

LEGISLATIVE BILL 58

Approved by the Governor April 24, 1981

Introduced by Sieck, 24

AN ACT relating to virgin prairie; to authorize any state agency or political subdivision to sell such property as prescribed.

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

Section 1. The Legislature finds that:

(1) Examples of Nebraska's prairie soil in a condition which existed before the state was settled during the early part of the nineteenth century are becoming increasingly rare;

(2) Such virgin prairie is an important tool for scientists who seek to determine the highest and best use of Nebraska's soil resources;

(3) Such virgin prairie is an important part of botanical and zoological studies offered by institutions of learning in this state; and

(4) It is in the public interest that such virgin prairie which has been used as an educational tool by an educational institution of this state in suitable quantities be preserved and protected.

Sec. 2. When any agency or political subdivision of the State of Nebraska, except the Board of Educational Lands and Funds, owns land with virgin prairie as described in section 1 of this act, such agency or political subdivision may take action to establish the location and boundaries of such virgin prairie or a part thereof that may be preserved and protected. Such action shall be taken only after holding a public hearing with at least one week's advance notice of such hearing in a newspaper of general circulation in the county where the virgin prairie is located. Any such agency or political subdivision which has established the location and boundaries of such virgin prairie and which decides to sell such land may require the purchaser to enter into a covenant to continue to preserve and protect the area established as virgin prairie, and such covenant by its terms shall run with the title to the land binding future owners. In the event such covenant to preserve and protect the area as virgin prairie should lapse or be declared invalid or unconstitutional by any court of competent jurisdiction, the agency or political

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subdivision which sold the land or its successor in interest shall be afforded first option to repurchase the land, at the current market value to be determined as if the covenant were valid and enforceable.

Sec. 3. No sale authorized under this act shall take place after July 1, 1983.