

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 931

Introduced by Karpisek, 32.

Read first time January 10, 2012

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

8 (b) No proceeds from bonds issued pursuant to section
9 2-3226.10 or funds of a natural resources district encompassing a
10 city of the metropolitan class may be used to pay costs of a
11 reservoir or water quality basin project or projects greater than
12 twenty surface acres if the county board of the affected county
13 passes such a resolution.

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

23 (4) Proceeds of bonds issued pursuant to section
24 2-3226.10 shall not be used to fund any project in any city or county
25 (a) located within a watershed in which is located a city of the

1 metropolitan class and (b) which is party to an agreement under the
2 Interlocal Cooperation Act, unless such city or county has adopted a
3 storm water management plan approved by the board of directors of the
4 natural resources district encompassing a city of the metropolitan
5 class.

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

11 Sec. 2. Original section 2-3226.11, Revised Statutes
12 Cumulative Supplement, 2010, is repealed.