

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 186

Introduced by Christensen, 44.

Read first time January 14, 2013

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend section
2 2-3228, Reissue Revised Statutes of Nebraska; to restrict
3 rule and regulation authority; and to repeal the original
4 section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3228, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-3228 (1) Each district shall have the power and
4 authority to:

5 (a) Receive and accept donations, gifts, grants,
6 bequests, appropriations, or other contributions in money, services,
7 materials, or otherwise from the United States or any of its
8 agencies, from the state or any of its agencies or political
9 subdivisions, or from any person as defined in section 49-801 and use
10 or expend all such contributions in carrying on its operations;

11 (b) Establish advisory groups by appointing persons
12 within the district, pay necessary and proper expenses of such groups
13 as the board shall determine, and dissolve such groups;

14 (c) Employ such persons as are necessary to carry out its
15 authorized purposes and, in addition to other compensation provided,
16 establish and fund a pension plan designed and intended for the
17 benefit of all permanent full-time employees of the district. Any
18 recognized method of funding a pension plan may be employed. Employee
19 contributions shall be required to fund at least fifty percent of the
20 benefits, and past service benefits may be included. The district
21 shall pay all costs of any such past service benefits, which may be
22 retroactive to July 1, 1972, and the plan may be integrated with old
23 age and survivors' insurance, generally known as social security. A
24 uniform pension plan, including the method for jointly funding such
25 plan, shall be established for all districts in the state. A district

1 may elect not to participate in such a plan but shall not establish
2 an independent plan;

3 (d) Purchase liability, property damage, workers'
4 compensation, and other types of insurance as in the judgment of the
5 board are necessary to protect the assets of the district;

6 (e) Borrow money to carry out its authorized purposes;

7 (f) Adopt and promulgate rules and regulations to carry
8 out its authorized purposes, except that a district may not
9 promulgate any rule or regulation requiring an irrigation water right
10 to apply manure to land; and

11 (g) Invite the local governing body of any municipality
12 or county to designate a representative to advise and counsel with
13 the board on programs and policies that may affect the property,
14 water supply, or other interests of such municipality or county.

15 (2)(a) Beginning December 31, 1998, and each December 31
16 thereafter, the Nebraska Association of Resources Districts as
17 organized under the Interlocal Cooperation Act shall file with the
18 Public Employees Retirement Board an annual report on each retirement
19 plan established pursuant to this section and section 401(a) of the
20 Internal Revenue Code and shall submit copies of such report to the
21 Auditor of Public Accounts. The Auditor of Public Accounts may
22 prepare a review of such report pursuant to section 84-304.02 but is
23 not required to do so. The annual report shall be in a form
24 prescribed by the Public Employees Retirement Board and shall contain
25 the following information for each such retirement plan:

- 1 (i) The number of persons participating in the retirement
2 plan;
- 3 (ii) The contribution rates of participants in the plan;
- 4 (iii) Plan assets and liabilities;
- 5 (iv) The names and positions of persons administering the
6 plan;
- 7 (v) The names and positions of persons investing plan
8 assets;
- 9 (vi) The form and nature of investments;
- 10 (vii) For each defined contribution plan, a full
11 description of investment policies and options available to plan
12 participants; and
- 13 (viii) For each defined benefit plan, the levels of
14 benefits of participants in the plan, the number of members who are
15 eligible for a benefit, and the total present value of such members'
16 benefits, as well as the funding sources which will pay for such
17 benefits.

18 If a plan contains no current active participants, the
19 association may file in place of such report a statement with the
20 Public Employees Retirement Board indicating the number of retirees
21 still drawing benefits, and the sources and amount of funding for
22 such benefits.

23 (b) Beginning December 31, 1998, and every four years
24 thereafter, if such retirement plan is a defined benefit plan, the
25 association shall cause to be prepared a quadrennial report and shall

1 file the same with the Public Employees Retirement Board and submit
2 to the Auditor of Public Accounts a copy of such report. The Auditor
3 of Public Accounts may prepare a review of such report pursuant to
4 section 84-304.02 but is not required to do so. The report shall
5 consist of a full actuarial analysis of each such retirement plan
6 established pursuant to this section. The analysis shall be prepared
7 by an independent private organization or public entity employing
8 actuaries who are members in good standing of the American Academy of
9 Actuaries, and which organization or entity has demonstrated
10 expertise to perform this type of analysis and is unrelated to any
11 organization offering investment advice or which provides investment
12 management services to the retirement plan.

13 Sec. 2. Original section 2-3228, Reissue Revised Statutes
14 of Nebraska, is repealed.