

LEGISLATIVE BILL 31

Approved by the Governor February 23, 1979

Introduced by Kremer, 34

AN ACT to amend section 2-1502, Reissue Revised Statutes of Nebraska, 1943, relating to the Small Watersheds Flood Control Fund; to change conditions for state participation; and to repeal the original section.

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

Section 1. That section 2-1502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1502. It is the intention of the Legislature that it will be the policy of the state to pay the cost of purchase of needed lands, easements, and rights-of-way for soil and water conservation and flood control needs or ~~cost-share~~ cost-share with local organizations when the following conditions have been met: (1) All state funds to be used for the purpose of purchasing lands, easements, and rights-of-way shall be paid from a special fund to be designated as the Small Watersheds Flood Control Fund to be administered by the state commission; (2) the local organizations have agreed on a program of work; ~~with the United States, or any of its departments or agencies;~~ (3) such a program of work has been found to be feasible, practicable and will promote the health, safety, and general welfare of the people of the state; (4) the Nebraska Natural Resources Commission has either participated in the planning or reviewed the plans and has approved the program of work; (5) local organizations have obtained a minimum of seventy-five per cent of the needed number of easements and rights-of-way in the project or a subwatershed prior to the use of state funds for this purpose; (6) local organizations have made a formal request or application to the state commission for state funds for the purpose of purchasing lands, easements, and rights-of-way; (7) local organizations and the state commission have entered into an agreement on the administration and expenditure of these state funds; (8) the purchase price of the land, easement, or right-of-way has been established either by the courts or by ~~a three-man appraisal committee~~ one real estate appraiser licensed under sections 81-8,276 to 81-8,287 approved by the state commission, which appraisal costs shall be a nonstate cost; (9) local organizations must give assurance to the state commission that they have obtained needed water rights and complied with all state laws in the area for which state funds are to be used for

purchasing lands, easements, and rights-of-way; (10) the state funds to be used for lands, easements, and rights-of-way shall be granted to the local organizations in whose name the land, easement, or right-of-way shall be recorded; (11) rental or lease revenue from these lands may be used subject to the approval of the state commission by the local organization in the proper management of these lands, such management to include but not be limited to weed control, construction and maintenance of conservation measures, seeding of grass, planting of trees, and construction and maintenance of fences; (12) within ten years from the purchase date of lands and rights-of-way, and if the lands and rights-of-way are not granted or retained for public purposes as otherwise provided by this section, it shall be the duty of the local organization to sell the property purchased wholly or partially from state funds and to remit to the state commission a pro rata share of the proceeds of such sale equal to the percentage of the total cost of the acquisition of such real property made from any state allocation made hereunder and all such remittances shall be deposited in the Small Watersheds Flood Control Fund, with the state commission to specify the terms for such sale, and the local organization to retain a needed easement or right-of-way to assure the continued operation, maintenance, inspection, and repair of the works of improvement constructed on the land to be sold; and (13) the state commission and local organization may grant for public purposes fee title to lands and rights-of-way acquired under the provisions of sections 2-1502 to 2-1565 to any public district, city, county, political subdivision of the state, or agency of the state or federal government upon reimbursement to the Small Watersheds Flood Control Fund all funds invested by the state commission in the parcel of land involved, or the local organization, with approval of the commission, may retain for public purposes the fee title to such lands and rights-of-way upon reimbursement by the local organization to the Small Watersheds Flood Control fund all funds invested by the commission in the land involved.

Sec. 2. That original section 2-1502, Reissue Revised Statutes of Nebraska, 1943, is repealed.