

LEGISLATIVE BILL 411

Approved By the Governor March 24, 1978

Introduced by R. Maresh, 32

AN ACT relating to ground water conservation districts; to provide for the dissolution of such districts; to provide that board members shall serve as advisory members of natural resources district boards; to provide duties; to provide for expenses; to amend section 2-3213, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to repeal the original section, and also sections 46-614 to 46-625, 46-627, 46-628, and 46-631 to 46-634, Reissue Revised Statutes of Nebraska, 1943, section 46-629, Revised Statutes Supplement, 1976, and sections 46-626 and 46-630, Revised Statutes Supplement, 1977.

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

Section 1. (1) Within ninety days after January 1, 1982, all ground water conservation districts, created under sections 46-614 to 46-634 and in existence on such date, shall be dissolved and the assets distributed as provided in section 46-633.

(2) On the date the dissolution of any ground water conservation district becomes effective, the board of directors of such district shall become advisory members of the board of directors of the natural resources district in which the ground water conservation district lies. If the ground water conservation district is included in two or more natural resources districts, the members of the board of directors of such ground water conservation district may serve on the most convenient natural resources district board.

(3) The members of the board of directors of the dissolved ground water conservation district, serving on the respective natural resources district board, shall serve in an advisory capacity only, offering assistance to the board in the areas of water conservation, water usage, drainage, flood prevention and control, erosion and pollution prevention and control, and other programs with which the ground water conservation district was concerned.

(4) Such advisory members shall have no vote in the affairs of the natural resources district, and shall

receive no compensation for such membership, but shall be entitled to reimbursement for actual and necessary expenses incurred in attending meetings.

Sec. 2. That section 2-3213, Reissue Revised Statutes of Nebraska, 1943, 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. After January 1, 1982, such membership shall be increased to include advisory members formerly members of the board of directors of dissolved ground water conservation districts. 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 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. 3. This act shall become operative on January 1, 1982.

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Sec. 4. That original section 2-3213, Reissue Revised Statutes of Nebraska, 1943, and also sections 46-614 to 46-625, 46-627, 46-628, and 46-631 to 46-634, Reissue Revised Statutes of Nebraska, 1943, section 46-629, Revised Statutes Supplement, 1976, and sections 46-626 and 46-630, Revised Statutes Supplement, 1977, are repealed.