

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 160

Introduced by Gay, 14.

Read first time January 12, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend
2 sections 2-3234 and 2-3290.01, Revised Statutes
3 Cumulative Supplement, 2008; to provide for issuance of
4 flood protection and water quality enhancement bonds as
5 prescribed; to provide powers and duties; to provide
6 a duty for the Revisor of Statutes; and to repeal the
7 original sections.

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
3 a city of the metropolitan class may issue negotiable bonds and
4 refunding bonds of the district, entitled flood protection and
5 water quality enhancement bonds, with terms determined appropriate
6 by the board of directors, payable from an annual special flood
7 protection and water quality enhancement bond levy upon the taxable
8 value of all taxable property in the district. Such special bond
9 levy is includable in the computation of other limitations upon
10 the district's tax levy and shall not exceed two cents on each
11 one hundred dollars of taxable valuation annually on all of the
12 taxable property within the district without approval by a majority
13 of registered voters of the district at an election in accordance
14 with the Election Act, called by the board of directors and held in
15 conjunction with a statewide primary or general election.

16 Sec. 2. (1) The proceeds of bonds issued pursuant
17 to section 1 of this act shall be used to pay costs of
18 design, rights-of-way acquisition, and construction of multipurpose
19 projects and practices for storm water management within the
20 natural resources district issuing such bonds, including flood
21 control and water quality. For purposes of this section, flood
22 control and water quality projects and practices include, but are
23 not limited to, low-impact development best management measures,
24 flood plain buyout, dams, reservoir basins, and levees. No such
25 project shall include a reservoir or water quality basin having a

1 permanent pool greater than four hundred surface acres. Any project
2 having a permanent pool greater than twenty surface acres shall
3 provide for public access.

4 (2) A district shall not acquire real property for a
5 project described in subsection (1) of this section by eminent
6 domain proceedings pursuant to sections 76-704 to 76-724 if the
7 real property is to be conveyed to a private entity or private
8 enterprise after such acquisition.

9 Sec. 3. For the purpose of making partial payments, the
10 board of directors of a natural resources district issuing bonds
11 pursuant to section 1 of this act may issue warrants having terms
12 as determined appropriate by the board, payable from the proceeds
13 of such bonds.

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

21 Sec. 5. Section 2-3234, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

23 2-3234 Each Except as provided in section 2 of this
24 act, each district shall have the power and authority to exercise
25 the power of eminent domain when necessary to carry out its

1 authorized purposes within the limits of the district or outside
2 its boundaries. Exercise of eminent domain shall be governed by the
3 provisions of sections 76-704 to 76-724, except that whenever any
4 district seeks to acquire the right to interfere with the use of
5 any water being used for power purposes in accordance with sections
6 46-204, 70-668, 70-669, and 70-672 and is unable to agree with
7 the user of such water upon the compensation to be paid for such
8 interference, the procedure to condemn property shall be followed
9 in the manner set forth in sections 76-704 to 76-724 and no other
10 property shall be included in such condemnation. No district shall
11 contract for delivery of water to persons within the corporate
12 limits of any village, city, or metropolitan utilities district,
13 nor in competition therewith outside such corporate limits, except
14 by consent of and written agreement with the governing body of such
15 political subdivision. A village, city, or metropolitan utilities
16 district may negotiate and, if necessary, exercise the power of
17 eminent domain for the acquisition of water supply facilities of
18 the district which are within its boundaries.

19 Sec. 6. Section 2-3290.01, Revised Statutes Cumulative
20 Supplement, 2008, is amended to read:

21 2-3290.01 (1) A district shall permit public use of
22 those portions of a water project located on lands owned by
23 the district and on land over which the district has a lease
24 or an easement permitting use thereof for public recreational
25 purposes. All recreational users of such portions of a water

1 project shall abide by the applicable rules and regulations adopted
2 and promulgated by the board.

3 (2) The district shall provide public access for
4 recreational use at designated access points at any water
5 project. Recreational users, whether public or private, shall
6 abide by all applicable rules and regulations for use of the
7 water project adopted and promulgated by the district or the
8 political subdivision in which the water project is located. Public
9 recreational users may only access the water project through such
10 designated access points. Nothing in this subsection shall require
11 public access when the portion of the project cost paid by the
12 natural resources district with public funds does not exceed twenty
13 percent of the total cost of the project.

14 (3) For purposes of this section water project means
15 a project with cooperators or others, as authorized in section
16 2-3235, that results in construction of a reservoir or other body
17 of water having a permanent pool suitable for recreational purposes
18 greater than one hundred fifty surface acres, the construction
19 of which commenced after July 14, 2006. Water project shall
20 not mean soil conservation projects, wetlands projects, projects
21 described in section 2 of this act, or other district projects with
22 cooperators or others that do not have a recreational purpose.

23 (4) For projects funded under section 2 of this act that
24 result in a reservoir or other body of water having a permanent
25 pool suitable for recreational purposes greater than twenty surface

1 acres, the district shall provide public access for recreational
2 use at designated access points and shall include access to the
3 land area a minimum distance of one hundred feet from the permanent
4 pool. Recreational users, whether public or private, shall abide
5 by all applicable rules, regulations, ordinances, or resolutions
6 for use of the project adopted by the district or the political
7 subdivision in which the project is located. Public recreational
8 users may only access the project through such designated access
9 points.

10 Sec. 7. The Revisor of Statutes shall assign sections 1
11 to 4 of this act within Chapter 2, article 32.

12 Sec. 8. Original sections 2-3234 and 2-3290.01, Revised
13 Statutes Cumulative Supplement, 2008, are repealed.