

LEGISLATIVE BILL 896

Approved by the Governor February 19, 1998

Introduced by Executive Board: Coordsen, 32, Chairperson

AN ACT relating to ground water conservation districts; to amend sections 2-3201, 2-3202, 2-3212.01, 2-3219, 2-3222, 2-3226, 2-3233, and 2-3234, Reissue Revised Statutes of Nebraska, and section 32-608, Revised Statutes Supplement, 1997; to repeal provisions that terminated April 1, 1997; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-614 to 46-628, 46-631, 46-632, and 46-634, Reissue Revised Statutes of Nebraska, and sections 46-629, 46-630, and 46-656.24, Revised Statutes Supplement, 1996.

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

Section 1. Section 2-3201, Reissue Revised Statutes of Nebraska, is amended to read:

2-3201. The Legislature hereby recognizes and declares that it is essential to the health and welfare of the people of the State of Nebraska to conserve, protect, develop, and manage the natural resources of this state. The Legislature further recognizes the significant achievements that have been made in the conservation, protection, development, and management of our natural resources and declares that the most efficient and economical method of accelerating these achievements is by creating natural resources districts encompassing all of the area of the state. The Legislature further declares that the functions performed by soil and water conservation districts, watershed conservancy districts, watershed districts, advisory watershed improvement boards, and watershed planning boards shall be consolidated and made functions of natural resources districts. The governing boards of such districts and boards shall complete, before July 1, 1972, the necessary transfers and other arrangements so that such boards may on that date begin the operation of natural resources districts. The Legislature further declares that other special-purpose districts, including rural water districts, ~~ground water conservation districts~~, drainage districts, reclamation districts, and irrigation districts, are hereby encouraged to cooperate with and, if appropriate, to merge with natural resources districts.

Sec. 2. Section 2-3202, Reissue Revised Statutes of Nebraska, is amended to read:

2-3202. For purposes of Chapter 2, article 32, unless the context otherwise requires:

(1) Commission ~~shall mean means~~ the Nebraska Natural Resources Commission;

(2) Natural resources district or district ~~shall mean means~~ a natural resources district operating pursuant to Chapter 2, article 32;

(3) Board ~~shall mean means~~ the board of directors of a district;

(4) Director ~~shall mean means~~ a member of the board;

(5) Other special-purpose districts ~~shall mean means~~ rural water districts, ~~ground water conservation districts~~, drainage districts, reclamation districts, and irrigation districts; and

(6) Manager ~~shall mean means~~ the chief executive hired by a majority vote of the board to be the supervising officer of the district.

Sec. 3. Section 2-3212.01, Reissue Revised Statutes of Nebraska, is amended to read:

2-3212.01. Mergers and transfers of existing districts or boards into natural resources districts pursuant to sections 2-1502 to 2-1504, 2-1507, 2-3201 to 2-3257, 2-32,109 to 2-32,114, 31-101.01, 31-301.01, 31-401.01, 46-613.01, ~~46-614-01~~, and 46-1001.01 shall not be construed as being discontinuances or dissolutions of those districts or boards as may be provided for by statute outside such sections.

Sec. 4. Section 2-3219, Reissue Revised Statutes of Nebraska, is amended to read:

2-3219. (1) The board shall hold regularly scheduled monthly meetings at which meetings the board shall take such action and make such determinations as are required by sections 2-1502 to 2-1504, 2-1507, 2-3201 to 2-3257, 2-32,109 to 2-32,114, 31-101.01, 31-301.01, 31-401.01, ~~46-613.01, 46-614-01~~, and 46-1001.01. A majority of the voting members of the board shall constitute a quorum, and the concurrence of a majority of a quorum shall be sufficient to take action and make determinations. Within ninety days of the creation of any natural resources district, the board thereof shall, by

appropriate rules and regulations, designate the regular time and place such meetings are to be held. At the first meeting of each year, the board shall review its program for the preceding year and outline its plans for the following year. At the first regularly scheduled meeting after the completion of the yearly audit required by section 2-3223, it shall present a report of the financial condition of the district and open discussion relevant to the same. Notice shall be given of all board meetings pursuant to section 84-1411.

(2) The boards of directors of the natural resources districts within each river basin shall meet jointly at least twice a year at such times and places as may be mutually agreed upon for the purpose of receiving and coordinating their efforts for the maximum benefit of the basin.

Sec. 5. Section 2-3222, Reissue Revised Statutes of Nebraska, is amended to read:

2-3222. The board shall furnish to the commission copies of such rules, regulations, orders, contracts, forms, plans, audits, agreements, minutes of their meetings, and other documents as they shall plan to adopt or employ and such other information concerning their activities as the commission may require in the performance of its duties under sections 2-1502 to 2-1504, 2-1507, 2-3201 to 2-3257, 2-32,109 to 2-32,114, 31-101.01, 31-301.01, 31-401.01, 46-613.01, ~~46-614-01~~, and 46-1001.01.

Sec. 6. Section 2-3226, Reissue Revised Statutes of Nebraska, is amended to read:

2-3226. Each district shall have the power and authority to issue revenue bonds for the purpose of financing construction of facilities authorized by sections 2-1502 to 2-1504, 2-1507, 2-3201 to 2-3257, 2-32,109 to 2-32,114, 31-101.01, 31-301.01, 31-401.01, 46-613.01, ~~46-614-01~~, and 46-1001.01. Issuance of revenue bonds must be approved by two-thirds of the members of the board of directors of the district. The district shall pledge sufficient revenue from any revenue-producing facility constructed with the aid of revenue bonds for the payment of principal and interest on such bonds and shall establish rates for such facilities at a sufficient level to provide for the operation of such facilities and for the bond payments.

Sec. 7. Section 2-3233, Reissue Revised Statutes of Nebraska, is amended to read:

2-3233. Each district shall have the power and authority to acquire and dispose of water rights in accordance with Chapter 46, article 2, and to acquire by grant, purchase, bequest, devise, or lease and to hold and use waterworks, personal property, and interests or title in real property, and to sell, lease, encumber, or otherwise dispose of such waterworks and property. Each district shall also have the power and authority to acquire, construct, own, operate, control, maintain, and use any and all such works and facilities, both within and without the district, necessary to carry out the provisions of sections 2-1502 to 2-1504, 2-1507, 2-3201 to 2-3257, 2-32,109 to 2-32,114, 31-101.01, 31-301.01, 31-401.01, 46-613.01, ~~46-614-01~~, and 46-1001.01 and furnish water service for domestic, irrigation, power, manufacturing, and other beneficial purposes.

Sec. 8. Section 2-3234, Reissue Revised Statutes of Nebraska, is amended to read:

2-3234. Each district shall have the power and authority to exercise the power of eminent domain when necessary to carry out the purposes of sections 2-1502 to 2-1504, 2-1507, 2-3201 to 2-3257, 2-32,109 to 2-32,114, 31-101.01, 31-301.01, 31-401.01, 46-613.01, ~~46-614-01~~, and 46-1001.01 within the limits of the district or outside its boundaries. Exercise of eminent domain shall be governed by the provisions of sections 76-704 to 76-724, except that whenever any district seeks to acquire the right to interfere with the use of any water being used for power purposes in accordance with sections 46-204, 70-668, 70-669, and 70-672 and is unable to agree with the user of such water upon the compensation to be paid for such interference, the procedure to condemn property shall be followed in the manner set forth in sections 76-704 to 76-724 and no other property shall be included in such condemnation. No district shall contract for delivery of water to persons within the corporate limits of any village, city, or metropolitan utilities district, nor in competition therewith outside such corporate limits, except by consent of and written agreement with the governing body of such political subdivision. A village, city, or metropolitan utilities district may negotiate and, if necessary, exercise the power of eminent domain for the acquisition of water supply facilities of the district which are within its boundaries.

Sec. 9. Section 32-608, Revised Statutes Supplement, 1997, is amended to read:

32-608. (1) Except as provided in subsection (4) or (5) of this

section, a filing fee shall be paid by or on behalf of each candidate prior to filing for office. The filing fee shall be paid to the county treasurer or, in the case of a city or village office, the city or village treasurer of the county, city, or village in which the candidate resides or, if the candidate does not reside at the time of filing in the county in which such candidate is seeking office, in the county where the office is sought. The fee shall be placed in the general fund of the county, city, or village. No candidate filing forms shall be filed until the proper treasurer's receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the county, city, or village treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(2) Notwithstanding the provisions of subsection (4) of this section, the filing fees shall be as follows:

(a) For the office of United States Senator, state officers, including members of the Legislature, Representatives in Congress, county officers including county superintendents of schools, and city or village officers, except the mayor or council members of cities having a home rule charter, a sum equal to one percent of the annual salary such candidate will receive if he or she is elected and qualifies for the office for which he or she files as a candidate;

(b) For directors of public power and irrigation districts in districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in districts receiving annual gross revenue of less than forty million dollars, ten dollars;

(c) For directors of reclamation districts, ten dollars; and

(d) For Regents of the University of Nebraska, members of the State Board of Education, and directors of metropolitan utilities districts, twenty-five dollars.

(3) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within ten days after the canvass of votes by the county canvassing board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

(4) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required for any candidate for membership on a school board, on the board of an educational service unit, on the board of governors of a community college area, on the board of directors of a weather control district, ~~or a natural resources district, or a ground water conservation district,~~ or on the board of trustees of a sanitary and improvement district.

(5) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. Available resources shall include every type of property or interest in property that an individual owns and may convert into cash except:

(a) Real property used as a home;

(b) Household goods of a moderate value used in the home; and

(c) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.

(6) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the proper governing body prior to the date of the election. Upon approval of the claim by the proper governing body, the filing fee shall be refunded.

Sec. 10. Original sections 2-3201, 2-3202, 2-3212.01, 2-3219, 2-3222, 2-3226, 2-3233, and 2-3234, Reissue Revised Statutes of Nebraska, and section 32-608, Revised Statutes Supplement, 1997, are repealed.

Sec. 11. The following sections are outright repealed: Sections 46-614 to 46-628, 46-631, 46-632, and 46-634, Reissue Revised Statutes of Nebraska, and sections 46-629, 46-630, and 46-656.24, Revised Statutes Supplement, 1996.