

LEGISLATIVE BILL 450

Approved by the Governor May 11, 1977

Introduced by Bereuter, 24

AN ACT to adopt the Nebraska Water Conservation Act of 1977; to provide severability; and to declare an emergency.

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

Section 1. This act shall be known and may be cited as the Nebraska Water Conservation Act of 1977.

Sec. 2. The Legislature recognizes and hereby declares that it is the public policy of this state to properly conserve and utilize the water and related land resources of the state, to better utilize surface waters, and to encourage ground water recharge to protect the state's dwindling ground water supply. The Legislature further declares that it is in the public interest of this state to financially assist in encouraging water and related land resource conservation measures on privately-owned land and that this will produce long-term benefits for the general public.

Sec. 3. (1) There is hereby created the Nebraska Water Conservation Fund to be administered by the Nebraska Natural Resources Commission and to which the State Treasurer shall credit such money as shall (a) be appropriated to the fund by the Legislature, (b) be paid to the state as fees, deposits, payments, and repayments relating to the fund, both principal and interest, and (c) be donated as gifts, bequests, or other contributions to such fund from public or private entities. Funds made available by any department or agency of the United States may also be credited to such fund if so directed by such department or agency.

(2) The money in the Nebraska Water Conservation Fund shall not be subject to any fiscal year limitation or lapse provision of unexpended balance at the end of any such fiscal year.

(3) Any money in the Nebraska Water Conservation Fund available for investment shall be invested by the state investment officer pursuant to the provisions of the Nebraska State Funds Investment Act.

Sec. 4. The Nebraska Natural Resources Commission shall adopt appropriate rules and regulations necessary for the administration of the Nebraska Water

## Conservation Fund.

Sec. 5. (1) Effective July 1, 1978, expenditures may be made from the Nebraska Water Conservation Fund as grants to individual landowners of not to exceed seventy-five per cent of the actual cost of eligible water conservation practices with priority being given to those projects providing the greatest number of public benefits.

(2) Eligible projects shall include the following practices:

(a) Construction of permanent water impoundment structures and associated features with a drainage area of less than two thousand acres; and

(b) Construction of terraces, sediment retention structures, and other measures which provide temporary retention of water and sediment.

(3) As a condition for receiving any cost-share funds for water conservation measures, the landowner shall be required to enter into an agreement that if the project is removed, altered, or modified so as to lessen its effectiveness, without prior approval of the commission or its delegated agent, for a period of ten years after the date of receiving payment, the landowner shall refund to the Nebraska Water Conservation Fund any public funds used for the project. Acceptance of Nebraska Water Conservation Fund money shall not be construed as affecting land ownership rights unless the landowner voluntarily surrenders such rights.

Sec. 6. In order to assist the Nebraska Natural Resources Commission in establishing the Nebraska Water Conservation Fund program, an advisory board to the commission is hereby created to be in existence from the effective date of this act until July 1, 1978. The board shall consist of nine members appointed by the Governor as follows:

(1) One member from each of three lists submitted by the Legislature. Each list shall contain the names of at least three individuals;

(2) One member from each of the state's three congressional districts who is presently engaged in an active role in farming or ranching; and

(3) Three members from the citizenry of the state at large.

The executive secretary of the Nebraska Natural Resources Commission shall serve as a nonvoting member of the board, act as secretary of the board, and serve as a source of administrative assistance to the board.

Sec. 7. (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 this act;

(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 this act.

(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;
- (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. 8. The members of the board shall be paid a per diem of twenty dollars for each day actually and necessarily spent in the performance of their duties as members of such board and shall be reimbursed for their actual and necessary expenses. Reimbursement for expenses shall be on the same basis and subject to the same conditions as for full-time state employees. If any board member is otherwise employed by the State of Nebraska while serving on the board, such member shall not be entitled to receive the per diem payment, but may be reimbursed for actual and necessary expenses.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.