LEGISLATIVE BILL 1072

Introduced by Hughes, 44.

Read first time January 21, 2020

Committee: Natural Resources

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3226.10 and 2-3226.11, Reissue Revised Statutes of Nebraska; to change provisions authorizing flood protection bonds and use of bond proceeds as prescribed; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 2-3226.10, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

2-3226.11  (1) The proceeds of bonds issued pursuant to subsection (1) of section 2-3226.10 shall be used to pay costs of design, rights-of-
way acquisition, and construction of multipurpose projects and practices for storm water management within the natural resources district issuing such bonds, including flood control and water quality. For purposes of this subsection, flood control and water quality projects and practices include, but are not limited to, low-impact development best management measures, flood plain buyout, dams, reservoir basins, and levees. The proceeds of bonds issued pursuant to subsection (1) of section 2-3226.10 shall not be used to fund combined sewer separation projects in a city of the metropolitan class. No project for which bonds are issued under subsection (1) of section 2-3226.10 shall include a reservoir or water quality basin having a permanent pool greater than four hundred surface acres. Any project having a permanent pool greater than twenty surface acres shall provide for public access.

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

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

(4)(a) (3)(a) Prior to the issuing of bonds pursuant to subsection (1) of section 2-3226.10 or expending funds of a natural resources district encompassing a city of the metropolitan class to pay costs of a reservoir or water quality basin project or projects greater than twenty surface acres, a county board of the affected county may pass a resolution stating that it does not approve of the construction of such reservoir or water quality basin project or projects within its exclusive
zoning jurisdiction. The county board shall hold a public hearing and shall vote on the resolution within ninety days after notice from the board of directors of the natural resources district of its intent to issue bonds.

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

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

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

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

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