

E AND R AMENDMENTS TO LB 160

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

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

3 Section 1. In addition to other powers authorized by law,
4 the board of directors of a natural resources district encompassing
5 a city of the metropolitan class, upon an affirmative vote of
6 two-thirds of the members of the board of directors, may issue
7 negotiable bonds and refunding bonds of the district, entitled
8 flood protection and water quality enhancement bonds, with terms
9 determined appropriate by the board of directors, payable from
10 an annual special flood protection and water quality enhancement
11 bond levy upon the taxable value of all taxable property in the
12 district. Such special bond levy is includable in the computation
13 of other limitations upon the district's tax levy and shall not
14 exceed one cent on each one hundred dollars of taxable valuation
15 annually on all of the taxable property within the district without
16 approval by a majority of registered voters of the district at an
17 election in accordance with the Election Act called by the board
18 of directors and held in conjunction with a statewide primary or
19 general election.

20 Sec. 2. (1) The proceeds of bonds issued pursuant
21 to section 1 of this act shall be used to pay costs of
22 design, rights-of-way acquisition, and construction of multipurpose
23 projects and practices for storm water management within the

1 natural resources district issuing such bonds, including flood
2 control and water quality. For purposes of this section, flood
3 control and water quality projects and practices include, but are
4 not limited to, low-impact development best management measures,
5 flood plain buyout, dams, reservoir basins, and levees. The
6 proceeds of bonds issued pursuant to section 1 of this act
7 shall not be used to fund combined sewer separation projects in
8 a city of the metropolitan class. No project for which bonds are
9 issued under section 1 of this act shall include a reservoir or
10 water quality basin having a permanent pool greater than four
11 hundred surface acres. Any project having a permanent pool greater
12 than twenty surface acres shall provide for public access.

13 (2) A district shall not acquire real property for a
14 project described in subsection (1) of this section by eminent
15 domain proceedings pursuant to sections 76-704 to 76-724 if the
16 real property is to be conveyed to a private entity or private
17 enterprise after such acquisition.

18 (3) Proceeds from bonds issued pursuant to section 1 of
19 this act or funds of a natural resources district encompassing
20 a city of the metropolitan class may be used to pay costs of a
21 reservoir or water quality basin project or projects greater than
22 twenty surface acres except when the county board of the affected
23 county votes on and passes a resolution stating that it does not
24 approve of the construction of such reservoir or water quality
25 basin project or projects within its exclusive zoning jurisdiction.
26 A vote on the resolution must take place within ninety days
27 after notice from the board of directors of the natural resources

1 district of its intent to issue bonds, seek voter approval of
2 bonds, or otherwise fund a reservoir or water quality basin project
3 or projects within such county's exclusive zoning jurisdiction
4 pursuant to section 1 of this act.

5 (4) Proceeds of bonds issued pursuant to section 1 of
6 this act shall not be used to fund any project in any city or
7 county (a) located within a watershed in which is located a city
8 of the metropolitan class and (b) which is party to an agreement
9 under the Interlocal Cooperation Act, unless such city or county
10 has adopted a storm water management plan approved by the board of
11 directors of the natural resources district encompassing a city of
12 the metropolitan class.

13 Sec. 3. For the purpose of making partial payments, the
14 board of directors of a natural resources district issuing bonds
15 pursuant to section 1 of this act may issue warrants having terms
16 as determined appropriate by the board, payable from the proceeds
17 of such bonds.

18 Sec. 4. The board of directors of a natural resources
19 district issuing bonds pursuant to section 1 of this act may agree
20 to pay fees to fiscal agents in connection with the placement of
21 warrants or bonds of the district. Such warrants and bonds shall
22 be subject to the same conditions as provided by section 2-3254.07
23 for improvement project area bonds and such other conditions as the
24 board of directors determines appropriate.

25 Sec. 5. The authority to issue bonds for qualified
26 projects granted in section 1 of this act terminates on December
27 31, 2019, except that (1) any bonds already issued and outstanding

1 for qualified projects as of such date are permitted to remain
2 outstanding and the district shall retain all powers of taxation
3 provided for in section 1 of this act to provide for the payment
4 of principal and interest on such bonds and (2) refunding bonds
5 may continue to be issued and outstanding as of December 31,
6 2019, including extension of principal maturities if determined
7 appropriate.

8 Sec. 6. Section 2-3234, Revised Statutes Cumulative
9 Supplement, 2008, is amended to read:

10 2-3234 ~~Each~~ Except as provided in section 2 of this
11 act, each district shall have the power and authority to exercise
12 the power of eminent domain when necessary to carry out its
13 authorized purposes within the limits of the district or outside
14 its boundaries. Exercise of eminent domain shall be governed by the
15 provisions of sections 76-704 to 76-724, except that whenever any
16 district seeks to acquire the right to interfere with the use of
17 any water being used for power purposes in accordance with sections
18 46-204, 70-668, 70-669, and 70-672 and is unable to agree with
19 the user of such water upon the compensation to be paid for such
20 interference, the procedure to condemn property shall be followed
21 in the manner set forth in sections 76-704 to 76-724 and no other
22 property shall be included in such condemnation. No district shall
23 contract for delivery of water to persons within the corporate
24 limits of any village, city, or metropolitan utilities district,
25 nor in competition therewith outside such corporate limits, except
26 by consent of and written agreement with the governing body of such
27 political subdivision. A village, city, or metropolitan utilities

1 district may negotiate and, if necessary, exercise the power of
2 eminent domain for the acquisition of water supply facilities of
3 the district which are within its boundaries.

4 Sec. 7. Section 2-3290.01, Revised Statutes Cumulative
5 Supplement, 2008, is amended to read:

6 2-3290.01 (1) A district shall permit public use of
7 those portions of a water project located on lands owned by
8 the district and on land over which the district has a lease
9 or an easement permitting use thereof for public recreational
10 purposes. All recreational users of such portions of a water
11 project shall abide by the applicable rules and regulations adopted
12 and promulgated by the board.

13 (2) The district shall provide public access for
14 recreational use at designated access points at any water
15 project. Recreational users, whether public or private, shall
16 abide by all applicable rules and regulations for use of the
17 water project adopted and promulgated by the district or the
18 political subdivision in which the water project is located. Public
19 recreational users may only access the water project through such
20 designated access points. Nothing in this subsection shall require
21 public access when the portion of the project cost paid by the
22 natural resources district with public funds does not exceed twenty
23 percent of the total cost of the project.

24 (3) For purposes of this section, water project means
25 a project with cooperators or others, as authorized in section
26 2-3235, that results in construction of a reservoir or other body
27 of water having a permanent pool suitable for recreational purposes

1 greater than one hundred fifty surface acres, the construction
2 of which commenced after July 14, 2006. Water project shall
3 not mean soil conservation projects, wetlands projects, projects
4 described in section 2 of this act, or other district projects with
5 cooperators or others that do not have a recreational purpose.

6 (4) For projects funded under section 2 of this act that
7 result in a reservoir or other body of water having a permanent
8 pool suitable for recreational purposes greater than twenty surface
9 acres, the district shall provide public access for recreational
10 use at designated access points and shall include access to the
11 land area a minimum distance of one hundred feet from the permanent
12 pool. Recreational users, whether public or private, shall abide
13 by all applicable rules, regulations, ordinances, or resolutions
14 for use of the project adopted by the district or the political
15 subdivision in which the project is located. Public recreational
16 users may only access the project through such designated access
17 points.

18 Sec. 8. The Revisor of Statutes shall assign sections 1
19 to 5 of this act within Chapter 2, article 32.

20 Sec. 9. Original sections 2-3234 and 2-3290.01, Revised
21 Statutes Cumulative Supplement, 2008, are repealed.

22 2. On page 1, line 5, after the second semicolon
23 insert "to provide for public access as prescribed; to harmonize
24 provisions;".