

AMENDMENTS TO LB177

Introduced by Erdman, 47.

1           1. Insert the following new section:

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

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

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

25           (3)(a) Prior to the issuing of bonds pursuant to section 2-3226.10  
26 or expending funds of a natural resources district encompassing a city of  
27 the metropolitan class to pay costs of a reservoir or water quality basin

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

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

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

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

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

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2. Renumber the remaining sections and correct the repealer
- 2 accordingly.