

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 of one hundred feet above the permanent pool.  
13 Recreational users, whether public or private, shall abide by all  
14 applicable rules, regulations, ordinances, or resolutions for use  
15 of the project adopted by the district or the political subdivision  
16 in which the project is located. Public recreational users may only  
17 access the project through such designated access points.

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19 Statutes Cumulative Supplement, 2006, are repealed.

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

1 acres shall provide for public access.

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

9 (b) Bond proceeds shall not be expended for projects  
10 and practices that are prohibited under a political subdivision's  
11 comprehensive plan, zoning ordinances, or stormwater management  
12 policy.

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

18 3. Renumber the remaining section accordingly."