

## LEGISLATIVE BILL 335

Approved by the Governor March 13, 1973

Introduced by Burbach, 19

AN ACT to amend sections 2-3201, 2-3202, 2-3213, and 2-3252.01, Revised Statutes Supplement, 1972, relating to natural resources districts; to delete obsolete references to soil and water conservation districts; to repeal the original sections, and also section 2-1517.04, Revised Statutes Supplement, 1972; and to declare an emergency.

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

Section 1. That section 2-3201, Revised Statutes Supplement, 1972, be amended to read as follows:

2-3201. The Legislature hereby recognizes and declares that it is essential to the health and welfare of the people of the State of Nebraska to conserve, protect, develop, and manage the natural resources of this state. The Legislature further recognizes the significant achievements that have been made in the conservation, protection, development and management of our natural resources, and declares that the most efficient and economical method of accelerating these achievements is by creating natural resources districts encompassing all of the area of the state, as provided by this act. The Legislature further declares that the functions heretofore performed by soil and water conservation districts, watershed conservancy districts, watershed districts, advisory watershed improvement boards, and watershed planning boards shall be consolidated and made functions of natural resources districts; and the governing boards of such districts and boards shall complete, before July 1, 1972, the necessary transfers and other arrangements so that such boards may, on that date, begin the operation of natural resources districts, as provided by this act. The Legislature further declares that other special purpose districts, including ~~soil-and-water--conservation--districts~~, rural water districts, ground water conservation districts, drainage districts, reclamation districts, and irrigation districts, are hereby encouraged to cooperate with and, where appropriate, to merge with natural resources districts created by this act.

Sec. 2. That section 2-3202, Revised Statutes Supplement, 1972, be amended to read as follows:

2-3202. As used in this act, unless the context otherwise requires:

(1) Commission shall mean the Nebraska Natural Resources Commission;

(2) Natural resources district or district shall mean a natural resources district created pursuant to this act;

(3) Board shall mean the board of directors of a district;

(4) Director shall mean a member of the board; and

(5) Other special purpose districts shall mean ~~soil--and--water--conservation--districts~~; rural water districts, ground water conservation districts, drainage districts, reclamation districts, and irrigation districts.

Sec. 3. That section 2-3213, Revised Statutes Supplement, 1972, be amended to read as follows:

2-3213. (1) Beginning on the first Thursday after the first Tuesday in January, 1975, each district shall be governed by a board of directors of five, seven, nine, eleven, thirteen, fifteen, seventeen, nineteen, or twenty-one members, the number to be recommended to the commission by the first board of directors before January 1, 1974. The commission shall determine the number of directors, and in making such determination shall consider the number recommended by the first board, the complexity of the foreseeable programs, and the population and land area of the district. To insure continuity in completing existing programs and to promote the efficient and effective transition of powers and programs of existing soil and water conservation districts, watershed conservancy districts, watershed districts, advisory watershed improvement boards, and watershed planning boards, as provided by this act, all directors or supervisors of such districts and members of the boards on July 1, 1972, together with ~~supervisors--of soil-and-water-conservation-districts--and~~ directors of ground water conservation districts, and also one representative from each city of the second class within the district, one representative from each city of the first class within the district for each five thousand inhabitants, to the nearest five thousand, and seven representatives from each city of the primary class within the district, such representatives to be designated by the mayor with the approval of the city

council, with the mayor and members of the council being eligible for such designation, shall comprise the first board of the natural resources districts within which they reside, except when the natural resources district includes a city of the metropolitan class the first board shall consist of the resident members of the board of directors of soil and water conservation districts, members of advisory watershed improvement boards, and also, in any natural resources district in which is situated a city of the metropolitan class, ten representatives of urban interests to be designated by the county board of the county in which such city is located. These individuals shall be officially convened as boards of the respective districts by the commission prior to July 1, 1972, at which time they shall elect officers. This first board shall serve until the first Thursday after the first Tuesday in January, 1975, when successor board members shall have been elected and qualified as provided by this act. The conduct of the affairs of this first board, including initiation of plans for operation and administration of the district, and creation of subdistricts for nomination of candidates for directors, shall be in accordance with rules and regulations promulgated by the commission, which rules and regulations shall require that in the creation of subdistricts for nomination of candidates for directors this first board shall give due regard to all factors including but not limited to the extent that works of improvement are located in rural areas and the extent to which population and taxable values are located in urban areas and the wishes of the people in the district. Vacancies on such boards during the period of July 1, 1972, to the first Thursday after the first Tuesday in January, 1975, shall be filled through appointment by the Governor. Such districts shall be political subdivisions of the state, shall have perpetual succession, and may sue and be sued in the name of the district. To facilitate the task of administration of the first boards of natural resources districts and in recognition that many such boards will have a large number of members, it is hereby provided that an executive committee of not more than twenty-one members shall be selected by majority vote of the board. Municipal representation on such executive committee shall be provided for giving due regard to all factors including but not limited to the extent that works of improvement are located in rural areas and the extent to which population and taxable values are located in urban areas. Executive committees shall be empowered to act for the board in all matters within its purview unless specifically limited by the establishment and appointment; Provided, that the executive committee shall be assigned the responsibility of creating subdistricts for nomination of candidates for

directors.

(2) Whenever the land area of an irrigation district, reclamation district, or public power and irrigation district lies wholly or in part within a natural resources district, a person appointed by the board of such irrigation district, reclamation district, or public power and irrigation district, shall sit as a nonvoting member of the board of the natural resources district.

Sec. 4. That section 2-3252.01, Revised Statutes Supplement, 1972, be amended to read as follows:

2-3252.01. Each natural resources district and ~~each-soil-and-water-conservation-district~~ shall, no later than August 1, 1975, prepare a comprehensive long-range six-year plan for its operations and a one-year certain plan. The long-range plan shall be updated annually with a one-year certain plan. ~~to insure the consistency of such plans; the board of supervisors of each soil and water conservation district shall consult with the board of directors of each natural resources district within which land area of such soil and water conservation district is located; a copy of the plan of the soil and water conservation district shall be filed with the board of the natural resources district.~~ The board of each natural resources district shall consult with the Nebraska Natural Resources Commission to insure the consistency of its plan with the long-range plan of the commission. A copy of the plan of the natural resources district shall be filed with the commission. Failure of any district to comply with the requirements of this section shall result in the withholding from such district of any state funds that would otherwise be allocated to it.

Sec. 5. That original sections 2-3201, 2-3202, 2-3213, and 2-3252.01, Revised Statutes Supplement, 1972, and also section 2-1517.04, Revised Statutes Supplement, 1972, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.