

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 390**

Introduced by Albrecht, 17.

Read first time January 13, 2017

Committee: Natural Resources

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

1 Section 1. Section 2-3226.11, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

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

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

21 (3)(a) Prior to the issuing of bonds pursuant to section 2-3226.10  
22 or expending funds of a natural resources district encompassing a city of  
23 the metropolitan class to pay costs of a reservoir or water quality basin  
24 project or projects greater than twenty surface acres, a county board of  
25 the affected county may pass a resolution stating that it does not  
26 approve of the construction of such reservoir or water quality basin  
27 project or projects within its ~~exclusive~~ zoning jurisdiction. The county  
28 board shall hold a public hearing and shall vote on the resolution within  
29 ninety days after notice from the board of directors of the natural  
30 resources district of its intent to issue bonds.

31 (b) No proceeds from bonds issued pursuant to section 2-3226.10 or

1 funds of a natural resources district encompassing a city of the  
2 metropolitan class may be used to pay costs of a reservoir or water  
3 quality basin project or projects greater than twenty surface acres if  
4 the county board of the affected county passes such a resolution.

5 (c) Sections 2-3226.10 to 2-3226.14 do not (i) limit the authority  
6 of a natural resources district with regard to reservoirs, water quality  
7 basin projects, or other projects of less than twenty surface acres or  
8 (ii) prohibit use of funds of a natural resources district for  
9 preliminary studies or reports necessary, in the discretion of the board  
10 of directors of the natural resources district, to determine whether a  
11 reservoir or water quality basin project should be presented to a county  
12 board pursuant to this section.

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

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

24 Sec. 2. Original section 2-3226.11, Reissue Revised Statutes of  
25 Nebraska, is repealed.