

## LEGISLATIVE BILL 906

Approved by the Governor February 24, 1990

Introduced by Natural Resources Committee, Schmit, 23,  
Chairperson; R. Johnson, 34; Morrissey, 1;  
Lamb, 43; Smith, 33; Beck, 8; Weihing, 48;  
Elmer, 38

AN ACT relating to soil and water conservation; to amend section 2-1579, Reissue Revised Statutes of Nebraska, 1943; to change the percentage of funds reserved for landowner grants as prescribed; and to repeal the original section.

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

Section 1. That section 2-1579, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1579. (1) Except as provided in subsection (2) of this section, expenditures may be made from the Nebraska Soil and Water Conservation Fund as grants to individual landowners of not to exceed seventy-five percent 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) The Nebraska Natural Resources Commission shall reserve at least ~~five~~ two percent of the funds credited to the Nebraska Soil and Water Conservation Fund for grants to landowners ordered by a natural resources district pursuant to the Erosion and Sediment Control Act to install permanent soil and water conservation practices. Such funds shall be made available for ninety percent of the actual cost of the required practices and shall be granted on a first-come, first-served ~~first-serve~~ basis until exhausted. Applications not served shall receive priority in ensuing fiscal years.

(3) 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.

(4) As a condition for receiving any cost-share funds for soil and water conservation practices, the landowner shall be required to enter into an agreement that if a conservation practice is terminated or a 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.

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

Sec. 2. That original section 2-1579, Reissue Revised Statutes of Nebraska, 1943, is repealed.