

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 656

Introduced by Janssen, 15.

Read first time January 19, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend section
2 2-3226.11, Revised Statutes Cumulative Supplement, 2010;
3 to change provisions relating to flood protection and
4 water quality enhancement bonds; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3226.11, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

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

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

23 (3)(a) Prior to the issuing of bonds pursuant to section
24 2-3226.10 or expending funds of a natural resources district
25 encompassing a city of the metropolitan class to pay costs of a

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

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

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

24 (4) Proceeds of bonds issued pursuant to section
25 2-3226.10 shall not be used to fund any project in any city or county

1 (a) located within a watershed in which is located a city of the
2 metropolitan class and (b) which is party to an agreement under the
3 Interlocal Cooperation Act, unless such city or county has adopted a
4 storm water management plan approved by the board of directors of the
5 natural resources district encompassing a city of the metropolitan
6 class.

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

12 Sec. 2. Original section 2-3226.11, Revised Statutes
13 Cumulative Supplement, 2010, is repealed.