

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1125**

Final Reading

Introduced by Christensen, 44.

Read first time January 19, 2012

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend section  
2 2-3226.05, Revised Statutes Cumulative Supplement, 2010;  
3 to change a provision relating to occupation tax; to  
4 repeal the original section; and to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 2-3226.05, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           2-3226.05 (1) A district with an integrated management  
4 plan as described in subsection (1) of section 2-3226.01 may levy an  
5 occupation tax upon the activity of irrigation of agricultural lands  
6 within such district on an annual basis, not to exceed ten dollars  
7 per irrigated acre, the proceeds of which may be used for (a)  
8 repaying principal and interest on any bonds or refunding bonds  
9 issued pursuant to section 2-3226.01 for one or more projects under  
10 section 2-3226.04, (b) the repayment of financial assistance received  
11 by the district pursuant to section 2-3226.07, or (c) payment of all  
12 or any part of the costs and expenses of one or more qualified  
13 projects described in section 2-3226.04. If such district has more  
14 than one river basin as described in section 2-1504 within its  
15 jurisdiction, such district shall confine such occupation tax  
16 authorized in this section to the geographic area affected by an  
17 integrated management plan adopted in accordance with section 46-715.

18           (2)(a) Acres classified by the county assessor as  
19 irrigated shall be subject to such district's occupation tax unless,  
20 ~~on or before July 1, 2007, and~~ on or before March 1 in each  
21 ~~subsequent~~ year, the record owner certifies to the district the  
22 nonirrigation status of such acres.

23           (b) A district may exempt from the occupation tax acres  
24 that are enrolled in local, state, or federal temporary irrigation  
25 retirement programs that prohibit the application of irrigation water

1 in the year for which the tax is levied.

2 (c) Except as provided in subdivisions (2)(a) and (b) of  
3 this section, a district is prohibited from providing an exemption  
4 from, or allowing a request for a local refund of, an occupation tax  
5 on irrigated acres regardless of the irrigation source while the  
6 record owner maintains irrigated status on such acres in the year for  
7 which the tax is levied.

8 (d) Notwithstanding subdivisions (2)(b) and (c) of this  
9 section, the record owner may present evidence of the nonirrigation  
10 status of the acres subject to the tax within twelve months after the  
11 date the tax was levied and the district may refund amounts collected  
12 upon such acres if an occupation tax was not levied by the district  
13 the previous year and the district had not adopted an integrated  
14 management plan as described in subsection (1) of section 2-3226.01  
15 by March 1 in the current year. Subdivision (2)(d) of this section  
16 terminates on October 1, 2012.

17 (3) Any such occupation tax shall remain in effect so  
18 long as the natural resources district has bonds outstanding which  
19 have been issued stating such occupation tax as an available source  
20 for payment and for the purpose of paying all or any part of the  
21 costs and expenses of one or more projects authorized pursuant to  
22 section 2-3226.04.

23 (4) Such occupation taxes shall be certified to,  
24 collected by, and accounted for by the county treasurer at the same  
25 time and in the same manner as general real estate taxes, and such

1 occupation taxes shall be and remain a perpetual lien against such  
2 real estate until paid. Such occupation taxes shall become delinquent  
3 at the same time and in the same manner as general real property  
4 taxes. The county treasurer shall publish and post a list of  
5 delinquent occupation taxes with the list of real property subject to  
6 sale for delinquent property taxes provided for in section 77-1804.  
7 In addition, the list shall be provided to natural resources  
8 districts which levied the delinquent occupation taxes. The list  
9 shall include the record owner's name, the parcel identification  
10 number, and the amount of delinquent occupation tax. For services  
11 rendered in the collection of the occupation tax, the county  
12 treasurer shall receive the fee provided for collection of general  
13 natural resources district money under section 33-114.

14 (5) Such lien shall be inferior only to general taxes  
15 levied by political subdivisions of the state. When such occupation  
16 taxes have become delinquent and the real property on which the  
17 irrigation took place has not been offered at any tax sale, the  
18 district may proceed in district court in the county in which the  
19 real estate is situated to foreclose in its own name the lien in the  
20 same manner and with like effect as a foreclosure of a real estate  
21 mortgage, except that sections 77-1903 to 77-1917 shall govern when  
22 applicable.

23 Sec. 2. Original section 2-3226.05, Revised Statutes  
24 Cumulative Supplement, 2010, is repealed.

25 Sec. 3. Since an emergency exists, this act takes effect

1 when passed and approved according to law.