

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 932**

Introduced by Christensen, 44.

Read first time January 13, 2010

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources; to amend sections  
2 2-3226.06, 2-3226.07, and 2-3226.08, Revised Statutes  
3 Cumulative Supplement, 2008; to change provisions  
4 relating to repayment of financial assistance as  
5 prescribed; to harmonize provisions; and to repeal the  
6 original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 2-3226.06, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           2-3226.06 The Legislature finds that water rights holders  
4 who lease and forego water use to assist in the management,  
5 protection, and conservation of the water resources of river  
6 basins must be paid. It is the intent of the Legislature to  
7 provide payment to such water rights holders through the financial  
8 assistance provided in section 2-3226.07. The Legislature further  
9 finds that, if the Legislature requires the financial assistance  
10 provided by the state under such section ~~shall to be repaid,~~  
11 such repayment may be made through the authority granted under  
12 Laws 2007, LB 701, or such other means as are provided by the  
13 Legislature.

14           Sec. 2. Section 2-3226.07, Revised Statutes Cumulative  
15 Supplement, 2008, is amended to read:

16           2-3226.07 (1) The Water Contingency Cash Fund is created.  
17 The department shall administer the fund. Any money in the fund  
18 available for investment shall be invested by the state investment  
19 officer pursuant to the Nebraska Capital Expansion Act and the  
20 Nebraska State Funds Investment Act.

21           (2) No later than five days after April 2, 2008, a  
22 natural resources district with jurisdiction that ~~includes a river~~  
23 ~~subject to an interstate compact among three or more states and~~  
24 ~~that also includes one or more irrigation districts within the~~  
25 ~~compact river basin,~~ is part of a river basin described in section

1 2-1504 in which a majority of the districts have adopted controls  
2 in accordance with subdivision (1)(d) of section 46-739, and such  
3 natural resources district, using authority granted under Laws  
4 2007, LB 701, enters or has entered into agreements, shall submit  
5 a request in writing to the department certifying the amount  
6 of financial assistance necessary to meet its obligations under  
7 section 2-3226.04 by or through obligations of joint entities or  
8 joint public agencies formed for the purposes described in section  
9 2-3226.01. Within fifteen days after April 2, 2008, if such a  
10 request has been received by the department, the department shall  
11 expend from the Water Contingency Cash Fund the amount requested  
12 to provide financial assistance to the submitting natural resources  
13 district. The natural resources district shall use the financial  
14 assistance provided by the state from the Water Contingency Cash  
15 Fund to compensate water rights holders who agree or have agreed  
16 to lease and forgo the use of water. Any financial assistance  
17 provided under this section not used for such purpose by the  
18 natural resources district within sixty days after it is received  
19 by such district shall be returned to the department for credit to  
20 the Water Contingency Cash Fund.

21           Sec. 3. Section 2-3226.08, Revised Statutes Cumulative  
22 Supplement, 2008, is amended to read:

23           2-3226.08 (1) ~~Any~~ Except as provided in subsection (2) of  
24 this section, any district receiving financial assistance pursuant  
25 to section 2-3226.07 shall remit to the department the proceeds

1 of the property tax authorized pursuant to subdivision (1)(d)  
2 of section 2-3225, the proceeds of the occupation tax authorized  
3 pursuant to section 2-3226.05, or both, when such proceeds are  
4 available for distribution until the amount of such financial  
5 assistance has been repaid. Such proceeds shall be remitted within  
6 fifteen days after receipt of the proceeds by the district.

7 (2) If ~~the~~ a district does not receive proceeds described  
8 in subsection ~~(1)~~ of this section, the district shall reimburse the  
9 Water Contingency Cash Fund by such means as are provided by the  
10 Legislature. ~~Such reimbursement shall be made no later than June~~  
11 ~~30, 2013,~~ described in subsection (1) of this section is no longer  
12 authorized to use the proceeds of or is no longer authorized to  
13 levy the property tax described in subdivision (1)(d) of section  
14 2-3225 or the occupation tax described in section 2-3226.05,  
15 the district has no obligation to repay the financial assistance  
16 received pursuant to section 2-3226.07.

17 Sec. 4. Original sections 2-3226.06, 2-3226.07, and  
18 2-3226.08, Revised Statutes Cumulative Supplement, 2008, are  
19 repealed.