

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 487

Introduced by Karpisek, 32.

Read first time January 18, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend section
2 2-3226.11, Revised Statutes Cumulative Supplement, 2010;
3 to change provisions relating to flood protection and
4 water quality enhancement bonds; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3226.11, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 2-3226.11 (1) The proceeds of bonds issued pursuant to
4 section 2-3226.10 shall be used to pay costs of design, rights-of-way
5 acquisition, and construction of multipurpose projects and practices
6 for storm water management within the natural resources district
7 issuing such bonds, including flood control and water quality. For
8 purposes of this section, flood control and water quality projects
9 and practices include, but are not limited to, low-impact development
10 best management measures, flood plain buyout, dams, reservoir basins,
11 and levees. The proceeds of bonds issued pursuant to section
12 2-3226.10 shall not be used to fund combined sewer separation
13 projects in a city of the metropolitan class. No project for which
14 bonds are issued under section 2-3226.10 shall include a reservoir or
15 water quality basin having a permanent pool greater than four hundred
16 surface acres. Any project having a permanent pool greater than
17 twenty surface acres shall provide for public access.

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

22 (3)(a) Prior to the issuing of bonds pursuant to section
23 2-3226.10 or expending funds of a natural resources district
24 encompassing a city of the metropolitan class to pay costs of a
25 reservoir or water quality basin project or projects greater than

1 twenty surface acres, ~~a the~~ county board of ~~the an~~ affected county
2 may pass a resolution or the city council or village board of an
3 affected city or village may pass an ordinance stating that it does
4 not approve of the construction of such reservoir or water quality
5 basin project or projects within its ~~exclusive~~ zoning jurisdiction.
6 The county board, city council, or village board shall hold a public
7 hearing and shall vote on the resolution or ordinance within ninety
8 days after notice from the board of directors of the natural
9 resources district of its intent to issue bonds.

10 (b) No proceeds from bonds issued pursuant to section
11 2-3226.10 or funds of a natural resources district encompassing a
12 city of the metropolitan class ~~may shall~~ be used to pay costs of a
13 reservoir or water quality basin project, ~~or~~ projects greater than
14 twenty surface acres, or recreational facilities if the county board,
15 city council, or village board of ~~the an~~ affected county, city, or
16 village passes such a resolution or ordinance.

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

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

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

14 Sec. 2. Original section 2-3226.11, Revised Statutes
15 Cumulative Supplement, 2010, is repealed.