

LEGISLATIVE BILL 783

Approved by the Governor April 24, 1978

Introduced by Public Works Committee, Kremer, 34, Chmn.; Mills, 44; Cullan, 49; Kennedy, 21; Moylan, 6; Merz, 1

AN ACT to amend section 2-3229, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources; to require plans be prepared and adopted by the natural resource districts as prescribed; to provide duties; to place restrictions on disbursement of state funds; and to repeal the original section, and also section 2-3252.01, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 2-3229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3229. The purposes of natural resources districts shall be to develop and execute, through the exercise of powers and authorities contained in this act, plans, facilities, works, and programs relating to (1) erosion prevention and control, (2) prevention of damages from flood water and sediment, (3) flood prevention and control, (4) soil conservation, (5) water supply for any beneficial uses, (6) development, management, utilization and conservation of ground water and surface water, (7) pollution control, (8) solid waste disposal and sanitary drainage, (9) drainage improvement and channel rectification, (10) development and management of fish and wildlife habitat, (11) development and management of recreational and park facilities, and (12) forestry and range management. All such plans, facilities, works, and programs are to be in conformance with the goals, criteria, and policies of the state water plan as developed by the Nebraska Natural Resources Commission; Provided, that the development and execution of such plans and programs as authorized by this section within Nebraska planning and development districts shall be undertaken only if a properly designated district planning body for the area affected shall find that such plans and programs are not in conflict with the goals, objectives, or plans of the district planning board. Such planning body shall be accorded a period of thirty days to review and comment upon the plans and programs of natural resources districts. Failure to reply within

thirty days shall be conclusive that the proposed plans and programs have been endorsed by the district planning body; Provided, that negative comments on plans or programs by the district planning body shall not delay action by the natural resources district or its agent when such plans and programs are specifically recommended in a functional plan that has been approved by the Legislature. The same thirty-day review period shall be provided for the central state planning agency. The execution of such plans and programs as authorized by this section may not be undertaken if as a result of this review the central state planning agency shall find that such plans and programs are in conflict with state policies and plans approved by the Legislature. Failure to reply within thirty days shall be conclusive that the proposed plans and programs have been endorsed by the central state planning agency. As to development and management of fish and wildlife habitat and development and management of recreational and park facilities, such plans, facilities, works, and programs shall be in conformance with the any outdoor recreation plan for Nebraska and the any fish and wildlife plan for Nebraska as developed by the Game and Parks Commission. ~~Plans for development and management of fish and wildlife habitat and recreational and park facilities shall be approved in writing by the Game and Parks Commission prior to their adoption or development. Periodic reports shall be submitted by the districts to the commission as such plans and programs develop and the commission shall coordinate the activities of the several districts to prevent conflicts of operations.~~

Sec. 2. By August 1, 1979, each natural resource district shall prepare and adopt a master plan to include but not be limited to a statement of goals and objectives for each of the purposes stated in section 2-3229. The master plan shall be reviewed and updated as often as deemed necessary by the district, but in no event less often than once each ten years. A copy of the master plan as adopted and all revisions and updates thereto shall be filed with the Natural Resources Commission.

Sec. 3. Each district shall also prepare and adopt a long range implementation plan which shall summarize planned district activities and include projections of financial, manpower, and land rights needs of the district for at least the next five years and the specific needs assessment upon which the current budget is based. Such long range implementation plan shall be reviewed and updated annually. A copy of the long range implementation plan and all revisions and updates thereto as adopted, shall be filed with the Natural Resources

Commission, the State Office of Planning and Programming, and the Game and Parks Commission on or before October 1 of each year. The Natural Resources Commission shall develop and make available to the districts suggested guidelines regarding the format and general content of such long-range implementation plans.

Sec. 4. Each district shall also prepare and adopt any individual project plans as it deems necessary to carry out projects approved by the district. Project plans as developed involving state regulations or financing shall be filed with the appropriate agency. A project plan for any project shall also be filed with any of the agencies named in section 3 of this act, if a timely request in writing is made by such agency. Each district shall consult with and coordinate its plans with those of other local implementation agencies.

Sec. 5. All plans submitted by a district under sections 2 to 4 of this act, except those filed in compliance with state requirements or for the purpose of state financial assistance, shall be accorded a thirty day period for review and comment. Failure to reply within thirty days shall be conclusive that the plans have been endorsed by the reviewing agency. All comments on plans shall be reviewed by the district and alterations of the plans may be made as the district deems appropriate. If any state agency comments indicate a lack of conformance with the goals, criteria, and policies of any state water plan, any outdoor recreation plan, any fish and wildlife plan, or indicate a conflict with state policies or plans approved by the Legislature, such plans shall be altered as deemed necessary by the district prior to proceeding with implementation.

Sec. 6. No state funds shall be allocated or disbursed to a district unless that district has submitted its master plan in accordance with this act and until the disbursing agency has determined that such funds are for plans, facilities, works, and programs which are in conformance with the plans of the agency.

Sec. 7. That original section 2-3229, Reissue Revised Statutes of Nebraska, 1943, and also section 2-3252.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.