

LEGISLATIVE BILL 707

Approved by the Governor March 16, 1978

Introduced by Bereuter, 24

AN ACT to amend section 2-1579, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Water Conservation Act of 1977; to change conditions for receiving cost-share funds; 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 2-1579, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1579. (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 a recordable agreement providing 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 or his or her heirs, assignees, or other transferees, shall refund to the Nebraska Water Conservation Fund any public funds used for the 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 an easement providing for the right of access for the operation and

maintenance of any eligible project constructed with such assistance. Acceptance of Nebraska Water Conservation Fund money shall not in any other manner be construed as affecting land ownership rights unless the landowner voluntarily surrenders such rights. Any filing or recording costs incurred pursuant to this section shall be paid from the Nebraska Water Conservation Fund.

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 That original section 2-1579, Reissue Revised Statutes of Nebraska, 1943, is repealed.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