

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 862

Introduced by Christensen, 44; Carlson, 38.

Read first time January 11, 2010

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources; to amend sections
2 2-3226.01 and 2-3226.05, Revised Statutes Cumulative
3 Supplement, 2008; to change provisions relating to
4 river-flow enhancement bonds; to change provisions
5 relating to an occupation tax as prescribed; and to
6 repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3226.01, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 2-3226.01 (1) In order to implement its duties and
4 obligations under the Nebraska Ground Water Management and
5 Protection Act and in addition to other powers authorized by law,
6 the board of a district with jurisdiction that ~~includes a river~~
7 ~~subject to an interstate compact among three or more states and~~
8 ~~that also includes one or more irrigation districts within the~~
9 ~~compact~~ is part of a river basin described in section 2-1504
10 in which a majority of the districts have adopted controls in
11 accordance with subdivision (1)(d) of section 46-739 may issue
12 negotiable bonds and refunding bonds of the district and entitled
13 river-flow enhancement bonds, with terms determined appropriate by
14 the board, payable by (a) funds granted to such district by the
15 state or federal government for one or more qualified projects,
16 (b) the occupation tax authorized by section 2-3226.05, or (c)
17 the levy authorized by section 2-3225. The district may issue the
18 bonds or refunding bonds directly, or such bonds may be issued by
19 any joint entity as defined in section 13-803 whose member public
20 agencies consist only of qualified natural resources districts or
21 by any joint public agency as defined in section 13-2503 whose
22 participating public agencies consist only of qualified natural
23 resources districts, in connection with any joint project which is
24 to be owned, operated, or financed by the joint entity or joint
25 public agency for the benefit of its member natural resources

1 districts. For the payment of such bonds or refunding bonds, the
2 district may pledge one or more permitted payment sources.

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

10 (3) Beginning on April 1, 2008, if a district uses the
11 proceeds of a bond issued pursuant to this section for the purposes
12 described in subdivision (1) of section 2-3226.04 or the state
13 uses funds for those same purposes, the agreement to acquire water
14 rights by purchase or lease pursuant to such subdivision shall
15 identify (a) the method of payment, (b) the distribution of funds
16 by the party or parties receiving payments, (c) the water use or
17 rights subject to the agreement, and (d) the water use or rights
18 allowed by the agreement. If any irrigation district is party
19 to the agreement, the irrigation district shall allocate funds
20 received under such agreement among its users or members in a
21 reasonable manner, giving consideration to the benefits received
22 and the value of the rights surrendered for the specified contract
23 period.

24 Sec. 2. Section 2-3226.05, Revised Statutes Cumulative
25 Supplement, 2008, is amended to read:

1 2-3226.05 (1) The district may levy an occupation tax
2 upon the activity of irrigation of agricultural lands within
3 such district on an annual basis, not to exceed ten dollars per
4 irrigated acre, the proceeds of which may be used for ~~the purpose~~
5 ~~of~~ (a) repaying principal and interest on any bonds or refunding
6 bonds issued pursuant to section 2-3226.01 for one or more projects
7 under section 2-3226.04, (b) ~~or~~ ~~for~~ the repayment of financial
8 assistance received by the district pursuant to section 2-3226.07,
9 or (c) payment of all or any part of the costs and expenses of
10 one or more qualified projects described in section 2-3226.04. If
11 such district has more than one river basin as described in section
12 2-1504 within its jurisdiction, such district may confine such
13 occupation tax authorized in this section to irrigation activity in
14 any of the river basins in such district.

15 (2) Acres classified by the county assessor as irrigated
16 shall be subject to such district's occupation tax unless, on or
17 before July 1, 2007, and on or before March 1 in each subsequent
18 year, the record owner or irrigation district certifies to the
19 natural resources district that no surface water is available for
20 the irrigation of such acres and no ground water is available for
21 irrigation of such acres because of lack of supply of water or
22 regulatory curtailment severing their water supply pursuant to such
23 natural resources district's integrated management plan, state or
24 federal laws and regulations, or court order, and such record owner
25 or irrigation district applies to the natural resources district on

1 forms provided by the natural resources district for certification
2 of the nonirrigation status of such acres on an annual or a
3 permanent basis.

4 (3) Any such occupation tax shall remain in effect so
5 long as the natural resources district has bonds outstanding which
6 have been issued stating such occupation tax as an available source
7 for payment and for the purpose of paying all or any part of the
8 costs and expenses of one or more projects authorized pursuant to
9 section 2-3226.04.

10 (4) Such occupation taxes shall be certified to,
11 collected by, and accounted for by the county treasurer at the
12 same time and in the same manner as general real estate taxes,
13 and such occupation taxes shall be and remain a perpetual lien
14 against such real estate until paid. Such occupation taxes shall
15 become delinquent at the same time and in the same manner as
16 general real property taxes. The county treasurer shall publish and
17 post a list of delinquent occupation taxes with the list of real
18 property subject to sale for delinquent property taxes provided
19 for in section 77-1804. In addition, the list shall be provided to
20 natural resources districts which levied the delinquent occupation
21 taxes. The list shall include the record owner's name, the parcel
22 identification number, and the amount of delinquent occupation tax.
23 For services rendered in the collection of the occupation tax, the
24 county treasurer shall receive the fee provided for collection of
25 general natural resources district money under section 33-114.

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

10 Sec. 3. Original sections 2-3226.01 and 2-3226.05,
11 Revised Statutes Cumulative Supplement, 2008, are repealed.