

LEGISLATIVE BILL 337

Approved by the Governor March 13, 1973

Introduced by Burbach, 19

AN ACT to amend section 2-1504, Revised Statutes Supplement, 1972, relating to the Nebraska Natural Resources Commission; to correct an internal reference; to change provisions for appointments; to repeal the original section; and to declare an emergency.

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

Section 1. That section 2-1504, Revised Statutes Supplement, 1972, be amended to read as follows:

2-1504. (1) There is hereby established, to serve as the official agency of the state in connection with soil and water conservation, flood prevention, watershed protection, and flood control and to perform the functions conferred upon it in sections 2-1502 to 2-1567 and sections 2-3201 to 2-3264, the Nebraska Natural Resources Commission.

(2) Until January 1, 1973, the commission shall consist of fourteen members, as follows: The dean or director of the Conservation and Survey Division of the University of Nebraska; the dean of the University of Nebraska College of Agriculture; the director of the state agricultural extension service; the Director of Water Resources; three members to be appointed by the Governor, one of whom shall represent the irrigation interests of the state, one of whom shall represent the chambers of commerce, and one of whom shall represent municipal and industrial users; and one district supervisor or former district supervisor from the state at large and one district supervisor or former district supervisor from each of the following districts: (a) Cedar, Dixon, Dakota, Wayne, Thurston, Stanton, Cuming, Burt, Colfax, Dodge, Washington, Douglas, Butler, Saunders, Sarpy, Seward, Lancaster, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson counties; (b) Gage, Saline, Jefferson, Polk, York, Fillmore, Thayer, Hamilton, Clay, Nuckolls, Hall, Adams, Webster, Buffalo, Kearney, Franklin, Dawson, Phelps, Gosper, Harlan, and Furnas counties; (c) Knox, Antelope, Pierce, Wheeler, Boone, Madison, Platte, Greeley, Nance, Sherman, Howard, Merrick, Cherry, Keya Paha, Brown, Rock, Boyd, Holt, Grant, Hooker, Thomas, Blaine, Loup, Garfield, McPherson, Logan, Custer, and Valley counties; and (d) Sioux, Dawes,

Sheridan, Box Butte, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Deuel, Arthur, Keith, Lincoln, Perkins, Chase, Hayes, Frontier, Dundy, Hitchcock, and Red Willow counties; one member of the Nebraska state irrigation association to be elected at their convention, and a director or former director of a watershed conservancy district, watershed district or watershed planning board to be elected at the convention of the Nebraska association of soil and water conservation districts. The district supervisors in attendance at the annual state conference of district supervisors shall elect by secret informal written ballot the district supervisors or former district supervisors to be members of the commission. The district supervisors from each of the four districts provided by this section in attendance at the annual state conference of district supervisors shall caucus and nominate no less than two nominees for each position to be filled on the commission. These nominees shall be presented to the supervisors in attendance at the annual conference for election. The nominee from each of the districts receiving the highest vote shall be declared elected and shall serve on the commission. The term of all elective officers on the commission shall be for two years commencing on January 1 of the year following their election. Succeeding the election of a member of the commission from each of the districts, the supervisors in attendance at the annual conference of supervisors shall nominate and elect one member to the commission at large. The one district supervisor or former district supervisor nominated and elected at large receiving the highest vote shall be declared elected.

(3) Effective January 1, 1973, the commission shall consist of fourteen members, as follows: The dean or director of the conservation and survey division of the University of Nebraska; the dean of the University of Nebraska College of Agriculture; the director of the state agricultural extension service; the Director of Water Resources; four members to be appointed by the Governor, one of whom shall represent pump irrigation interests of the state, one of whom shall represent the chambers of commerce, and one of whom shall represent municipal industrial users, and one member to represent gravity irrigation interests of the state; one natural resources district director or former district director from each of the following river basins, with basin delineations being those on the Nebraska river basin map officially adopted by the commission and on file in the commission office: (a) The Niobrara, White River, and Hat Creek basin, (b) the North Platte, South Platte, and Middle Platte River basins, (c) the Loup and lower Platte River basins, (d) the Elkhorn and upper Missouri

tributaries basins, and (e) the Republican, Little Blue, Big Blue, and Nemaha river basins; and one member to be elected at large. Notwithstanding the terms for which they were elected, the terms of members elected pursuant to subsection (2) of this section shall expire on January 1, 1973. Commission members representing natural resources districts shall be elected at the annual state conference of district directors in 1972 and shall take office on January 1, 1973. District directors from each river basin in attendance at the conference in 1972 shall caucus and nominate no less than two candidates for membership on the commission. All directors in attendance shall then elect the members of the commission. The nominee from each river basin receiving the most votes shall be elected. Of those members elected, the three receiving the most votes shall serve for four years, and the remaining two members for two years. Following election of the five members from each basin, the at-large member shall be elected for a term of four years. As terms of members elected in 1972 expire, their successors shall be elected in the same manner, for terms of four years.

(4) Commencing the third Thursday after the first Tuesday in January, 1975, the Nebraska Natural Resources Commission shall consist of fifteen members, as follows: One natural resources district director or former district director from each of the following river basins, with delineations being those on the Nebraska river basin map officially adopted by the commission and on file in the commission office: (a) The Niobrara, White River and Hat Creek basin, (b) the North Platte River basin, (c) the South Platte River basin, (d) the middle Platte River basin, (e) the lower Platte River basin, (f) the Loup River basin, (g) the Elkhorn River basin, (h) the Missouri tributaries basin, (i) the Republican River basin, (j) the Little Blue River basin, (k) the Big Blue River basin, and (l) the Nemaha River basin, and three members to be appointed by the Governor subject to confirmation by the Legislature. Of the members appointed by the Governor, one shall represent municipal users of water, one shall represent surface water irrigators, and one shall represent ground water irrigators. Notwithstanding the terms for which they were elected, the terms of members elected pursuant to subsection (2) (3) of this section shall expire on the third Thursday after the first Tuesday in January, 1975. The members of the commission representing river basins shall be selected at individual caucuses of the natural resources district directors residing in the river basin from which the member is selected. Such caucuses shall be held by each basin on the second Thursday after the first Tuesday of the year the term of office of the

commission member from that basin expires. In 1975 a caucus shall be held by each basin to select the river basin representatives to the commission and those members shall at their first meeting on the third Thursday after the first Tuesday in January, 1975, by such method as they may choose, divide themselves into two groups of six each and designate one group to serve for a term of two years and one group to serve for a term of four years. Their successors shall thereafter be selected for a term of four years each. ~~The initial appointive members of the commission shall be appointed by the Governor elect on or before January 1, 1975, subject to removal if not confirmed by the legislature. The initial appointive members and all subsequent appointive~~ Appointive members shall serve at the pleasure of the Governor. All members shall take office on the third Thursday after the first Tuesday in January, 1975. Any vacancy on the commission shall be filled for the unexpired term in the same manner as successors are named. Each member of the commission representing a river basin shall qualify by filing with the other members of the commission an acceptance in writing of his selection.

Sec. 2. That original section 2-1504, Revised Statutes Supplement, 1972, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.