

LEGISLATIVE BILL 412

Approved by the Governor May 21, 1979

Introduced by Government, Military and Veterans Affairs
Committee, Keyes, 3, Chan.; Herz, 1; Duis, 39;
Landis, 46; Wagner, 41

AN ACT to amend sections 2-1581, 2-3268, 23-343.97, 43-658, 81-1133, 81-1134, 84-132 to 84-135, 84-136, 84-137, 84-139 to 84-141, 84-151, 84-153, 84-154, and 84-157 to 84-160, Reissue Revised Statutes of Nebraska, 1943, sections 2-3277, 76-1607, 76-1621, 81-1423, 84-152, and 84-161, Revised Statutes Supplement, 1978, section 84-156, Reissue Revised Statutes of Nebraska, 1943, as amended by section 71, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, and section 81-194, Revised Statutes Supplement, 1978, as amended by sections 2, 3, and 3, respectively, Legislative Bills 96, 97, and 98, Eighty-sixth Legislature, First Session, 1979, relating to state agencies; to create the Policy Research Office and the position of Director of Policy Research; to provide that functions of the State Office of Planning and Programming be transferred to such research office; to provide powers and duties of the Policy Research Office; to transfer certain records as prescribed; to repeal the original sections, and also sections 23-343.82, 23-343.96, 84-135.01, and 84-138, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. That section 2-1581, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1581. (1) The board shall study and prepare recommendations on how the Nebraska Water Conservation Fund should be administered, funded, and distributed, and report its recommendations to the Governor and the Legislature by December 1, 1977. Specific items to be studied by the board shall include:

(a) The most desirable relationship of the Nebraska Water Conservation Fund program to other existing programs, including the federal Agricultural Conservation Program, the Great Plains Conservation

Program, the Nebraska Resources Development Fund, and the programs of the natural resources districts;

(b) An estimate of the program's economic effect to include (i) projected costs and benefits of the program, (ii) a reasonable share of water conservation costs which should be borne by the public, and (iii) incentives needed to carry out the policy and provisions of sections 2-1575 to 2-1582;

(c) An estimate of the program's environmental effect to include (i) effect on ground water aquifers, (ii) effect on stream quality and quantity, and (iii) effect on long-term land productivity;

(d) An evaluation of possible revenue sources to support the fund;

(e) A recommendation on an administrative structure to distribute the funds to agricultural landowners to encourage water conservation, in the public interest, that is simple to administer and easy for landowners to use; and

(f) A recommendation on the type and source of technical assistance required to implement sections 2-1575 to 2-1582.

(2) The board shall consult with the following federal agencies:

(a) The State Agricultural Conservation and Stabilization Committee;

(b) The State Conservationist of the United States Soil Conservation Service; and

(c) Such other federal agencies as the board shall deem necessary.

(3) The board shall consult with the following state agencies:

(a) The Department of Water Resources;

(b) The Department of Environmental Control;

(c) The Game and Parks Commission;

(d) University of Nebraska Institute of Agriculture and Natural Resources;

- (e) The Department of Agriculture;
- (f) The State-Office-of-Planning-and--Programming Policy Research Office;
- (g) The Department of Health;
- (h) The Department of Economic Development;
- (i) The Department of Revenue; and
- (j) The Conservation and Survey Division, University of Nebraska.

Sec. 2. That section 2-3268, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3268. In order to assist the Nebraska Natural Resources Commission in administering the Nebraska Resources Development Fund, an advisory board to the commission is hereby created. The board shall consist of a representative of the following state agencies: The Department of Economic Development, the State--Office--of Planning-and--Programming Policy Research Office, the Department of Environmental Control, the Department of Water Resources, the Department of Agriculture, the Game and Parks Commission, the Conservation and Survey Division of the University of Nebraska, and the Nebraska Natural Resources Commission. The advisory board may (1) adopt in accordance with the provisions of Chapter 34, article 9, rules and regulations establishing criteria for determining eligibility of programs and projects, for funding, and for carrying out any of its other responsibilities under sections 2-3253 to 2-3272, (2) conduct special studies necessary to the administration of the fund, (3) conduct any public hearings necessary to perform its duties, and (4) utilize the staffs of any of the member agencies to assist in the performance of its duties.

Sec. 3. That section 2-3277, Revised Statutes Supplement, 1978, be amended to read as follows:

2-3277. 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 Policy Research Office~~, 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. That section 23-343.97, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.97. Except as otherwise provided in section 23-343.98, the findings and recommendations, if any, of the appropriate local health planning agency, if any, ~~and of the State Office of Planning and Programming~~, shall be considered by the board of trustees of the hospital authority in making its determination as to whether or not to proceed with construction of the proposed structure.

Sec. 5. That section 43-658, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-658. For administration purposes, the council shall be placed within the ~~State Office of Planning and Programming Policy Research Office~~ as a separate program.

Sec. 6. That section 76-1607, Revised Statutes Supplement, 1978, be amended to read as follows:

76-1607. (1) There is hereby created, with such duties and powers as are set forth in sections 76-1601 to 76-1651 to carry out the provisions of sections 76-1601 to 76-1651, a body politic and corporate, not a state agency, but an independent instrumentality exercising essential public functions, to be known as the Nebraska Mortgage Finance Fund.

(2) The fund shall be composed of nine members as follows:

(a) Three ex officio members who shall be:

(i) The Director of Economic Development;

(ii) The chairman of the Nebraska Investment Council; and

(iii) The Director of Planning Policy Research;

and

(b) Six public members who shall be appointed by the Governor as follows:

(i) Two people representing the mortgage lending industry;

(ii) Two people representing the home building and real estate industry; and

(iii) Two people representing the public at large.

(3) All members shall be residents of the state. The public members shall, to the extent possible, represent different areas of the state. Of the six public members, not more than three shall belong to the same political party. The three ex officio members may each designate a representative to perform the respective duties under sections 76-1601 to 76-1651.

Sec. 7. That section 76-1621, Revised Statutes Supplement, 1978, be amended to read as follows:

76-1621. In exercising any powers granted in sections 76-1601 to 76-1651, the fund shall coordinate its activities with the policy, program, and planning efforts of the state, particularly the ~~State--Office--of Planning--and--Programming~~ Policy Research Office and the Department of Economic Development.

Sec. 8. That section 81-194, Revised Statutes Supplement, 1978, as amended by sections 2, 3, and 3, respectively, Legislative Bills 96, 97, and 98, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

81-194. The following ~~agencies,--boards,--or commissions~~ agency shall terminate on July 1, 1979 1980:

~~{1} Board of Examiners in Embalming, created by sections 71-111 and 71-112, ;--and~~

~~{2}--State--Office--of--Planning--and--Programming, created by section 84-133.~~

Sec. 9. That section 81-1133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1133. Any department, board, commission, or agency of the State of Nebraska applying for funds, aids, and grants from any source other than the General Fund and the various cash funds, and any political subdivision

applying for funds, aids, and grants which require matching state General Funds, shall file a copy of the application with the state clearinghouse. The state clearinghouse shall establish application review procedures which shall include the budget division of the Department of Administrative Services, the Legislative Fiscal Analyst, the ~~State--Office--of--Planning--and Programming~~ Policy Research Office, and other agencies as may be necessary. All applications filed with the state clearinghouse shall be processed within thirty days, unless the review period is extended by agreement of the applicant for an additional period not to exceed thirty days.

Sec. 10. That section 81-1134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1134. When, as a condition to receiving the nonstate funds, the State of Nebraska is required to match the funds applied for, a resource statement shall be filed with the application. The resource statement, as prescribed by the state clearinghouse, shall show in summary form the purpose of the project, the manner in which the project will be accomplished, and the impact on the agency or any other agencies following project completion. The statement shall also show in detail the amount of funds being requested, the amount and source of any state funds required to match the funds, the amount and type of in-kind services, the length of time the matching funds are required, the amount of indirect charges, and such other information as may be required by Circular A-95 of the United States Office of Management and Budget, the Department of Administrative Services, the ~~State--Office--of--Planning--and--Programming~~ Policy Research Office, or the state clearinghouse. The statement shall also include a narrative describing the state's future commitment of funds or programs, resource replacement requirements, and any other conditions for fund acceptance, except that applications for scientific purposes or individual academic research may be exempted from the review process by the state clearinghouse.

Sec. 11. That section 81-1423, Revised Statutes Supplement, 1978, be amended to read as follows:

81-1423. The commission shall have authority to:

(1) Adopt rules and regulations for its organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under sections 81-1415 to 81-1426;

(2) Delegate to one or more of its members such powers and duties as it may deem proper;

(3) Coordinate and jointly pursue its activities with the ~~central-state-planning--and--programming--office~~ Policy Research Office;

(4) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

(5) Plan improvements in the administration of criminal justice and promote their implementation;

(6) Make or encourage studies of any aspect of the administration of criminal justice;

(7) Conduct research and stimulate research by public and private agencies which shall be designed to improve the administration of criminal justice;

(8) Coordinate activities relating to the administration of criminal justice among agencies of state and local government;

(9) Cooperate with the federal and other state authorities concerning the administration of criminal justice;

(10) Accept and administer loans, grants, and donations from the United States, its agencies, the State of Nebraska, its agencies, and from other sources, public and private, for carrying out any of its functions; Provided, that no communications equipment be acquired or approval for acquisition of communications equipment be granted without receiving the written approval of the director of the division of Communications of the Department of Administrative Services;

(11) Enter into contracts, leases, and agreements necessary, convenient or desirable for carrying out its purposes and the powers granted under sections 31-1415 to 31-1426 with agencies of state or local government, corporations, or persons;

(12) Acquire, hold and dispose of personal property in the exercise of its powers;

(13) Conduct random annual audits of criminal justice agencies to verify the accuracy and completeness of criminal history record information maintained by such agencies and to determine compliance with laws and regulations dealing with the dissemination, security, and

privacy of criminal history information;

(14) Report annually to the Governor and to the Legislature on its activities, and make such other reports as it may deem appropriate; and

(15) Do all things necessary to carry out its purposes and for the exercise of the powers granted in sections 81-1415 to 81-1426, except that no activities or transfers or expenditures of funds available to the agency shall be inconsistent with legislative policy as reflected in substantive legislation, legislative intent legislation, or appropriations legislation.

Sec. 12. That section 84-132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-132. It is the purpose of this act to promote the development of the state's human, economic, and physical resources; to promote the health, safety, and general welfare of its citizens; and to secure, through planning, the economical and efficient expenditure of the state's revenue, by creating, within the executive branch, an office for comprehensive--statewide--planning and--programming development and review of policy alternatives. The office shall act as a directing, advisory, consulting, and coordinating agency to harmonize planning and programming policy development activities at all levels of government within Nebraska, and to stimulate public interest and participation in the social, economic, and physical development of the state.

Sec. 13. That section 84-133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-133. (1) There is created a State--office--of Planning-and-Programming Policy Research Office in the executive branch of state government. The State--office of-Planning-and-Programming Policy Research Office shall consist of the Governor, ~~as the state-planning-officer,~~ a Director of Planning Policy Research who shall be appointed by the Governor and serve at his or her pleasure, and such other employees as are appointed by the Director of Planning Policy Research to achieve the purposes of this act and for which adequate funding is available.

(2) The Governor, through the State--office--of Planning-and-Programming Policy Research Office, shall encourage comprehensive--and--coordinated--planning activities coordination of policy development in state

government; inquire into the methods of policy planning and program development in state government; provide adequate systems of records for planning and programming policy development purposes; and lay prescribe the institution and uses of standards for effective planning and programming state agency policy development.

(3) The Governor may direct any state department, agency, or institution of state government to furnish the State Office of Planning and Programming Policy Research Office with such information, personnel, equipment, and services as are necessary to enable it to carry out its responsibilities and duties and to prescribe the terms thereof, including reimbursement of costs thereof, if any.

(4) The Governor shall be permitted to appoint the Director of Policy Research Planning--of--the--State Office of Planning and Programming to serve as an ex officio, nonvoting member of any committee, commission, council or other similar organization of a state agency, department, institution, or group of such bodies that is concerned with planning, programming--or research, or policy development. Opportunities for such representation on any public, nonfederal, regional bodies concerned with planning, programming, or research and operating wholly or partially within Nebraska shall also be provided when requested by the Governor; provided, that the Director of Planning Policy Research may in turn delegate such membership to his or her staff or to an appropriate official of another state agency. The state, interstate, and regional organizations mentioned in this subsection shall make any necessary organizational adjustments to receive the ex officio member if requested to do so by the Governor.

(5) The Governor may delegate any of his or her powers, duties, and responsibilities as conferred by this act to the Director of Planning Policy Research.

Sec. 14. That section 84-134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-134. The Governor may establish special or general advisory committees or councils to the State Office of Planning and Programming Policy Research Office and appoint the members thereof, who shall serve for stated times or at his or her pleasure. Members shall serve without compensation, but may be reimbursed for the necessary expenses incurred in the performance of their duties. The Governor may designate the chairman chairperson and such other officers as he or she may deem

necessary for each advisory committee or council. Advisory committees or councils established pursuant to the provisions of this section shall meet at the call of their chairman chairperson or of the Director of Planning Policy Research.

Sec. 15. That section 84-135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-135. The ~~State--Office--of--Planning--and~~ Programming Policy Research Office shall be the principal state agency to ~~plan--for--the--comprehensive~~ coordinate policy development ~~of relating to~~ the state's social, economic, and physical resources and to ~~stimulate--and~~ coordinate programs administered by the state and its political subdivisions, ~~that--are--required--to--put--such~~ plans--into--effect. It shall provide available planning and ~~programming~~ information, assistance, and staff support to the executive and legislative branches by all appropriate means. Furthermore, the office shall may, except as otherwise specified by the Governor:

(1) ~~Formulate~~ Identify long-range state development ~~---policies,---including---appropriate~~ recommendations to problems and development opportunities and propose alternative policy options which may be submitted by the Governor to the Legislature for its consideration; ~~as provided in section 84-136;~~

(2) ~~Formulate,~~ for approval by the Governor and or the Legislature, ~~plans and policies~~ policy options for the orderly and coordinated growth of the state; ~~including but not limited to functional plans as provided for and defined in section 84-137; Provided,~~ that functional plans shall only be formulated by the State Office of Planning and Programming Policy Research Office when no department, agency, or institution has been given the responsibility for such planning or when such a body is not fulfilling its assigned planning responsibilities;

~~(3) Formulate a biennial six-year development program, setting forth specific actions necessary for the orderly accomplishment of state plans and development policies;~~

(4) ~~(3)~~ Prepare special reports and furnish the results of the office's research and other activities through publications, memoranda, briefings, and expert testimony;

~~(5) (4) Coordinate the collection of data, consolidate data files or data banks, review and approve~~

~~or disapprove the establishment of separate data banks, and establish Establish~~ and require the use of standard basic population and economic data for all state departments, agencies, and institutions;

{6} (5) Analyze and project the quality and quantity of services required which may be necessary for the continued and orderly growth of the state, taking into consideration the relationship of activities, capabilities, and future plans of local units of government, area planning commissions, councils of government, transportation authorities, development districts, private enterprise, state government, the federal government, and other public and private bodies;

{7} (6) Encourage ~~and require~~ the coordination of the planning activities of all state departments, agencies, and institutions, and political subdivisions of the state;

{8} (7) Advise, if requested, and consult with regional, joint, and local planning agencies;

{9} (8) Participate Monitor and participate in interstate policy development, planning, and other activities related thereto;

{10} (9) Survey, review, and appraise the accomplishments of state government in achieving the goals and objectives set forth in the biennial development program legislation or reflected in directives from the Governor or state agencies;

{11} (10) Assist the Department of Administrative Services with the capital improvement programming process;

{12} (11) Apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or from any public or private sources for the purposes of this act under such conditions as may be required, and to execute contracts or agreements in connection therewith. The office may include in any contract for financial assistance with the federal government such conditions imposed pursuant to federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of this act;

{13} (12) Serve as state government's applicant agency, or coapplicant where existing or future federal legislation specifically requires another applicant, but not necessarily administering agency, for all planning,

programming, or research grants to transportation authorities and to state departments, agencies, or institutions; Provided, that the State-Office-of-Planning and-Programming Policy Research Office may delegate its applicant or coapplicant role upon such terms and for such periods of time as it shall deem appropriate;

~~(13)~~ (13) Enter into agreements with state departments and other agencies of state government and Nebraska state institutions of higher education for the temporary use of personnel in pursuit of the purposes of this act;

~~(14)~~ (14) Contract for professional or consultant services with state departments and agencies, Nebraska institutions of higher education, other public bodies, and private sources in pursuit of the purposes of this act;

~~(15)~~ (15) Review and comment on all local and regional applications for federal planning assistance; Provided, that such authority may be delegated to regional planning commissions, councils of government, or to such other state agency upon such terms as it deems appropriate; and

~~(16)~~ (16) Exercise all other powers necessary and proper for the discharge of its duties, including the promulgation of reasonable rules and regulations.

The Policy Research Office shall periodically review the organization and programs of state government and make recommendations to the Governor on ways to more effectively organize state government, eliminate duplication of units of government and of programs, and encourage efficiency and economy.

Sec. 16. That section 84-136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-136. (1) At the direction of the ~~The~~ Governor, through the Policy Research Office ~~may~~ State Office-of-Planning-and-Programming, ~~shall~~ prepare, and ~~issue-and-have-in-continuous-revision,~~ long-range state development policies-and-programs ~~policy alternatives~~ based on studies, plans, requirements, and operations of departments, agencies, and institutions of state, local, and regional units of government and the federal government. Such policies ~~and-programs~~ shall be based upon the existing and prospective resources and needs of the people of Nebraska ~~capabilities-of--state--government~~ and shall identify and stress alternative statewide

goals, objectives, and opportunities.

(2) State development ~~policy~~ policy alternatives shall ~~provide long-range guidance for take into consideration~~ the physical, economic, and social development of the state and shall may include, but not be limited to, the following:

(a) Population and economic analysis with projections for each region and subregion of the state;

(b) General land-use ~~policy~~ policy alternatives for urban development, agriculture, mineral extraction, forests, open space, and other purposes;

(c) ~~Policy and goals~~ alternatives for housing and the development and redevelopment of urban areas and other places of settlement;

(d) Policy alternatives for the balanced development of airport, highway, and other transportation facilities, including rail, ship, and pipe lines;

(e) Policy alternatives for health services and facilities, manpower development, employment opportunity, education, elimination of poverty, law enforcement, and other programs;

(f) Projection of needs for public facilities, including but not limited to headquarters and district state office buildings, state colleges and universities, and state health, welfare, and correctional institutions;

(g) Policy alternatives for the prudent exploitation, conservation, and replenishment of the state's natural resources; and

(h) ~~Policies~~ Policy alternatives for intergovernmental relations and governmental structure.

~~{3}--A--legislative--program--based--on--and necessary--to--the--implementation--of--state--development policies--and--revisions--thereof--shall--be--transmitted--to the--legislature--for--its--consideration--and--action--Such programs,--when--approved--by--the--legislature,--shall--become effective--as--state--policy--in--relation--to--local governments--and--state--departments,--agencies,--and institutions.~~

Sec. 17. That section 84-137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-137. (1) In consultation with appropriate state and local governmental agencies, the Policy Research Office ~~The State Office of Planning and Programming~~ may prepare, or cause to be prepared, and issue on behalf of the Governor, a series of medium-range or long-range development plans on a specific subject or service area of government. Such plans, called functional plans, may include one of the following subject areas: Outdoor recreation, water resources, transportation, law enforcement and the administration of criminal justice, housing, education, social and economic development, physical and mental health services and facilities, employment, poverty, manpower development, and other broad areas of state responsibility.

(2) The Governor, through the State Office of Planning and Programming Policy Research Office, may direct each department, agency, and institution of the state to designate from among its employees and officers a planning officer who shall be directly responsible to the chief executive officer of the department, agency, or institution for internal and interagency planning and programming activities and who shall maintain continuing liaison with personnel of the State Office of Planning and Programming Policy Research Office.

(3) Functional plans, whether specifically required as a condition to federal loans or grants or not, prepared by transportation authorities, natural resources districts, state departments, agencies, or institutions, shall be issued only after review and approval by the State Office of Planning and Programming Policy Research Office.

(4) Functional plans and revisions thereof shall may be transmitted to the Legislature by the Governor for its consideration and action. ~~The plans and revisions thereof, when approved by the Legislature, shall become effective as state policy.~~

Sec. 18. That section 84-139, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-139. No state agency functional plan of the type referred to in section 84-137 may be promulgated, nor may any planning program of a state agency, department, or institution be undertaken, unless the State Office of Planning and Programming Policy Research Office finds that such plans or planning programs are not in conflict with ~~plans or programs adopted as state policy by the Legislature~~ the laws of the State of Nebraska and executive orders of the Governor.

Sec. 19. That section 84-140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~84-140. On September 17, 1969, all files, books, papers, records, and all other property relating to, or purchased through Program No. 594 of the Department of Economic Development shall be transferred to the State office of Planning and Programming. All Program No. 594 projects and unfinished business shall be assumed by the State Office of Planning and Programming. On the operative date of this act all files, books, papers, records, and all other property relating to or purchased by the State Office of Planning and Programming shall be transferred to the Policy Research Office. All projects and unfinished business of the State Office of Planning and Programming shall be assumed by the Policy Research Office.~~

Sec. 20. That section 84-141, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-141. The planning programs of the Nebraska Commission on Law Enforcement and Criminal Justice shall be consistent with the planning policies of the State Office of Planning and Programming Policy Research Office.

Sec. 21. That section 84-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-151. Effective July 1, 1977, the county government of counties that are presently included in a Standard Metropolitan Statistical Area, as defined by the federal government, is authorized, with the assistance of its planning commission, to prepare, adopt, and enforce zoning and subdivision regulations that are based upon a comprehensive development plan, as defined by section 23-114.02, for the land area included in any municipality that has not by such date adopted zoning and subdivision regulations and begun an organized and staffed program to enforce such regulations, either as an individual municipality or jointly with the assistance of the county. If the State Office of Planning and Programming Policy Research Office determines, under authority granted by section 84-156, that a city of the first class, city of the second class, or village in such county is not, by July 1, 1977, enforcing zoning and subdivision regulations in a manner that the state agency determines to be adequate, the municipality shall permanently lose its land-use planning and land-use

regulatory powers, and the county, by July 1, 1978, shall have prepared necessary plans and shall enforce zoning and subdivision regulations for the area within that municipality.

A city of the second class or a village which loses its land-use planning and land-use regulatory powers in such a manner may regain such authority one year after it becomes a city of the first class. Upon the enforcement of zoning and subdivision regulations by the municipality, the county shall relinquish its control over both the area in the municipality and the extraterritorial jurisdiction of the municipality.

At the time that an additional county, as recognized by the Legislature, is added to a Standard Metropolitan Statistical Area, a municipality in that county shall have a one-year period after such designation to individually or jointly begin enforcing zoning and subdivision regulations before it becomes subject to permanent loss of its land-use planning and land-use regulatory powers. If such municipality does not begin adequate regulatory programs, as determined by the ~~State Office of Planning and Programming~~ Policy Research Office acting under section 84-156, by the end of the one-year period, the county shall begin such regulatory programs within two years after the designation of the county as part of a Standard Metropolitan Statistical Area.

Sec. 22. That section 84-152, Revised Statutes Supplement, 1978, be amended to read as follows:

84-152. Since counties containing larger municipalities are typically experiencing population and economic growth which promotes increased urban and rural land-use conflicts, the county government of a county that contains some or all portions of a city of the first class is strongly encouraged to prepare a comprehensive development plan that meets the requirements of section 23-114.02, adopt zoning and subdivision regulations covering all portions of its regulatory jurisdiction, and begin such an organized and staffed program to enforce such zoning and subdivision regulations as the ~~State Office of Planning and Programming~~ Policy Research Office, acting under authority granted by section 84-156, would determine to be adequate.

Sec. 23. That section 84-153, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-153. Effective July 1, 1976, a county government, city of the metropolitan class, or city of the primary class that is enforcing zoning and subdivision regulations shall, upon request, provide either directly or through an intergovernmental program, all the necessary services and staff to assist villages and cities of the second class that are located wholly or partially within the county with the enforcement of their individual zoning and subdivision regulations, and such assistance may, at the option of the county, city of the metropolitan class, or city of the primary class also be rendered to cities of the first class upon request. The county or municipality may assess the full costs of such assistance to a municipality served. The county or municipality providing the service may require a one-year notice before beginning or terminating such services. A municipality receiving service may terminate such an arrangement only when it demonstrates to the State-Office of-Planning-and-Programming Policy Research Office that it has the intention and capabilities to provide adequate regulatory programs either by means of its own program or through an intergovernmental program.

Sec. 24. That section 84-154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-154. A municipality incorporated after January 1, 1976, shall have no land-use planning and land-use regulatory power if it is located wholly or partially within a county that is exercising zoning and subdivision regulatory powers at the time of its incorporation. The county government of such county or counties, with the assistance of its planning commission, is authorized to continue land-use planning and enforcing land-use regulations for that incorporated area and for any additional area later added to the municipality. One year after such municipality becomes a city of the first class, it may regain land-use planning and land-use regulatory authority, and upon the enforcement of zoning and subdivision regulations by the municipality in a manner deemed adequate by the State-Office-of-Planning and-Programming Policy Research Office, acting under section 84-156, the county shall relinquish its control over both the area in the municipality and the extraterritorial jurisdiction of the municipality.

Sec. 25. That section 84-156, Reissue Revised Statutes of Nebraska, 1943, as amended by section 71, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

84-156. The State--Office--of---Planning---and Programming Policy Research Office is hereby authorized to examine, with the assistance of other state agencies or officials, the land-use regulatory programs of all counties and municipalities, and is directed to do so by January 1, 1977. It is further directed to reexamine such programs and examine new regulatory programs at least once annually thereafter. Such examinations shall be limited to a scrutiny of the procedure and practices utilized in municipalities, counties, and interlocal regulatory programs by their legislative bodies, planning commissions, boards of adjustment, and planning and enforcement staffs to insure that such procedures, practices, and related actions are consistent with state laws that relate to land-use regulations which are in force as of August 24, 1975. Specifically to be excluded from such examination are matters, consistent with state statutes, which relate to the efficiency, efficacy, or constitutionality of the regulatory and planning techniques utilized in local programs. A confidential report shall be provided by the state agency to each municipality, county, or interlocal organization examined which provides a listing of procedures, practices, and actions that were found to be inconsistent with state law, and a corresponding list of suggestions for correcting those deficiencies. After one hundred twenty days and within one hundred fifty days of the delivery of the report, the state agency shall publish a report in a newspaper of general circulation within the municipality, county, or municipalities and counties involved which describes any deficiencies which remained uncorrected one hundred twenty days after the confidential report was delivered. The state agency shall also report annually to the Clerk of the Legislature as to the nature and extent of its findings and as to the extent that procedural corrections were made or not made by the counties and municipalities. Each member of the Legislature shall receive a copy of such report by making a request for it to the Director--of---Planning--and Programming Policy Research Office.

Sec. 26. That section 84-157, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-157. The State--Office--of---Planning---and Programming Policy Research Office shall assess a municipality's regulatory intentions and capabilities as required by section 84-153 and render a decision whether they are satisfactory and adequate to permit the municipality to terminate its involvement in an existing county or intergovernmental enforcement program.

Sec. 27. That section 84-158, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-158. All municipalities and counties shall file a current version of adopted zoning and subdivision regulations with the ~~State--Office--of--Planning--and Programming~~ Policy Research Office by January 1, 1976, along with evidence of such adoptive action. Municipalities and counties shall thereafter annually file copies of any amendatory or repealing actions for such zoning and subdivision regulations by the first day of January. When practicable, a municipality or county shall also provide a copy of the current version of its adopted comprehensive development plan and, on an annual basis, any amendments thereto.

Sec. 28. That section 84-159, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-159. All municipalities and counties affected by sections 84-151 to 84-158, may appeal from adverse decisions of the ~~State--Office--of--Planning--and Programming~~ Policy Research Office in accordance with Chapter 84, article 9.

Sec. 29. That section 84-160, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-160. The ~~State--Office--of--Planning--and Programming~~ Policy Research Office, in assisting the municipalities and counties in accordance with sections 84-151 to 85-158, shall consider rules, procedures, and regulations which promote beneficial land development policies and programs, prevent detrimental land use, and promote collective action in land use and zoning. The office shall establish such rules, procedures, and regulations in such a manner so as to allow local control to the greatest extent possible. In exercising such local control, the counties and municipalities shall consider the local public interest.

Sec. 30. That section 84-161, Revised Statutes Supplement, 1978, be amended to read as follows:

84-161. The ~~State--Office--of--Planning--and Programming~~ Policy Research Office shall not contract with or provide assistance to any municipality or county to prepare comprehensive development plans or land-use regulatory proposals, unless such assistance shall first be requested in writing by the municipality or county.

Sec. 31. This act shall become operative on July 1, 1979.

Sec. 32. That original sections 2-1581, 2-3268, 23-343.97, 43-658, 81-1133, 81-1134, 84-132 to 84-135, 84-136, 84-137, 84-139 to 84-141, 84-151, 84-153, 84-154, and 84-157 to 84-160, Reissue Revised Statutes of Nebraska, 1943, sections 2-3277, 76-1607, 76-1621, 81-1423, 84-152, and 84-161, Revised Statutes Supplement, 1978, section 84-156, Reissue Revised Statutes of Nebraska, 1943, as amended by section 71, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, and section 81-194, Revised Statutes Supplement, 1978, as amended by sections 2, 3, and 3, respectively, Legislative Bills 96, 97, and 98, Eighty-sixth Legislature, First Session, 1979, and also sections 23-343.82, 23-343.96, 84-135.01, and 84-138, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 33. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.