46-2,114 to 46-2,117, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1504.03, 2-1588, 2-1594, 2-15,113, 2-15,114, 2-15,116, 2-4501, 2-4502, 2-4515, 2-4517, and 2-4518, Revised Statutes Supplement, 1984, and also sections 2-15,102 and 46-2,111 to 46-2,113, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 23. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.