

By Russ Pankonin

The Imperial Republican

Despite a district court ruling that the occupation tax created in LB 701 is constitutional, Senator Mark Christensen said work will continue on legislation to insure the occupation tax is not special or closed-class legislation.

LB 862, introduced by Christensen and prioritized by the Legislature's Natural Resources Committee, seeks to change closed-class language in LB 701.

In May, 2008, a Lancaster District Court judge found the property tax levy created in LB 701 unconstitutional because it was special legislation which only applied to a certain or closed class.

The new language in LB 862 would allow all natural resources districts in the state to implement an occupation tax and gain bonding authority.

To be eligible, NRDs would have to approve an integrated management plan that includes four specific measures outlined in LB 701.

These include vegetation management, leasing or purchasing of surface water, retirement of irrigated acres or augmentation projects.

The Department of Natural Resources would become the regulatory agency since they must approve all IMPs.

Christensen said LB 862 will also bring the Tri-Basin NRD in as part of the Republican Basin NRDs.

The Tri-Basin district includes property from the Republican, Platte and Little Blue river basins.

Change in Bonding

LB 701 specified that all activities be paid for through bonding. LB 862 will also allow districts to make cash payment for compliance activities from occupation tax proceeds.

Christensen said he expects LB 862 to return to the agenda for further first round debate later this week.

He said two amendments have been added to the bill that he considers unfavorable. He said he will work to defeat the amendments and advance the bill to select file.