

AMENDMENTS TO LB 701

Introduced by Natural Resources

1           1. Strike the original sections and all amendments  
2 thereto and insert the following sections:

3           Sec. 5. Section 2-3202, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5           2-3202 For purposes of Chapter 2, article 32, and  
6 sections 6 to 9 and 15 of this act unless the context otherwise  
7 requires:

8           (1) Commission means the Nebraska Natural Resources  
9 Commission;

10           (2) Natural resources district or district means a  
11 natural resources district operating pursuant to Chapter 2, article  
12 32;

13           (3) Board means the board of directors of a district;

14           (4) Director means a member of the board;

15           (5) Other special-purpose districts means rural  
16 water districts, drainage districts, reclamation districts, and  
17 irrigation districts;

18           (6) Manager means the chief executive hired by a majority  
19 vote of the board to be the supervising officer of the district;  
20 and

21           (7) Department means the Department of Natural Resources.

22           Sec. 6. In order to implement its duties and obligations  
23 under the Nebraska Ground Water Management and Protection Act

1 and in addition to other powers authorized by law, the board  
2 of a district with jurisdiction that includes a river subject  
3 to an interstate compact among three or more states and that  
4 also includes one or more irrigation districts within the compact  
5 river basin may issue negotiable bonds and refunding bonds of the  
6 district and entitled river flow enhancement bonds, with terms  
7 determined appropriate by the board, payable by (1) funds granted  
8 to such district by the state or federal government for one or more  
9 qualified projects, (2) the occupation tax authorized by section  
10 9 of this act, or (3) the levy authorized by section 2-3231.  
11 The district may issue the bonds or refunding bonds directly  
12 or such bonds may be issued to any joint entity as defined in  
13 section 13-803 or to any joint public agency as defined in section  
14 13-2503 in connection with any joint project which is to be owned,  
15 operated, or financed by the joint entity or joint public agency  
16 for the benefit of the district. For the payment of such bonds  
17 or refunding bonds, the district may pledge one or more permitted  
18 payment sources.

19       Sec. 7. The board of a district issuing bonds pursuant to  
20 section 6 of this act may agree to pay fees to fiscal agents in  
21 connection with the placement of bonds of the district. Such bonds  
22 shall be subject to the same terms and conditions as provided by  
23 section 2-3254.07 for improvement area bonds and such other terms  
24 and conditions as the board determines appropriate.

25       Sec. 8. The proceeds of bonds issued pursuant to section  
26 6 of this act shall only be used to pay or refinance the costs  
27 of: (1) Acquisition and ownership of water rights in accordance

1 with Chapter 46, article 6, pertaining to groundwater, and Chapter  
2 46, article 2, pertaining to surface water, including storage  
3 water rights with respect to a river or any of its tributaries;  
4 (2) acquisition by purchase or lease or the administration and  
5 management, pursuant to mutual agreement, of canals and other  
6 works, including reservoirs, constructed for irrigation from a  
7 river or any of its tributaries; (3) vegetation management,  
8 including but not limited to, the removal of invasive species  
9 in or near a river or any of its tributaries; and (4) the  
10 augmentation of river flows.

11           Sec. 9. (1) The district may levy an occupation tax  
12 upon the activity of irrigation of agricultural lands within  
13 such district on an annual basis, not to exceed ten dollars per  
14 irrigated acre, for the purpose of repaying principal and interest  
15 on any bonds or refunding bonds issued pursuant to section 6 of  
16 this act for one or more projects under section 8 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 collected and  
26 accounted for by the county treasurer at the same time as general  
27 real estate taxes, and such occupation taxes shall be and remain a

1 perpetual lien against such real estate until paid.

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

11 Sec. 10. Section 2-3225, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13 2-3225 (1)(a) Each district shall have the power and  
14 authority to levy a tax of not to exceed four and one-half cents  
15 on each one hundred dollars of taxable valuation annually on all of  
16 the taxable property within such district unless a higher levy is  
17 authorized pursuant to section 77-3444.

18 (b) Each district shall also have the power and authority  
19 to levy a tax equal to the dollar amount by which its restricted  
20 funds budgeted to administer and implement ground water management  
21 activities and integrated management activities under the Nebraska  
22 Ground Water Management and Protection Act exceed its restricted  
23 funds budgeted to administer and implement ground water management  
24 activities and integrated management activities for FY2003-04, not  
25 to exceed one cent on each one hundred dollars of taxable valuation  
26 annually on all of the taxable property within the district.

27 (c) In addition to the power and authority granted in

1 subdivisions (1) (a) and (b) of this section, each district located  
2 in a river basin, subbasin, or reach that has been determined  
3 to be fully appropriated pursuant to section 46-714 or designated  
4 overappropriated pursuant to section 46-713 by the Department of  
5 Natural Resources shall also have the power and authority to  
6 levy a tax equal to the dollar amount by which its restricted  
7 funds budgeted to administer and implement ground water management  
8 activities and integrated management activities under the Nebraska  
9 Ground Water Management and Protection Act exceed its restricted  
10 funds budgeted to administer and implement ground water management  
11 activities and integrated management activities for FY2005-06, not  
12 to exceed three cents on each one hundred dollars of taxable  
13 valuation on all of the taxable property within the district for  
14 fiscal year 2006-07 and ~~not to exceed two cents on each one~~  
15 ~~hundred dollars of taxable valuation annually on all of the taxable~~  
16 ~~property within the district for fiscal years 2007-08 and 2008-09.~~  
17 and each fiscal year thereafter through fiscal year 2011-12.

18 (d) In addition to the power and authority granted in  
19 subdivisions (a) through (c) of this subsection, a district with  
20 jurisdiction that includes a river subject to an interstate compact  
21 among three or more states and that also includes one or more  
22 irrigation districts within the compact river basin may annually  
23 levy a tax not to exceed ten cents per one hundred dollars of  
24 taxable valuation of all taxable property in the district for  
25 the payment of principal and interest on bonds and refunding  
26 bonds issued pursuant to section 6 of this act. Such levy is  
27 not includable in the computation of other limitations upon the

1 district's tax levy.

2           (2) The proceeds of such tax shall be used, together with  
3 any other funds which the district may receive from any source, for  
4 the operation of the district. When adopted by the board, the levy  
5 shall be certified by the secretary to the county clerk of each  
6 county which in whole or in part is included within the district.  
7 Such levy shall be handled by the counties in the same manner  
8 as other levies, and proceeds shall be remitted to the district  
9 treasurer. Such levy shall not be considered a part of the general  
10 county levy and shall not be considered in connection with any  
11 limitation on levies of such counties.

12           Sec. 11. Section 2-3231, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           2-3231 Each district shall have the power and authority  
15 to:

16           (1) Contract for the construction, preservation,  
17 operation, and maintenance of tunnels, reservoirs, regulating or  
18 reregulating basins, diversion works and canals, dams, drains,  
19 drainage systems, or other projects for a purpose mentioned in  
20 section 2-3229, and necessary works incident thereto, and to hold  
21 the federal government or any agency thereof free from liability  
22 arising from any construction;

23           (2) Contract with the United States for a water supply  
24 and water distribution and drainage systems under any Act of  
25 Congress providing for or permitting such contract;

26           (3) Acquire by purchase, lease, or otherwise mutually  
27 arrange to administer and manage any project works undertaken by

1 the United States or any of its agencies, or by this state or  
2 any of its agencies; ~~Provided,~~ except that this section shall  
3 not apply to any project being administered or managed by any  
4 public power district, public power and irrigation district, or  
5 metropolitan utilities district; and ~~reclamation district, or~~  
6 ~~irrigation district, and~~

7 (4) Act as agent of the United States, or any of its  
8 agencies, or for this state or any of its agencies, in connection  
9 with the acquisition, construction, operation, maintenance or  
10 management of any project within its boundaries.

11 Sec. 12. Section 13-808, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13 13-808 (1) Any joint entity may issue such types of bonds  
14 as its governing body may determine subject only to any agreement  
15 with the holders of outstanding bonds, including bonds as to which  
16 the principal and interest are payable exclusively from all or a  
17 portion of the revenue from one or more projects, from one or more  
18 revenue-producing contracts, including securities acquired from any  
19 person, bonds issued by any qualified public agency under the  
20 Public Facilities Construction and Finance Act, or leases made by  
21 the joint entity with any person, including any of those public  
22 agencies which are parties to the agreement creating the joint  
23 entity, or from its revenue generally or which may be additionally  
24 secured by a pledge of any grant, subsidy, or contribution from any  
25 person or a pledge of any income or revenue, funds, or money of the  
26 joint entity from any source whatsoever or a mortgage or security  
27 interest in any real or personal property, commodity, product, or

1 service or interest therein.

2 (2) Any bonds issued by such joint entity shall be  
3 issued on behalf of those public agencies which are parties to  
4 the agreement creating such joint entity and shall be authorized  
5 to be issued for the specific purpose or purposes for which  
6 the joint entity has been created. Such specific purposes may  
7 include, but shall not be limited to, joint projects authorized by  
8 the Public Facilities Construction and Finance Act; solid waste  
9 collection, management, and disposal; waste recycling; sanitary  
10 sewage treatment and disposal; public safety communications;  
11 correctional facilities; water treatment plants and distribution  
12 systems; drainage systems; flood control projects; fire protection  
13 services; ground water quality management and control; river flow  
14 enhancement; education and postsecondary education; hospital and  
15 other health care services; bridges, roads, and streets; and law  
16 enforcement.

17 (3) As an alternative to issuing bonds for financing  
18 public safety communication projects, any joint entity may enter  
19 into a financing agreement with the Nebraska Investment Finance  
20 Authority for such purpose.

21 (4) Any joint entity formed for purposes of providing or  
22 assisting with the provision of public safety communications may  
23 enter into an agreement with any other joint entity relating to  
24 (a) the operation, maintenance, or management of the property or  
25 facilities of such joint entity or (b) the operation, maintenance,  
26 or management of the property or facilities of such other joint  
27 entity.



1           Sec. 13. Section 13-2530, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           13-2530 (1) Any joint public agency may issue such types  
4 of bonds as its board may determine subject only to any agreement  
5 with the holders of outstanding bonds, including bonds as to which  
6 the principal and interest are payable exclusively from all or  
7 a portion of the revenue from one or more projects, from one  
8 or more revenue-producing contracts, including securities acquired  
9 from any person, bonds issued by any qualified public agency under  
10 the Public Facilities Construction and Finance Act, or leases made  
11 by the joint public agency with any person, including any of  
12 the public agencies which are parties to the agreement creating  
13 the joint public agency, or from its revenue generally or which  
14 may be additionally secured by a pledge of any grant, subsidy,  
15 or contribution from any person or a pledge of any income or  
16 revenue, funds, or money of the joint public agency from any  
17 source whatsoever or a mortgage or security interest in any real  
18 or personal property, commodity, product, or service or interest  
19 therein.

20           (2) Any bonds issued by such joint public agency shall  
21 be issued on behalf of the joint public agency solely for the  
22 specific purpose or purposes for which the joint public agency has  
23 been created. Such specific purposes may include, but shall not  
24 be limited to, joint projects authorized by the Public Facilities  
25 Construction and Finance Act; solid waste collection, management,  
26 and disposal; waste recycling; sanitary sewage treatment and  
27 disposal; public safety communications; correctional facilities;

1 water treatment plants and distribution systems; drainage systems;  
2 flood control projects; fire protection services; ground water  
3 quality management and control; river flow enhancement; education  
4 and postsecondary education; hospital and other health care  
5 services; bridges, roads, and streets; and law enforcement.

6 (3) As an alternative to issuing bonds for financing  
7 public safety communication projects, any joint public agency may  
8 enter into a financing agreement with the Nebraska Investment  
9 Finance Authority for such purpose.

10 (4) Any joint public agency formed for purposes of  
11 providing or assisting with the provision of public safety  
12 communications may enter into an agreement with any other joint  
13 public agency relating to (a) the operation, maintenance, or  
14 management of the property or facilities of such joint public  
15 agency or (b) the operation, maintenance, or management of the  
16 property or facilities of such other joint public agency.

17 Sec. 31. Section 77-3442, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19 77-3442 (1) Property tax levies for the support of local  
20 governments for fiscal years beginning on or after July 1, 1998,  
21 shall be limited to the amounts set forth in this section except as  
22 provided in section 77-3444.

23 (2) (a) Except as provided in subdivision (2) (d) of this  
24 section, school districts and multiple-district school systems,  
25 except learning communities and school districts that are members  
26 of learning communities, may levy a maximum levy of one dollar and  
27 five cents per one hundred dollars of taxable valuation of property

1 subject to the levy.

2 (b) Except as provided in subdivision (2)(d) of this  
3 section, for fiscal year 2008-09 and each fiscal year thereafter,  
4 (i) learning communities may levy a maximum levy for the general  
5 fund budgets of member school districts equal to the ratio of the  
6 aggregate difference of one hundred ten percent of the formula  
7 needs as calculated pursuant to section 79-1007.02 minus the amount  
8 of state aid certified pursuant to section 79-1022 and minus the  
9 other actual receipts included in local system formula resources  
10 pursuant to section 79-1018.01 for each member school district for  
11 such school fiscal year divided by each one hundred dollars of  
12 taxable property subject to the levy, except that such levy shall  
13 not exceed one dollar and two cents on each one hundred dollars  
14 of taxable property subject to the levy, and (ii) school districts  
15 that are members of learning communities may levy a maximum levy  
16 of the difference of one dollar and two cents on each one hundred  
17 dollars of taxable property subject to the levy minus the learning  
18 community levy pursuant to this subdivision for purposes of such  
19 school district's general fund budget and special building funds.

20 (c) Excluded from the limitations in subdivisions (a) and  
21 (b) of this subsection are amounts levied to pay for sums agreed to  
22 be paid by a school district to certificated employees in exchange  
23 for a voluntary termination of employment and amounts levied  
24 to pay for special building funds and sinking funds established  
25 for projects commenced prior to April 1, 1996, for construction,  
26 expansion, or alteration of school district buildings. For purposes  
27 of this subsection, commenced means any action taken by the school

1 board on the record which commits the board to expend district  
2 funds in planning, constructing, or carrying out the project.

3 (d) Federal aid school districts may exceed the maximum  
4 levy prescribed by subdivision (2)(a) or (b) of this section  
5 only to the extent necessary to qualify to receive federal aid  
6 pursuant to Title VIII of Public Law 103-382, as such title existed  
7 on September 1, 2001. For purposes of this subdivision, federal  
8 aid school district means any school district which receives ten  
9 percent or more of the revenue for its general fund budget from  
10 federal government sources pursuant to Title VIII of Public Law  
11 103-382, as such title existed on September 1, 2001.

12 (e) For school fiscal year 2002-03 through school fiscal  
13 year 2007-08, school districts and multiple-district school systems  
14 may, upon a three-fourths majority vote of the school board of  
15 the school district, the board of the unified system, or the  
16 school board of the high school district of the multiple-district  
17 school system that is not a unified system, exceed the maximum  
18 levy prescribed by subdivision (2)(a) of this section in an amount  
19 equal to the net difference between the amount of state aid that  
20 would have been provided under the Tax Equity and Educational  
21 Opportunities Support Act without the temporary aid adjustment  
22 factor as defined in section 79-1003 for the ensuing school fiscal  
23 year for the school district or multiple-district school system  
24 and the amount provided with the temporary aid adjustment factor.  
25 The State Department of Education shall certify to the school  
26 districts and multiple-district school systems the amount by which  
27 the maximum levy may be exceeded for the next school fiscal year

1 pursuant to this subdivision (e) of this subsection on or before  
2 February 15 for school fiscal years 2004-05 through 2007-08.

3 (f) For fiscal year 2008-09 and each fiscal year  
4 thereafter, learning communities may levy a maximum levy of two  
5 cents on each one hundred dollars of taxable property subject to  
6 the levy for special building funds for member school districts.

7 (g) For fiscal year 2008-09 and each fiscal year  
8 thereafter, learning communities may levy a maximum levy of one  
9 cent on each one hundred dollars of taxable property subject to the  
10 levy for the learning community budget and for projects approved by  
11 the learning community coordinating council.

12 (3) Community colleges may levy a maximum levy on each  
13 one hundred dollars of taxable property subject to the levy of  
14 seven cents, plus amounts allowed under subsection (7) of section  
15 85-1536.01, except that any community college whose valuation per  
16 reported aid equivalent student as defined in section 85-1503 was  
17 less than eighty-two percent of the average valuation per statewide  
18 reimbursable reported aid equivalent total as defined in section  
19 85-1503 for all community colleges for fiscal year 1997-98 may levy  
20 up to an additional one-half cent for each of fiscal years 2005-06  
21 and 2006-07 upon a three-fourths majority vote of the board.

22 (4) Natural resources districts may levy a maximum levy  
23 of four and one-half cents per one hundred dollars of taxable  
24 valuation of property subject to the levy. Natural resources  
25 districts shall also have the power and authority to levy a  
26 tax equal to the dollar amount by which their restricted funds  
27 budgeted to administer and implement ground water management

1 activities and integrated management activities under the Nebraska  
2 Ground Water Management and Protection Act exceed their restricted  
3 funds budgeted to administer and implement ground water management  
4 activities and integrated management activities for FY2003-04,  
5 not to exceed one cent on each one hundred dollars of taxable  
6 valuation annually on all of the taxable property within the  
7 district. In addition, natural resources districts located in a  
8 river basin, subbasin, or reach that has been determined to be  
9 fully appropriated pursuant to section 46-714 or designated as  
10 overappropriated pursuant to section 46-713 by the Department of  
11 Natural Resources shall also have the power and authority to  
12 levy a tax equal to the dollar amount by which their restricted  
13 funds budgeted to administer and implement ground water management  
14 activities and integrated management activities under the Nebraska  
15 Ground Water Management and Protection Act exceed their restricted  
16 funds budgeted to administer and implement ground water management  
17 activities and integrated management activities for FY2005-06, not  
18 to exceed three cents on each one hundred dollars of taxable  
19 valuation on all of the taxable property within the district for  
20 fiscal year 2006-07 ~~and not to exceed two cents on each one~~  
21 ~~hundred dollars of taxable valuation annually on all of the taxable~~  
22 ~~property within the district for fiscal years 2007-08 and 2008-09.~~  
23 and each fiscal year thereafter through fiscal year 2011-12.

24 (5) Educational service units may levy a maximum levy of  
25 one and one-half cents per one hundred dollars of taxable valuation  
26 of property subject to the levy.

27 (6) (a) Incorporated cities and villages which are not

1 within the boundaries of a municipal county may levy a maximum levy  
2 of forty-five cents per one hundred dollars of taxable valuation  
3 of property subject to the levy plus an additional five cents per  
4 one hundred dollars of taxable valuation to provide financing for  
5 the municipality's share of revenue required under an agreement  
6 or agreements executed pursuant to the Interlocal Cooperation Act  
7 or the Joint Public Agency Act. The maximum levy shall include  
8 amounts levied to pay for sums to support a library pursuant  
9 to section 51-201, museum pursuant to section 51-501, visiting  
10 community nurse, home health nurse, or home health agency pursuant  
11 to section 71-1637, or statue, memorial, or monument pursuant to  
12 section 80-202.

13 (b) Incorporated cities and villages which are within the  
14 boundaries of a municipal county may levy a maximum levy of ninety  
15 cents per one hundred dollars of taxable valuation of property  
16 subject to the levy. The maximum levy shall include amounts paid  
17 to a municipal county for county services, amounts levied to pay  
18 for sums to support a library pursuant to section 51-201, a museum  
19 pursuant to section 51-501, a visiting community nurse, home health  
20 nurse, or home health agency pursuant to section 71-1637, or a  
21 statue, memorial, or monument pursuant to section 80-202.

22 (7) Sanitary and improvement districts which have been in  
23 existence for more than five years may levy a maximum levy of forty  
24 cents per one hundred dollars of taxable valuation of property  
25 subject to the levy, and sanitary and improvement districts which  
26 have been in existence for five years or less shall not have  
27 a maximum levy. Unconsolidated sanitary and improvement districts

1 which have been in existence for more than five years and are  
2 located in a municipal county may levy a maximum of eighty-five  
3 cents per hundred dollars of taxable valuation of property subject  
4 to the levy.

5 (8) Counties may levy or authorize a maximum levy of  
6 fifty cents per one hundred dollars of taxable valuation of  
7 property subject to the levy, except that five cents per one  
8 hundred dollars of taxable valuation of property subject to the  
9 levy may only be levied to provide financing for the county's  
10 share of revenue required under an agreement or agreements executed  
11 pursuant to the Interlocal Cooperation Act or the Joint Public  
12 Agency Act. The maximum levy shall include amounts levied to pay  
13 for sums to support a library pursuant to section 51-201 or museum  
14 pursuant to section 51-501. The county may allocate up to fifteen  
15 cents of its authority to other political subdivisions subject  
16 to allocation of property tax authority under subsection (1) of  
17 section 77-3443 and not specifically covered in this section to  
18 levy taxes as authorized by law which do not collectively exceed  
19 fifteen cents per one hundred dollars of taxable valuation on any  
20 parcel or item of taxable property. The county may allocate to  
21 one or more other political subdivisions subject to allocation  
22 of property tax authority by the county under subsection (1) of  
23 section 77-3443 some or all of the county's five cents per one  
24 hundred dollars of valuation authorized for support of an agreement  
25 or agreements to be levied by the political subdivision for the  
26 purpose of supporting that political subdivision's share of revenue  
27 required under an agreement or agreements executed pursuant to the



1 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
2 allocation by a county would cause another county to exceed its  
3 levy authority under this section, the second county may exceed the  
4 levy authority in order to levy the amount allocated.

5 (9) Municipal counties may levy or authorize a maximum  
6 levy of one dollar per one hundred dollars of taxable valuation  
7 of property subject to the levy. The municipal county may allocate  
8 levy authority to any political subdivision or entity subject to  
9 allocation under section 77-3443.

10 (10) Property tax levies for judgments, except judgments  
11 or orders from the Commission of Industrial Relations, obtained  
12 against a political subdivision which require or obligate a  
13 political subdivision to pay such judgment, to the extent such  
14 judgment is not paid by liability insurance coverage of a  
15 political subdivision, for preexisting lease-purchase contracts  
16 approved prior to July 1, 1998, for bonded indebtedness approved  
17 according to law and secured by a levy on property, and for  
18 payments by a public airport to retire interest-free loans from the  
19 Department of Aeronautics in lieu of bonded indebtedness at a lower  
20 cost to the public airport are not included in the levy limits  
21 established by this section.

22 (11) The limitations on tax levies provided in this  
23 section are to include all other general or special levies  
24 provided by law. Notwithstanding other provisions of law, the  
25 only exceptions to the limits in this section are those provided by  
26 or authorized by sections 77-3442 to 77-3444.

27 (12) Tax levies in excess of the limitations in this

1 section shall be considered unauthorized levies under section  
2 77-1606 unless approved under section 77-3444.

3 (13) For purposes of sections 77-3442 to 77-3444,  
4 political subdivision means a political subdivision of this state  
5 and a county agricultural society.