

## LEGISLATIVE BILL 236

Approved by the Governor May 4, 1983

Introduced by Schmit, 23; Morehead, 30; Lamb, 43;  
Hefner, 19; Pappas, 42; Haberman, 44

AN ACT to amend sections 2-1575 to 2-1578, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1982, relating to resources conservation; to rename an act and a fund; to provide intent; to define a term; to provide for the expenditure of funds; to provide for agreements; and to repeal the original sections.

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

Section 1. That section 2-1575, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1575. Sections 2-1575 to 2-1582 shall be known and may be cited as the Nebraska Soil and Water Conservation Act of 1977.

Sec. 2. That section 2-1576, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1576. 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 available precipitation, and to encourage ground water recharge to protect the state's dwindling ground water supply, and to reduce soil erosion and sediment damages. 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 privately owned land and that this will produce long-term benefits for the general public.

Sec. 3. That section 2-1577, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1577. (1) There is hereby created the Nebraska Soil and 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 Soil and 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 Soil and 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. That section 2-1578, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1578. The Nebraska Natural Resources Commission shall adopt and promulgate appropriate rules and regulations necessary for the administration of the Nebraska Soil and Water Conservation Fund.

Sec. 5. That section 2-1579, Revised Statutes Supplement, 1982, be amended to read as follows:

2-1579. (1) Effective July 1, 1970, expenditures Expenditures may be made from the Nebraska Soil and Water Conservation Fund as grants to individual landowners of not to exceed seventy-five per cent of the actual cost of eligible soil and water conservation projects and practices with priority being given to those projects and practices 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 not more than two thousand acres; except that whenever a drainage area being considered is at least ninety per cent grassland the area limitation may be increased to not more than five thousand acres; and

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

(2) The Nebraska Natural Resources Commission shall determine which specific projects and practices are eligible for the funding assistance authorized by this section and shall adopt, by reference or otherwise, appropriate standards and specifications for carrying out such projects and practices. A natural resources

district assisting the commission in the administration of the program may, with commission approval, further limit the types of projects and practices eligible for funding assistance in that district.

(3) As a condition for receiving any cost-share funds for soil and water conservation measures practices, the landowner shall be required to enter into an agreement that if a conservation practice is terminated or a 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 Soil and Water Conservation Fund any public funds used for the practice or project. When deemed necessary by the commission or its delegated agent, the landowner may as a further condition for receiving such funds be required to grant a right of access for the operation and maintenance of any eligible project constructed with such assistance. Acceptance of Nebraska Soil and Water Conservation Fund money shall not in any other manner be construed as affecting land ownership rights unless the landowner voluntarily surrenders such rights.

(4) To the extent feasible, the Nebraska Natural Resources Commission shall administer the Nebraska Soil and Water Conservation Fund so that general funds available within the state for the same federal purposes are supplemented and not replaced with state funds.

Sec. 6. Expenditures may be made from the Nebraska Soil and Water Conservation Fund to individual landowners as land diversion payments for the purpose of encouraging alternate cropping patterns which, when implemented, will assure a longer conservation practice construction period. No such payments shall be made until the intended projects or practices have been completed.

Sec. 7. The Nebraska Natural Resources Commission may request and utilize assistance in the administration of the Nebraska Soil and Water Conservation Fund from natural resources districts, from the Soil Conservation Service and the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture, and from any other appropriate local or federal agencies. Such assistance may include accepting and approving applications for funds and designing, laying out, and certifying the proper completion of projects and practices.

Sec. 8. If the Nebraska Natural Resources Commission determines that more effective soil and water conservation could be achieved if financial assistance from the Nebraska Soil and Water Conservation Fund were available for multi-year implementation of comprehensive

conservation plans, it may enter into long-term agreements with landowners for such purposes. Such long-term agreements shall be for a term not to exceed ten years and shall specify the eligible projects and practices to be installed and applied, the year of intended installation, and the estimated cost of each such project or practice. Such agreement shall also provide that financial assistance in any year of the agreement shall be subject to the appropriation of adequate funds by the Legislature, but may provide that priority shall be given to funding such projects and practices over those not identified in other long-term agreements and over those identified in more recently executed long-term agreements. The commission shall not in any fiscal year approve any long-term agreements which would cause the total of then existing state obligations under all such agreements to exceed the amount of new funds appropriated for that fiscal year.

Sec. 9. That original sections 2-1575 to 2-1578, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1982, are repealed.