

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 272

Introduced By: Kopplin, 3; Kruse, 13
Read first time: January 10, 2007
Committee: Revenue

A BILL

1 FOR AN ACT relating to natural resources districts; to amend
2 section 77-3442, Revised Statutes Cumulative Supplement,
3 2006; to provide for issuance of flood control dam and
4 reservoir bonds as prescribed; to provide for a tax levy; to
5 provide powers and duties; to harmonize provisions; to
6 provide a duty for the Revisor of Statutes; and to repeal
7 the original section.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. In addition to other powers authorized by law,
2 the board of directors of a natural resources district encompassing a
3 city of the metropolitan class may issue negotiable bonds and
4 refunding bonds of the district, entitled flood control dam and
5 reservoir bonds, with terms determined appropriate by the board of
6 directors, payable from an annual special flood control dam and
7 reservoir levy upon the taxable value of all taxable property in the
8 district. Such levy shall not exceed three cents on each one hundred
9 dollars of taxable valuation of the district unless a majority of the
10 registered voters of the district, at an election called by the board
11 for such purpose, vote in favor of exceeding such limitation. Such
12 levy is not includable in the computation of other limitations upon
13 the district's tax levy.

14 Sec. 2. The proceeds of bonds issued pursuant to section 1
15 of this act shall be used to pay costs of design, rights-of-way
16 acquisition, and construction for flood control dam and reservoir
17 projects within the natural resources district issuing such bonds,
18 including dams and reservoirs intended as water quality basins. Any
19 funds raised from the special flood control dam and reservoir tax
20 levy imposed under such section shall be placed in a separate sinking
21 fund and shall be used for retirement of such bonds, with any excess
22 in such fund after the retirement of such bonds to be deposited in
23 the general fund of the district. Any deficit in such sinking fund
24 shall be made up by general funds of the district.

25 Sec. 3. For the purpose of making partial payments as
26 rights-of-way acquisition and construction progress, the board of
27 directors of a natural resources district issuing bonds pursuant to

1 section 1 of this act may issue warrants having terms as determined
2 appropriate by the board, payable from the proceeds of such bonds.

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

10 Sec. 5. An election on the question of exceeding the
11 limitation on the special flood control dam and reservoir levy as
12 provided in section 1 of this act may be proposed by resolution of
13 the board of directors of the natural resources district and held in
14 conjunction with a statewide primary or statewide general election.
15 Such resolution shall be adopted and certified copies thereof shall
16 be filed with the county clerk or election commissioner of each
17 county having land in such district as provided in section 32-559.
18 The county clerks and election commissioners receiving such
19 resolution shall conduct such election for the district as provided
20 in the resolution and the Election Act. Notice of an election on such
21 question shall be published by the board of directors at least thirty
22 days prior to such election in a newspaper of general circulation
23 within the district, stating the day of the election, the hours
24 during which the polls will be open, and any other information the
25 board deems necessary to inform the public of the election. The
26 election boards in the counties where the ballots are cast on such
27 question shall count the ballots on election day and seal the same

1 along with other ballots. The canvassing boards in each county shall
2 canvass the returns in the same manner as other returns are
3 canvassed.

4 Sec. 6. Section 77-3442, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 77-3442. (1) Property tax levies for the support of local
7 governments for fiscal years beginning on or after July 1, 1998, shall
8 be limited to the amounts set forth in this section except as provided
9 in section 77-3444.

10 (2)(a) Except as provided in subdivision (2)(d) of this
11 section, school districts and multiple-district school systems, except
12 learning communities and school districts that are members of learning
13 communities, may levy a maximum levy of one dollar and five cents per
14 one hundred dollars of taxable valuation of property subject to the
15 levy.

16 (b) Except as provided in subdivision (2)(d) of this
17 section, for fiscal year 2008-09 and each fiscal year thereafter, (i)
18 learning communities may levy a maximum levy for the general fund
19 budgets of member school districts equal to the ratio of the aggregate
20 difference of one hundred ten percent of the formula needs as
21 calculated pursuant to section 79-1007.02 minus the amount of state
22 aid certified pursuant to section 79-1022 and minus the other actual
23 receipts included in local system formula resources pursuant to
24 section 79-1018.01 for each member school district for such school
25 fiscal year divided by each one hundred dollars of taxable property
26 subject to the levy, except that such levy shall not exceed one dollar
27 and two cents on each one hundred dollars of taxable property subject

1 to the levy, and (ii) school districts that are members of learning
2 communities may levy a maximum levy of the difference of one dollar
3 and two cents on each one hundred dollars of taxable property subject
4 to the levy minus the learning community levy pursuant to this
5 subdivision for purposes of such school district's general fund budget
6 and special building funds.

7 (c) Excluded from the limitations in subdivisions (a) and
8 (b) of this subsection are amounts levied to pay for sums agreed to be
9 paid by a school district to certificated employees in exchange for a
10 voluntary termination of employment and amounts levied to pay for
11 special building funds and sinking funds established for projects
12 commenced prior to April 1, 1996, for construction, expansion, or
13 alteration of school district buildings. For purposes of this
14 subsection, commenced means any action taken by the school board on
15 the record which commits the board to expend district funds in
16 planning, constructing, or carrying out the project.

17 (d) Federal aid school districts may exceed the maximum levy
18 prescribed by subdivision (2)(a) or (b) of this section only to the
19 extent necessary to qualify to receive federal aid pursuant to Title
20 VIII of Public Law 103-382, as such title existed on September 1,
21 2001. For purposes of this subdivision, federal aid school district
22 means any school district which receives ten percent or more of the
23 revenue for its general fund budget from federal government sources
24 pursuant to Title VIII of Public Law 103-382, as such title existed on
25 September 1, 2001.

26 (e) For school fiscal year 2002-03 through school fiscal
27 year 2007-08, school districts and multiple-district school systems

1 may, upon a three-fourths majority vote of the school board of the
2 school district, the board of the unified system, or the school board
3 of the high school district of the multiple-district school system
4 that is not a unified system, exceed the maximum levy prescribed by
5 subdivision (2)(a) of this section in an amount equal to the net
6 difference between the amount of state aid that would have been
7 provided under the Tax Equity and Educational Opportunities Support
8 Act without the temporary aid adjustment factor as defined in section
9 79-1003 for the ensuing school fiscal year for the school district or
10 multiple-district school system and the amount provided with the
11 temporary aid adjustment factor. The State Department of Education
12 shall certify to the school districts and multiple-district school
13 systems the amount by which the maximum levy may be exceeded for the
14 next school fiscal year pursuant to this subdivision (e) of this
15 subsection on or before February 15 for school fiscal years 2004-05
16 through 2007-08.

17 (f) For fiscal year 2008-09 and each fiscal year thereafter,
18 learning communities may levy a maximum levy of two cents on each one
19 hundred dollars of taxable property subject to the levy for special
20 building funds for member school districts.

21 (g) For fiscal year 2008-09 and each fiscal year thereafter,
22 learning communities may levy a maximum levy of one cent on each one
23 hundred dollars of taxable property subject to the levy for the
24 learning community budget and for projects approved by the learning
25 community coordinating council.

26 (3) Community colleges may levy a maximum levy on each one
27 hundred dollars of taxable property subject to the levy of seven

1 cents, plus amounts allowed under subsection (7) of section
2 85-1536.01, except that any community college whose valuation per
3 reported aid equivalent student as defined in section 85-1503 was less
4 than eighty-two percent of the average valuation per statewide
5 reimbursable reported aid equivalent total as defined in section
6 85-1503 for all community colleges for fiscal year 1997-98 may levy up
7 to an additional one-half cent for each of fiscal years 2005-06 and
8 2006-07 upon a three-fourths majority vote of the board.

9 ~~(4) Natural~~ (4)(a) Except as otherwise provided in this
10 subsection, natural resources districts may levy a maximum levy of
11 four and one-half cents per one hundred dollars of taxable valuation
12 of property subject to the levy.

13 ~~Natural~~ (b) In addition to the levy authorized pursuant
14 to subdivision (a) of this subsection, natural resources districts
15 ~~shall also have the power and authority to~~ may levy a tax equal
16 to the dollar amount by which their restricted funds budgeted to
17 administer and implement ground water management activities and
18 integrated management activities under the Nebraska Ground Water
19 Management and Protection Act exceed their restricted funds budgeted
20 to administer and implement ground water management activities and
21 integrated management activities for FY2003-04, not to exceed one cent
22 on each one hundred dollars of taxable valuation annually on all of
23 the taxable property within the district.

24 (c) In addition to the levies authorized in subdivisions
25 (a) and (b) of this subsection, natural resources districts located
26 in a river basin, subbasin, or reach that has been determined to be
27 fully appropriated pursuant to section 46-714 or designated as

1 overappropriated pursuant to section 46-713 by the Department of
2 Natural Resources ~~shall also have the power and authority to~~ may
3 levy a tax equal to the dollar amount by which their restricted funds
4 budgeted to administer and implement ground water management
5 activities and integrated management activities under the Nebraska
6 Ground Water Management and Protection Act exceed their restricted
7 funds budgeted to administer and implement ground water management
8 activities and integrated management activities for FY2005-06, not to
9 exceed three cents on each one hundred dollars of taxable valuation on
10 all of the taxable property within the district for fiscal year
11 2006-07 and not to exceed two cents on each one hundred dollars of
12 taxable valuation annually on all of the taxable property within the
13 district for fiscal years 2007-08 and 2008-09.

14 (d) In addition to the levies authorized in subdivisions
15 (a) through (c) of this subsection, a natural resources district
16 encompassing a city of the metropolitan class may levy a tax not to
17 exceed three cents per one hundred dollars of taxable valuation of
18 all taxable property in the district for the purposes described in
19 section 1 of this act.

20 (5) Educational service units may levy a maximum levy of one
21 and one-half cents per one hundred dollars of taxable valuation of
22 property subject to the levy.

23 (6)(a) Incorporated cities and villages which are not within
24 the boundaries of a municipal county may levy a maximum levy of
25 forty-five cents per one hundred dollars of taxable valuation of
26 property subject to the levy plus an additional five cents per one
27 hundred dollars of taxable valuation to provide financing for the

1 municipality's share of revenue required under an agreement or
2 agreements executed pursuant to the Interlocal Cooperation Act or the
3 Joint Public Agency Act. The maximum levy shall include amounts levied
4 to pay for sums to support a library pursuant to section 51-201,
5 museum pursuant to section 51-501, visiting community nurse, home
6 health nurse, or home health agency pursuant to section 71-1637, or
7 statue, memorial, or monument pursuant to section 80-202.

8 (b) Incorporated cities and villages which are within the
9 boundaries of a municipal county may levy a maximum levy of ninety
10 cents per one hundred dollars of taxable valuation of property subject
11 to the levy. The maximum levy shall include amounts paid to a
12 municipal county for county services, amounts levied to pay for sums
13 to support a library pursuant to section 51-201, a museum pursuant to
14 section 51-501, a visiting community nurse, home health nurse, or home
15 health agency pursuant to section 71-1637, or a statue, memorial, or
16 monument pursuant to section 80-202.

17 (7) Sanitary and improvement districts which have been in
18 existence for more than five years may levy a maximum levy of forty
19 cents per one hundred dollars of taxable valuation of property subject
20 to the levy, and sanitary and improvement districts which have been in
21 existence for five years or less shall not have a maximum levy.
22 Unconsolidated sanitary and improvement districts which have been in
23 existence for more than five years and are located in a municipal
24 county may levy a maximum of eighty-five cents per hundred dollars of
25 taxable valuation of property subject to the levy.

26 (8) Counties may levy or authorize a maximum levy of fifty
27 cents per one hundred dollars of taxable valuation of property subject

1 to the levy, except that five cents per one hundred dollars of taxable
2 valuation of property subject to the levy may only be levied to
3 provide financing for the county's share of revenue required under an
4 agreement or agreements executed pursuant to the Interlocal
5 Cooperation Act or the Joint Public Agency Act. The maximum levy shall
6 include amounts levied to pay for sums to support a library pursuant
7 to section 51-201 or museum pursuant to section 51-501. The county may
8 allocate up to fifteen cents of its authority to other political
9 subdivisions subject to allocation of property tax authority under
10 subsection (1) of section 77-3443 and not specifically covered in this
11 section to levy taxes as authorized by law which do not collectively
12 exceed fifteen cents per one hundred dollars of taxable valuation on
13 any parcel or item of taxable property. The county may allocate to one
14 or more other political subdivisions subject to allocation of property
15 tax authority by the county under subsection (1) of section 77-3443
16 some or all of the county's five cents per one hundred dollars of
17 valuation authorized for support of an agreement or agreements to be
18 levied by the political subdivision for the purpose of supporting that
19 political subdivision's share of revenue required under an agreement
20 or agreements executed pursuant to the Interlocal Cooperation Act or
21 the Joint Public Agency Act. If an allocation by a county would cause
22 another county to exceed its levy authority under this section, the
23 second county may exceed the levy authority in order to levy the
24 amount allocated.

25 (9) Municipal counties may levy or authorize a maximum levy
26 of one dollar per one hundred dollars of taxable valuation of property
27 subject to the levy. The municipal county may allocate levy authority

1 to any political subdivision or entity subject to allocation under
2 section 77-3443.

3 (10) Property tax levies for judgments, except judgments or
4 orders from the Commission of Industrial Relations, obtained against a
5 political subdivision which require or obligate a political
6 subdivision to pay such judgment, to the extent such judgment is not
7 paid by liability insurance coverage of a political subdivision, for
8 preexisting lease-purchase contracts approved prior to July 1, 1998,
9 for bonded indebtedness approved according to law and secured by a
10 levy on property, and for payments by a public airport to retire
11 interest-free loans from the Department of Aeronautics in lieu of
12 bonded indebtedness at a lower cost to the public airport are not
13 included in the levy limits established by this section.

14 (11) The limitations on tax levies provided in this section
15 are to include all other general or special levies provided by law.
16 Notwithstanding other provisions of law, the only exceptions to the
17 limits in this section are those provided by or authorized by sections
18 77-3442 to 77-3444.

19 (12) Tax levies in excess of the limitations in this section
20 shall be considered unauthorized levies under section 77-1606 unless
21 approved under section 77-3444.

22 (13) For purposes of sections 77-3442 to 77-3444, political
23 subdivision means a political subdivision of this state and a county
24 agricultural society.

25 Sec. 7. The Revisor of Statutes shall assign sections 1 to 5
26 of this act within Chapter 2, article 32.

27 Sec. 8. Original section 77-3442, Revised Statutes

1 Cumulative Supplement, 2006, is repealed.