

AMENDMENTS TO LB 1094

Introduced by Carlson, 38.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 2-3225, Revised Statutes Supplement,
4 2007, is amended to read:

5 2-3225 (1) (a) Each district shall have the power and
6 authority to levy a tax of not to exceed four and one-half cents
7 on each one hundred dollars of taxable valuation annually on all of
8 the taxable property within such district unless a higher levy is
9 authorized pursuant to section 77-3444.

10 (b) Each district shall also have the power and authority
11 to levy a tax equal to the dollar amount by which its restricted
12 funds budgeted to administer and implement ground water management
13 activities and integrated management activities under the Nebraska
14 Ground Water Management and Protection Act exceed its restricted
15 funds budgeted to administer and implement ground water management
16 activities and integrated management activities for FY2003-04, not
17 to exceed one cent on each one hundred dollars of taxable valuation
18 annually on all of the taxable property within the district.

19 (c) In addition to the power and authority granted in
20 subdivisions (1) (a) and (b) of this section, each district located
21 in a river basin, subbasin, or reach that has been determined
22 to be fully appropriated pursuant to section 46-714 or designated
23 overappropriated pursuant to section 46-713 by the Department of

1 Natural Resources shall also have the power and authority to
2 levy a tax equal to the dollar amount by which its restricted
3 funds budgeted to administer and implement ground water management
4 activities and integrated management activities under the Nebraska
5 Ground Water Management and Protection Act exceed its restricted
6 funds budgeted to administer and implement ground water management
7 activities and integrated management activities for FY2005-06, not
8 to exceed three cents on each one hundred dollars of taxable
9 valuation on all of the taxable property within the district for
10 fiscal year 2006-07 and each fiscal year thereafter through fiscal
11 year 2011-12.

12 (d) In addition to the power and authority granted in
13 subdivisions (a) through (c) of this subsection, a district with
14 jurisdiction that includes a river subject to an interstate compact
15 among three or more states and that also includes one or more
16 irrigation districts within the compact river basin may annually
17 levy a tax not to exceed ten cents per one hundred dollars of
18 taxable valuation of all taxable property in the district. The
19 proceeds of such tax may be used for the payment of principal and
20 interest on bonds and refunding bonds issued pursuant to section
21 2-3226.01 or for the repayment of financial assistance received
22 by the district pursuant to section 5 of this act. Such levy is
23 not includable in the computation of other limitations upon the
24 district's tax levy.

25 (2) The proceeds of the tax levies authorized in
26 subdivisions (1)(a) through (c) of this section shall be used,
27 together with any other funds which the district may receive from

1 any source, for the operation of the district. When adopted by the
2 board, the tax levies authorized in subdivisions (1)(a) through (d)
3 of this section shall be certified by the secretary to the county
4 clerk of each county which in whole or in part is included within
5 the district. Such levy shall be handled by the counties in the
6 same manner as other levies, and proceeds shall be remitted to the
7 district treasurer. Such levy shall not be considered a part of the
8 general county levy and shall not be considered in connection with
9 any limitation on levies of such counties.

10 Sec. 2. Section 2-3226.01, Revised Statutes Supplement,
11 2007, is amended to read:

12 2-3226.01 (1) In order to implement its duties and
13 obligations under the Nebraska Ground Water Management and
14 Protection Act and in addition to other powers authorized by law,
15 the board of a district with jurisdiction that includes a river
16 subject to an interstate compact among three or more states and
17 that also includes one or more irrigation districts within the
18 compact river basin may issue negotiable bonds and refunding bonds
19 of the district and entitled river-flow enhancement bonds, with
20 terms determined appropriate by the board, payable by (a) funds
21 granted to such district by the state or federal government for
22 one or more qualified projects, (b) the occupation tax authorized
23 by section 2-3226.05, or (c) the levy authorized by section 2-3225.
24 The district may issue the bonds or refunding bonds directly,
25 or such bonds may be issued by any joint entity as defined
26 in section 13-803 whose member public agencies consist only of
27 qualified natural resources districts or by any joint public

1 agency as defined in section 13-2503 whose participating public
2 agencies consist only of qualified natural resources districts, in
3 connection with any joint project which is to be owned, operated,
4 or financed by the joint entity or joint public agency for the
5 benefit of its member natural resources districts. For the payment
6 of such bonds or refunding bonds, the district may pledge one or
7 more permitted payment sources.

8 (2) Within forty-five days after receipt of a written
9 request by the Natural Resources Committee of the Legislature, the
10 qualified natural resources districts shall submit a written report
11 to the committee containing an explanation of existing or planned
12 activities for river-flow enhancement, the revenue source for
13 implementing such activities, and a description of the estimated
14 benefit or benefits to the district or districts.

15 (3) Beginning on April 1, 2008, if a district uses the
16 proceeds of a bond issued pursuant to this section for the purposes
17 described in subdivision (1) of section 2-3226.04 or the state uses
18 funds for those same purposes, ~~such district shall restrict the~~
19 ~~use of ground water from water wells used on acres certified for~~
20 ~~both ground water use and surface water use to no greater than~~
21 ~~the total ground water allocation previously permitted by district~~
22 ~~rule or regulation less any surface water purchased, leased, or~~
23 ~~otherwise acquired for implementation of the project entered into~~
24 ~~by the district. the agreement to acquire water rights by purchase~~
25 ~~or lease pursuant to such subdivision shall identify (a) the~~
26 ~~method of payment, (b) the distribution of funds by the party or~~
27 ~~parties receiving payments, (c) the water use or rights subject~~

1 to the agreement, and (d) the water use or rights allowed by the
2 agreement. If any irrigation district is party to the agreement,
3 the irrigation district shall allocate funds received under such
4 agreement among its users or members in a reasonable manner, giving
5 consideration to the benefits received and the value of the rights
6 surrendered.

7 Sec. 3. Section 2-3226.05, Revised Statutes Supplement,
8 2007, is amended to read:

9 2-3226.05 (1) The district may levy an occupation tax
10 upon the activity of irrigation of agricultural lands within
11 such district on an annual basis, not to exceed ten dollars per
12 irrigated acre, the proceeds of which may be used for the purpose
13 of repaying principal and interest on any bonds or refunding bonds
14 issued pursuant to section 2-3226.01 for one or more projects under
15 section 2-3226.04 or for the repayment of financial assistance
16 received by the district pursuant to section 5 of this act.

17 (2) Acres classified by the county assessor as irrigated
18 shall be subject to such district's occupation tax unless, on or
19 before July 1, 2007, and on or before March 1 in each subsequent
20 year, the record owner certifies to the district the nonirrigation
21 status of such acres.

22 (3) Any such occupation tax shall remain in effect so
23 long as the district has bonds outstanding which have been issued
24 stating such occupation tax as an available source for payment.

25 (4) Such occupation taxes shall be certified to,
26 collected by, and accounted for by the county treasurer at the same
27 time as general real estate taxes, and such occupation taxes shall

1 be and remain a perpetual lien against such real estate until paid.
2 Such occupation taxes shall become delinquent at the same time as
3 general real property taxes.

4 (5) Such lien shall be inferior only to general taxes
5 levied by political subdivisions of the state. When such occupation
6 taxes have become delinquent and the real property on which the
7 irrigation took place has not been offered at any tax sale, the
8 district may proceed in district court in the county in which the
9 real estate is situated to foreclose in its own name the lien
10 in the same manner and with like effect as a foreclosure of a
11 real estate mortgage, except that sections 77-1903 to 77-1917 shall
12 govern when applicable.

13 Sec. 4. The Legislature finds that water rights holders
14 who lease and forego water use to assist in the management,
15 protection, and conservation of the water resources of river
16 basins must be paid. It is the intent of the Legislature to
17 provide payment to such water rights holders through the financial
18 assistance provided in section 5 of this act. The Legislature
19 further finds that the financial assistance provided by the state
20 under such section shall be repaid through the authority granted
21 under Laws 2007, LB 701, or such other means as are provided by the
22 Legislature.

23 Sec. 5. (1) The Water Contingency Cash Fund is created.
24 The department shall administer the fund. Any money in the fund
25 available for investment shall be invested by the state investment
26 officer pursuant to the Nebraska Capital Expansion Act and the
27 Nebraska State Funds Investment Act.

1 (2) No later than five days after the effective date
2 of this act, a natural resources district with jurisdiction that
3 includes a river subject to an interstate compact among three or
4 more states and that also includes one or more irrigation districts
5 within the compact river basin, and such natural resources
6 district, using authority granted under Laws 2007, LB 701, enters
7 or has entered into agreements, shall submit a request in writing
8 to the department certifying the amount of financial assistance
9 necessary to meet its obligations under section 2-3226.04. Within
10 fifteen days after the effective date of this act, if such a
11 request has been received by the department, the department shall
12 expend from the Water Contingency Cash Fund the amount requested
13 to provide financial assistance to the submitting natural resources
14 district. The natural resources district shall use the financial
15 assistance provided by the state from the Water Contingency Cash
16 Fund to compensate water rights holders who agree or have agreed
17 to lease and forgo the use of water. Any financial assistance
18 provided under this section not used for such purpose by the
19 natural resources district within sixty days after it is received
20 by such district shall be returned to the department for credit to
21 the Water Contingency Cash Fund.

22 Sec. 6. (1) Any district receiving financial assistance
23 pursuant to section 5 of this act shall remit to the department
24 the proceeds of the property tax authorized pursuant to subdivision
25 (1)(d) of section 2-3225, the proceeds of the occupation tax
26 authorized pursuant to section 2-3226.05, or both, when such
27 proceeds are available for distribution until the amount of such

1 financial assistance has been repaid. Such proceeds shall be
2 remitted within fifteen days after receipt of the proceeds by the
3 district.

4 (2) If the district does not receive proceeds described
5 in subsection (1) of this section, the district shall reimburse the
6 Water Contingency Cash Fund by such means as are provided by the
7 Legislature. Such reimbursement shall be made no later than June
8 30, 2013.

9 Sec. 7. The department shall remit reimbursements
10 received pursuant to section 6 of this act to the State Treasurer
11 for credit to the Water Contingency Cash Fund. The department shall
12 calculate the amount of such reimbursements so remitted. After the
13 initial disbursement of financial assistance by the department as
14 authorized in section 5 of this act, the State Treasurer shall, at
15 the end of each calendar month, transfer the balance of the Water
16 Contingency Cash Fund to the Cash Reserve Fund.

17 Sec. 8. Section 84-612, Revised Statutes Supplement,
18 2007, is amended to read:

19 84-612 (1) There is hereby created within the state
20 treasury a fund known as the Cash Reserve Fund which shall be under
21 the direction of the State Treasurer. The fund shall only be used
22 pursuant to this section.

23 (2) The State Treasurer shall transfer funds from the
24 Cash Reserve Fund to the General Fund upon certification by the
25 Director of Administrative Services that the current cash balance
26 in the General Fund is inadequate to meet current obligations. Such
27 certification shall include the dollar amount to be transferred.

1 Any transfers made pursuant to this subsection shall be reversed
2 upon notification by the Director of Administrative Services that
3 sufficient funds are available.

4 (3) The State Treasurer, at the direction of the
5 budget administrator of the budget division of the Department
6 of Administrative Services, shall transfer such amounts not to
7 exceed seven million seven hundred fifty-three thousand two hundred
8 sixty-three dollars in total from the Cash Reserve Fund to the
9 Nebraska Capital Construction Fund between July 1, 2003, and June
10 30, 2007.

11 (4) The State Treasurer, at the direction of the budget
12 administrator, shall transfer an amount equal to the total amount
13 transferred pursuant to subsection (3) of this section from the
14 General Fund to the Cash Reserve Fund on or before June 30, 2008.

15 (5) In addition to receiving transfers from other funds,
16 the Cash Reserve Fund shall receive federal funds received by the
17 State of Nebraska for undesignated general government purposes,
18 federal revenue sharing, or general fiscal relief of the state.

19 (6) On June 15, 2007, the State Treasurer shall transfer
20 fifteen million six hundred seventy-four thousand one hundred seven
21 dollars from the Cash Reserve Fund to the General Fund.

22 (7) On June 16, 2008, the State Treasurer shall transfer
23 seventeen million nine hundred thirty-one thousand thirty dollars
24 from the Cash Reserve Fund to the General Fund.

25 (8) On June 15, 2009, the State Treasurer shall transfer
26 four million nine hundred ninety thousand five hundred five dollars
27 from the Cash Reserve Fund to the General Fund.

1 (9) On or before June 16, 2008, the State Treasurer, at
2 the direction of the budget administrator, shall transfer fifty
3 million dollars from the Cash Reserve Fund to the General Fund.

4 (10) On or before June 16, 2009, the State Treasurer,
5 at the direction of the budget administrator, shall transfer fifty
6 million dollars from the Cash Reserve Fund to the General Fund.

7 (11) From the effective date of an endowment agreement
8 as defined in subdivision (3)(c) of section 79-1101 until June
9 30, 2007, forty million dollars of the Cash Reserve Fund shall be
10 deemed to constitute the Early Childhood Education Endowment Fund.
11 Such funds shall remain part of the Cash Reserve Fund for all
12 purposes, except that the interest earned on such forty million
13 dollars shall accrue as provided in section 84-613.

14 (12) The State Treasurer, at the direction of the budget
15 administrator, shall transfer such amounts, as certified by the
16 Director of Administrative Services, for employee health insurance
17 claims and expenses, not to exceed twelve million dollars in total
18 from the Cash Reserve Fund to the State Employees Insurance Fund
19 between May 1, 2007, and June 30, 2011.

20 (13) On July 9, 2007, the State Treasurer shall transfer
21 twelve million dollars from the Cash Reserve Fund to the Nebraska
22 Capital Construction Fund.

23 (14) On July 9, 2007, the State Treasurer shall transfer
24 five million dollars from the Cash Reserve Fund to the Job Training
25 Cash Fund. The State Treasurer shall transfer from the Job Training
26 Cash Fund to the Cash Reserve Fund such amounts as directed in
27 section 81-1201.21.

1 (15) On July 7, 2008, the State Treasurer shall transfer
2 five million dollars from the Cash Reserve Fund to the Job Training
3 Cash Fund. The State Treasurer shall transfer from the Job Training
4 Cash Fund to the Cash Reserve Fund such amounts as directed in
5 section 81-1201.21.

6 (16) On or before August 1, 2007, the State Treasurer,
7 at the direction of the budget administrator, shall transfer
8 seventy-five million dollars from the Cash Reserve Fund to the
9 Nebraska Capital Construction Fund.

10 (17) On or before June 30, 2009, the State Treasurer
11 shall transfer nine million five hundred ninety thousand dollars
12 from the Cash Reserve Fund to the Nebraska Capital Construction
13 Fund.

14 (18) The State Treasurer, at the direction of the budget
15 administrator, shall transfer an amount equal to the total amount
16 transferred pursuant to subsection (12) of this section from
17 the appropriate health insurance accounts of the State Employees
18 Insurance Fund in such amounts as certified by the Director of
19 Administrative Services to the Cash Reserve Fund on or before June
20 30, 2011.

21 (19) On July 9, 2007, the State Treasurer shall
22 transfer one million dollars from the Cash Reserve Fund to the
23 Microenterprise Development Cash Fund.

24 (20) On July 9, 2007, the State Treasurer shall transfer
25 two hundred fifty thousand dollars from the Cash Reserve Fund to
26 the Building Entrepreneurial Communities Cash Fund.

27 (21) On July 7, 2008, the State Treasurer shall

1 transfer one million dollars from the Cash Reserve Fund to the
2 Microenterprise Development Cash Fund.

3 (22) On July 7, 2008, the State Treasurer shall transfer
4 two hundred fifty thousand dollars from the Cash Reserve Fund to
5 the Building Entrepreneurial Communities Cash Fund.

6 (23) Within seven days after the effective date of this
7 act, the State Treasurer shall transfer nine million dollars from
8 the Cash Reserve Fund to the Water Contingency Cash Fund.

9 Sec. 9. Original sections 2-3225, 2-3226.01, 2-3226.05,
10 and 84-612, Revised Statutes Supplement, 2007, are repealed.

11 Sec. 10. Since an emergency exists, this act takes effect
12 when passed and approved according to law.