

LEGISLATIVE BILL 758

Approved by the Governor February 28, 2018

Introduced by Hughes, 44; Groene, 42.

A BILL FOR AN ACT relating to water; to provide for voluntary payments in lieu of taxes relating to water augmentation projects as prescribed; to provide for notices, hearings, annual reports, and submission of leases as prescribed; and to declare an emergency.

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

Section 1. (1) Any joint entity created pursuant to the Interlocal Cooperation Act or natural resources district that acquires title to private lands for the purpose of developing and operating a water augmentation project for streamflow enhancement, as authorized by section 46-715, may agree to make voluntary payments in lieu of taxes to the county treasurer of the county in which the land is located. A payment in lieu of tax may be made for any year in which the joint entity or natural resources district owns the land, including any year prior to the effective date of this act. The amount of the payment in lieu of tax for any year shall not be more than the real property taxes that would have been paid on the land if the land were subject to taxation. The county treasurer shall allocate the payment in lieu of tax to the taxing units in the county in the same proportion that property taxes would have been allocated to such taxing units if the land were subject to taxation.

(2) Any joint entity created pursuant to the Interlocal Cooperation Act or natural resources district that has secured a contract or memorandum of agreement to acquire title to private land for the purpose of developing and operating a water augmentation project for streamflow enhancement, as authorized by section 46-715, shall:

(a) Provide public notice of the joint entity's or district's intention to proceed with the water augmentation project. The notice shall include the project's intended purpose, an estimate of the amount of water that will be pumped for the purpose of augmentation, and the timeframe in which the water will be used;

(b) Hold a public hearing and accept public comment on the project; and

(c) Seek the input of officials from the county in which the project will be located and adjoining landowners on ways to minimize the effects of the project on the county.

(3)(a) Any joint entity created pursuant to the Interlocal Cooperation Act or natural resources district that is operating a water augmentation project for streamflow enhancement shall publish an annual report that includes the following information regarding the project:

(i) Details on the operation of the project;

(ii) The amount of water pumped;

(iii) The amount of land leased and for what purposes;

(iv) The amount of revenue gained from land leases;

(v) The amount of payments made in lieu of taxes;

(vi) Financial details of the project, including the amount of debt, the amount of outstanding bonds and loans, and the project budget;

(vii) Whether the project is achieving its intended purpose;

(viii) The effect of the project on ground water supplies; and

(ix) Projections for use of the project in the future and the effect of the use on ground water supplies.

(b) The joint entity or natural resources district shall provide public notice and hold a public hearing to allow an opportunity for public comment on the report required under subdivision (3)(a) of this section.

(4) Any joint entity created pursuant to the Interlocal Cooperation Act or natural resources district that has acquired title to private lands for the purpose of developing and operating a water augmentation project for streamflow enhancement, as authorized by section 46-715, shall submit all leases relating to such lands to the appropriate county assessor within thirty days after the effective date of the lease.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.