

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1072

Introduced by Hughes, 44.

Read first time January 21, 2020

Committee: Natural Resources

1 A BILL FOR AN ACT relating to natural resources districts; to amend
2 sections 2-3226.10 and 2-3226.11, Reissue Revised Statutes of
3 Nebraska; to change provisions authorizing flood protection bonds
4 and use of bond proceeds as prescribed; to harmonize provisions; and
5 to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3226.10, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 2-3226.10 (1) In addition to other powers authorized by law, the
4 board of directors of a natural resources district encompassing a city of
5 the metropolitan class, upon an affirmative vote of two-thirds of the
6 members of the board of directors, may issue negotiable bonds and
7 refunding bonds of the district, entitled flood protection and water
8 quality enhancement bonds, with terms determined appropriate by the board
9 of directors, payable from an annual special flood protection and water
10 quality enhancement bond levy upon the taxable value of all taxable
11 property in the district. Such special bond levy is includable in the
12 computation of other limitations upon the district's tax levy and shall
13 not exceed one cent on each one hundred dollars of taxable valuation
14 annually on all of the taxable property within the district without
15 approval by a majority of registered voters of the district at an
16 election in accordance with the Election Act called by the board of
17 directors and held in conjunction with a statewide primary or general
18 election.

19 (2) In addition to other powers authorized by law, the board of
20 directors of a natural resources district not encompassing a city of the
21 metropolitan class, upon an affirmative vote of two-thirds of the members
22 of the board of directors, may issue negotiable bonds and refunding bonds
23 of the district, entitled flood protection bonds, with terms determined
24 appropriate by the board of directors, payable from an annual special
25 flood protection bond levy upon the taxable value of all taxable property
26 in the district. Such special bond levy is includable in the computation
27 of other limitations upon the district's tax levy.

28 Sec. 2. Section 2-3226.11, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 2-3226.11 (1) The proceeds of bonds issued pursuant to subsection
31 (1) of section 2-3226.10 shall be used to pay costs of design, rights-of-

1 way acquisition, and construction of multipurpose projects and practices
2 for storm water management within the natural resources district issuing
3 such bonds, including flood control and water quality. For purposes of
4 this subsection ~~section~~, flood control and water quality projects and
5 practices include, but are not limited to, low-impact development best
6 management measures, flood plain buyout, dams, reservoir basins, and
7 levees. The proceeds of bonds issued pursuant to subsection (1) of
8 section 2-3226.10 shall not be used to fund combined sewer separation
9 projects in a city of the metropolitan class. No project for which bonds
10 are issued under subsection (1) of section 2-3226.10 shall include a
11 reservoir or water quality basin having a permanent pool greater than
12 four hundred surface acres. Any project having a permanent pool greater
13 than twenty surface acres shall provide for public access.

14 (2) Proceeds of bonds issued pursuant to subsection (2) of section
15 2-3226.10 shall be used to pay costs of design, rights-of-way
16 acquisition, and construction of flood protection projects and practices
17 within the natural resources district issuing such bonds. For purposes of
18 this subsection, flood protection projects and practices include, but are
19 not limited to, low-impact development best management measures,
20 conveyance channels, dams, reservoir basins, and levees.

21 (3) (2) A district shall only convey real property that is acquired
22 for a project described in subsection (1) or (2) of this section by
23 eminent domain proceedings pursuant to sections 76-704 to 76-724 to a
24 political subdivision or an agency of state or federal government.

25 (4)(a) (3)(a) Prior to the issuing of bonds pursuant to subsection
26 (1) of section 2-3226.10 or expending funds of a natural resources
27 district encompassing a city of the metropolitan class to pay costs of a
28 reservoir or water quality basin project or projects greater than twenty
29 surface acres, a county board of the affected county may pass a
30 resolution stating that it does not approve of the construction of such
31 reservoir or water quality basin project or projects within its exclusive

1 zoning jurisdiction. The county board shall hold a public hearing and
2 shall vote on the resolution within ninety days after notice from the
3 board of directors of the natural resources district of its intent to
4 issue bonds.

5 (b) No proceeds from bonds issued pursuant to subsection (1) of
6 section 2-3226.10 or funds of a natural resources district encompassing a
7 city of the metropolitan class may be used to pay costs of a reservoir or
8 water quality basin project or projects greater than twenty surface acres
9 if the county board of the affected county passes such a resolution.

10 (c) Sections 2-3226.10 to 2-3226.14 do not (i) limit the authority
11 of a natural resources district with regard to reservoirs, water quality
12 basin projects, or other projects of less than twenty surface acres or
13 (ii) prohibit use of funds of a natural resources district for
14 preliminary studies or reports necessary, in the discretion of the board
15 of directors of the natural resources district, to determine whether a
16 reservoir or water quality basin project should be presented to a county
17 board pursuant to this section.

18 (5) ~~(4)~~ Proceeds of bonds issued pursuant to subsection (1) of
19 section 2-3226.10 shall not be used to fund any project in any city or
20 county (a) located within a watershed in which is located a city of the
21 metropolitan class and (b) which is party to an agreement under the
22 Interlocal Cooperation Act, unless such city or county has adopted a
23 storm water management plan approved by the board of directors of the
24 natural resources district encompassing a city of the metropolitan class.

25 (6) ~~(5)~~ A natural resources district encompassing a city of the
26 metropolitan class shall only issue bonds for projects in cities and
27 counties that have adopted zoning regulations or ordinances that comply
28 with state and federal flood plain management rules and regulations.

29 Sec. 3. Original sections 2-3226.10 and 2-3226.11, Reissue Revised
30 Statutes of Nebraska, are repealed.