

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 622

Introduced by Larson, 40.

Read first time January 21, 2015

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend
- 2 sections 72-2006 and 72-2007, Reissue Revised Statutes of Nebraska;
- 3 to redefine a term; to change membership provisions of the Niobrara
- 4 Council; to repeal the original sections; and to declare an
- 5 emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 72-2006, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 72-2006 For purposes of the Niobrara Scenic River Act, Niobrara
4 scenic river corridor means the area designated as a national scenic
5 river and a part of the national wild and scenic rivers system under 16
6 U.S.C. 1274(a)(117), as such section existed on May 24, 1991, and
7 described in the 2007 ~~1996~~ Niobrara National Scenic River General
8 Management Plan/Environmental Impact Statement.

9 Sec. 2. Section 72-2007, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 72-2007 (1) The Niobrara Council is created. The council membership
12 shall include:

13 (a) A representative of each of the county boards of Brown, Cherry,
14 Keya Paha, and Rock counties chosen by the county board of the respective
15 county;

16 (b) A representative of the Middle Niobrara Natural Resources
17 District and the Lower Niobrara Natural Resources District chosen by the
18 board of the respective district;

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

21 (d) A representative of the United States Fish and Wildlife Service
22 and a representative of the National Park Service chosen by the Governor
23 from lists of at least three individuals, or fewer if there are not at
24 least three qualified individuals, submitted by the federal services. The
25 appointments under this subdivision shall be nonvoting members unless and
26 until the agencies represented by these appointees formally authorize
27 such appointees to vote on all matters before the council;

28 (e) An individual from each of Brown, Cherry, Keya Paha, and Rock
29 counties who resides in the Niobrara River drainage area and owns land in
30 the Niobrara scenic river corridor chosen by the Governor from a list of
31 at least three individuals, or fewer if there are not at least three

1 qualified individuals, from each county submitted by the county board
2 representatives on the council;

3 (f) A representative from a recreational business operating within
4 the Niobrara scenic river corridor chosen by the Governor from a list of
5 at least three individuals, or fewer if there are not at least three
6 qualified individuals, submitted by the county board representatives on
7 the council;

8 (g) A timber industry representative operating within the Niobrara
9 scenic river corridor chosen by the Governor from a list of at least
10 three individuals, or fewer if there are not at least three qualified
11 individuals, submitted by the county board representatives on the
12 council; and

13 (h) A representative of a recognized, nonprofit environmental,
14 conservation, or wildlife organization chosen by the Governor from a list
15 of at least three individuals, or fewer if there are not at least three
16 qualified individuals, submitted by the county board representatives on
17 the council.

18 The members of the council chosen by the Governor in subdivisions
19 (e) through (h) of this section shall be approved by the Legislature. The
20 council members shall be selected within ninety days after July 13, 2000.
21 The council members shall hold office for three-year terms and until a
22 successor is appointed and qualified. The council members shall serve at
23 the pleasure of the appointing board or the Governor.

24 (2) The council shall elect a chairperson, a vice-chairperson, a
25 secretary, and a treasurer who shall jointly serve as the executive
26 committee for the council. The council shall meet on a regular basis,
27 preferably once a month, with a minimum of six meetings per year. Special
28 meetings may be called by any member of the executive committee or at the
29 request of a simple majority of the members of the council.

30 (3) A quorum shall be present at a meeting before any action may be
31 taken by the council. A quorum shall be a majority of the members who are

1 selected and serving and who vote on issues before the council. All
2 actions of the council require a majority vote of the quorum present at
3 any meeting, except that any vote to reject or adopt any zoning
4 regulation or variance under section 72-2010 requires a vote of two-
5 thirds of all the council members who are selected and serving and who
6 vote on issues before the council. A council member may not participate
7 or vote on any matter on which he or she participated or voted as a
8 member of a county board, county planning commission, or natural
9 resources district board, and in such a case such council member shall
10 not be counted for purposes of determining whether quorum or vote
11 requirements have been satisfied.

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

15 Sec. 3. Original sections 72-2006 and 72-2007, Reissue Revised
16 Statutes of Nebraska, are repealed.

17 Sec. 4. Since an emergency exists, this act takes effect when
18 passed and approved according to law.