

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1019

Introduced by Davis, 43; Haar, 21.

Read first time January 19, 2016

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend
2 section 72-2008, Reissue Revised Statutes of Nebraska, and section
3 72-2007, Revised Statutes Supplement, 2015; to require legislative
4 confirmation of certain appointments; to change provisions relating
5 to support by the Game and Parks Commission; and to repeal the
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 72-2007, Revised Statutes Supplement, 2015, is
2 amended to read:

3 72-2007 (1) The Niobrara Council is created. The council membership
4 shall include:

5 (a) A commissioner from each of the county boards of Brown, Cherry,
6 Keya Paha, and Rock counties chosen by the county board of the respective
7 county;

8 (b) A representative of the Middle Niobrara Natural Resources
9 District and the Lower Niobrara Natural Resources District chosen by the
10 board of the respective district;

11 (c) The secretary of the Game and Parks Commission or his or her
12 designee;

13 (d) The regional director for the National Park Service or his or
14 her designee and the regional director for the United States Fish and
15 Wildlife Service or his or designee. The members under this subdivision
16 shall be nonvoting members unless and until the agencies represented by
17 these members formally authorize such members to vote on all matters
18 before the council by notifying the council and the Governor in writing;

19 (e) An individual from each of Brown, Cherry, Keya Paha, and Rock
20 counties who resides in the Niobrara River drainage area and owns land in
21 the Niobrara scenic river corridor chosen by the Governor from a list of
22 at least three individuals, or fewer if there are not at least three
23 qualified individuals, from each county submitted by the county board
24 members on the council;

25 (f) A representative from a recreational business operating within
26 the Niobrara scenic river corridor chosen by the Governor from a list of
27 at least three individuals, or fewer if there are not at least three
28 qualified individuals, submitted by the county board members on the
29 council;

30 (g) A timber industry representative operating within the Niobrara
31 scenic river corridor chosen by the Governor from a list of at least

1 three individuals, or fewer if there are not at least three qualified
2 individuals, submitted by the county board members on the council; and

3 (h) A representative of a recognized, nonprofit environmental,
4 conservation, or wildlife organization chosen by the Governor from a list
5 of at least three individuals, or fewer if there are not at least three
6 qualified individuals, submitted by the county board members on the
7 council.

8 The appointments made pursuant to subdivisions (1)(e) through (h) of
9 this section shall be subject to confirmation by the Legislature. The
10 council members shall hold office for three-year terms and until a
11 successor is appointed and qualified. The council members shall serve at
12 the pleasure of the appointing board or the Governor.

13 (2) The council shall elect a chairperson, a vice-chairperson, a
14 secretary, and a treasurer who shall jointly serve as the executive
15 committee for the council. The council shall meet on a regular basis with
16 a minimum of six meetings per year. Special meetings may be called by any
17 member of the executive committee or at the request of a simple majority
18 of the members of the council.

19 (3) A quorum shall be present at a meeting before any action may be
20 taken by the council. A quorum shall be a majority of the members who are
21 selected and serving and who vote on issues before the council. All
22 actions of the council require a majority vote of the quorum present at
23 any meeting, except that any vote to reject or adopt any zoning
24 regulation or variance under section 72-2010 requires a vote of two-
25 thirds of all the council members who are selected and serving and who
26 vote on issues before the council.

27 (4) Members shall be reimbursed for actual and necessary expenses
28 incurred in carrying out their duties on the council as provided in
29 sections 81-1174 to 81-1177.

30 Sec. 2. Section 72-2008, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 72-2008 The mission of the Niobrara Council is to assist in all
2 aspects of the management of the Niobrara scenic river corridor since
3 portions of the Niobrara River have been designated as a national scenic
4 river under 16 U.S.C. 1274(a)(117), as such section existed on May 24,
5 1991, giving consideration and respect to local and governmental input
6 and private landowner rights, and to maintain and protect the integrity
7 of the resources associated with the Niobrara scenic river corridor. The
8 council shall perform management functions related to the Niobrara scenic
9 river corridor, including, but not limited to, those authorized and
10 delegated to it by the National Park Service. The council may promulgate
11 its own rules and internal policies to carry out the purposes of the
12 Niobrara Scenic River Act. The Game and Parks Commission may provide
13 administrative, budgetary, operational, and programmatic support when
14 requested by the council to carry out its duties. ~~This support shall not~~
15 ~~exceed fifty thousand dollars in any calendar year.~~ In the Niobrara
16 scenic river corridor, the council may hold title to real estate in the
17 name of the council. The council may purchase, accept gifts of, or trade
18 real estate and may obtain conservation easements as provided in the
19 Conservation and Preservation Easements Act. Acquisition of conservation
20 easements outside the boundaries of the Niobrara scenic river corridor
21 shall require the approval of the appropriate governing body as provided
22 in section 76-2,112. On December 1, 2016, and on each December 1
23 thereafter, the council shall electronically submit an annual report to
24 the Clerk of the Legislature and the chairperson of the Natural Resources
25 Committee of the Legislature describing expenditures made pursuant to the
26 Niobrara Scenic River Act.

27 Sec. 3. Original section 72-2008, Reissue Revised Statutes of
28 Nebraska, and section 72-2007, Revised Statutes Supplement, 2015, are
29 repealed.