

## LEGISLATIVE BILL 247

Approved by the Governor March 8, 1993

Introduced by Jones, 43

AN ACT relating to natural resources; to amend sections 2-1576, 2-1579, 2-1584, and 2-1585, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to legislative intent; to provide for funding water quality projects and practices from the Nebraska Soil and Water Conservation Fund; to harmonize provisions; and to repeal the original sections.

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

Section 1. 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, protect, and utilize the water and related land resources of the state, to better utilize surface waters; and available precipitation, to encourage ground water recharge to protect the state's dwindling ground water supply, to protect the quality of surface water and ground water resources, 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 and protection measures on privately owned agricultural, horticultural, or silvicultural land and that this will produce long-term benefits for the general public.

Sec. 2. 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 projects and practices for soil and water conservation projects and practices or water quality protection, 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 two percent of the funds credited to the ~~Nebraska Soil and Water Conservation Fund~~ 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 basis until exhausted. Applications not served shall receive priority in ensuing fiscal years.

(3) The ~~Nebraska Natural Resources Commission~~ 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 pursuant to this section~~, 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~~ 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 from the fund 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 commission ~~Nebraska Natural Resources Commission~~ shall administer the ~~Nebraska Soil and Water Conservation Fund~~ fund so that federal funds available within the state for the same general purposes are supplemented and not replaced with state funds.

Sec. 3. That section 2-1584, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1584. 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 United States Department of Agriculture, and from any other appropriate local, state, 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. 4. That section 2-1585, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1585. If the Nebraska Natural Resources Commission determines that more effective soil and water conservation or water quality protection could be achieved if financial assistance from the Nebraska Soil and Water Conservation Fund were available for multiyear 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~~ agreements 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~~ and 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 biennium 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 biennium.

Sec. 5. That original sections 2-1576, 2-1579, 2-1584, and 2-1585, Reissue Revised Statutes of Nebraska, 1943, are repealed.