

LEGISLATIVE BILL 514

Approved by the Governor May 21, 1971

Introduced by Irving F. Wiltse, 1st District; E. Thome Johnson, 15th District

AN ACT to amend section 46-1008, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to clarify and broaden the power of eminent domain granted to rural water districts; and to repeal the original section.

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

Section 1. That section 46-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-1008. Every district incorporated under sections 46-1001 to 46-1020 shall have perpetual succession, subject to dissolution as provided by sections 46-1001 to 46-1020; shall have the power of eminent domain ~~and when exercising such power for the purpose of acquiring a site for a lake may condemn a fee simple title to the land necessary for such lake site to acquire land or interests in land within or without the district for the uses and purposes provided in this section~~; shall be empowered to sue and be sued; shall be capable of contracting and being contracted with; shall be authorized and empowered to hold such real and personal property as may come into its possession by will, gift, purchase, or otherwise, as authorized by law; shall have power to construct, install, maintain and operate such ponds, reservoirs, pipe lines, wells, check dams, pumping installations or other facilities for the storage, transportation or utilization of water and such appurtenant structures and equipment as may be necessary to carry out the purposes of its organization, and shall have power to cooperate with and enter into such agreements as deemed necessary with the Secretary of the United States Department of Agriculture or his duly authorized representative and shall have power to accept such financial or other aid which the Secretary of the United States Department of Agriculture is empowered to give pursuant to 16 United States Code, sections 590r, 590s, 590x-1, 590x-a and 590x-3, or amendments thereto, and shall have power to borrow money for the financing of up to ninety-five per cent of the cost of the construction or purchase of any project or projects necessary to carry out the purposes for which

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such district was organized and to execute notes and mortgages in evidence thereof with interest, or combined interest and mortgage insurance charges, not to exceed six per cent; Provided, that any district shall have the same power to borrow money for the refinancing of up to ninety-five per cent of the original cost of any such project or projects. The balance of the cost of construction shall be acquired by subscription, donation, gift or otherwise than through the medium of loans.

Any such loan may be secured by any or all of the physical assets owned by the district, including easements and rights-of-way; Provided, no district organized under sections 46-1001 to 46-1020 shall have any power or authority to levy any taxes whatsoever.

Sec. 2. That original section 46-1008, Reissue Revised Statutes of Nebraska, 1943, is repealed.