

## LEGISLATIVE BILL 403

Approved by the Governor February 24, 1999

Introduced by Dierks, 40

AN ACT relating to agriculture; to amend sections 2-1503, 2-1547, 2-1584, 2-1596, 2-4901, and 23-320.01, Reissue Revised Statutes of Nebraska, and sections 77-1363 and 85-162.03, Revised Statutes Supplement, 1998; to change references to the names of federal services to reflect their new names; and to repeal the original sections.

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

Section 1. Section 2-1503, Reissue Revised Statutes of Nebraska, is amended to read:

2-1503. As used in Chapter 2, article 15, unless the context otherwise requires:

(1) Commission or Nebraska Natural Resources Commission ~~shall mean~~ means the agency created in section 2-1504;

(2) State ~~shall mean~~ means the State of Nebraska;

(3) Agency of this state ~~shall mean~~ means the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state;

(4) United States or agencies of the United States ~~shall mean~~ means the United States of America, the ~~Soil Conservation Service~~ Natural Resources Conservation Service of the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America;

(5) Government or governmental ~~shall mean~~ means the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them;

(6) Lands, easements, and rights-of-way ~~shall mean~~ means lands and rights or interests in lands whereon channel improvements, channel rectifications, or water-retarding or gully-stabilization structures are located, including those areas for flooding and flowage purposes, spoil areas, borrow pits, access roads, and similar purposes;

(7) Local organization ~~shall mean~~ means any natural resources district, drainage district, irrigation district, or other public district, county, city, or state agency;

(8) Subwatershed ~~shall mean~~ means a portion of a watershed project as divided by the commission on a complete hydrologic unit;

(9) Rechanneling ~~shall mean~~ means the channeling of water from one watercourse to another watercourse by means of open ditches;

(10) Watercourse ~~shall mean~~ means any depression two feet or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well-defined banks and, ~~shall,~~ upon order of the commission, also ~~include~~ includes any particular depression which would not otherwise be within the definition of watercourse; and

(11) Director ~~shall mean~~ means the Director of Natural Resources as provided in section 2-1504.03.

Sec. 2. Section 2-1547, Reissue Revised Statutes of Nebraska, is amended to read:

2-1547. The State Treasurer is hereby directed to create and establish the Nebraska Natural Resources Commission Cash Fund. The State Treasurer shall credit to such fund such money as is specifically appropriated or reappropriated by the Legislature. The State Treasurer shall also credit such fund with payments, if any, accepted for services rendered pursuant to section 2-1506. The funds made available to the Nebraska Natural Resources Commission by the United States, through the ~~Soil Conservation Service~~ Natural Resources Conservation Service of the Department of Agriculture or through any other agencies, shall be credited to the fund by the State Treasurer. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The commission shall allocate money from the fund to pay costs of the programs or activities for which the money has been appropriated, reappropriated, or collected. The Director of Administrative Services, upon receipt of proper vouchers approved by the commission, shall issue warrants on the fund, and the State Treasurer shall countersign and pay from, but never in excess of, the amounts to the credit of the fund.

Sec. 3. Section 2-1584, Reissue Revised Statutes of Nebraska, is

amended to read:

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~~ Natural Resources Conservation Service and the ~~Agricultural Stabilization and Conservation Service~~ Farm Service Agency 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. Section 2-1596, Reissue Revised Statutes of Nebraska, is amended to read:

2-1596. The Legislature finds that an accelerated completion of modern soil surveys will be an asset to the State of Nebraska and good for the general welfare of the citizens of the state. The Legislature further finds that the completion of modern soil surveys can be most appropriately accomplished by accelerating, in a manner deemed appropriate by the Nebraska Natural Resources Commission, state financial input into the combined state and federal effort currently being conducted cooperatively by the Natural Resources Conservation Service of the United States Department of Agriculture, ~~Soil Conservation Service~~ and the Conservation and Survey Division, of the University of Nebraska. It is therefor the intent of this Legislature to embark upon an accelerated program for the completion of Nebraska's modern soil surveys and to recommend that the State of Nebraska and the Legislature appropriate the funds necessary to carry out this accelerated program during the years required for its completion.

Sec. 5. Section 2-4901, Reissue Revised Statutes of Nebraska, is amended to read:

2-4901. (1) The Climate Assessment Response Committee is hereby created. The office of the Governor shall be the lead agency and shall oversee the committee and its activities. The committee shall be composed of representatives appointed by the Governor with the approval of a majority of the Legislature from livestock producers, crop producers, and the Nebraska Emergency Management Agency, Conservation and Survey Division and Cooperative Extension Service of the University of Nebraska, Department of Agriculture, Department of Health and Human Services Regulation and Licensure, Department of Water Resources, Governor's Policy Research Office, and Nebraska Natural Resources Commission. Representatives from the federal ~~Agricultural Stabilization and Conservation Service~~ Farm Service Agency and Federal Crop Insurance Corporation may also serve on the committee at the invitation of the Governor. The Governor may appoint the chairperson of the Committee on Agriculture of the Legislature and the chairperson of the Committee on Natural Resources of the Legislature and any other state agency representatives or invite any other federal agencies to name representatives as he or she deems necessary. The Governor shall appoint one of the Climate Assessment Response Committee members to serve as the chairperson of the committee. Committee members shall be reimbursed for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(2) The committee shall meet at least twice each year and shall meet more frequently (a) at the call of the chairperson, (b) upon request of a majority of the committee members, and (c) during periods of drought or other severe climate situations.

(3) The chairperson may establish subcommittees and may invite representatives of agencies other than those with members on the committee to serve on such subcommittees.

(4) Any funds for the activities of the committee and for other climate-related expenditures may be appropriated directly to the office of the Governor for contracting with other agencies or persons for tasks approved by the committee.

Sec. 6. Section 23-320.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-320.01. In any county of the State of Nebraska in which the Corps of Engineers of the United States Army, the Bureau of Reclamation, ~~Soil Conservation Service~~ Natural Resources Conservation Service, or other department or agency of the federal government shall be authorized by Congress to construct works for flood control, watershed protection and flood prevention, irrigation, soil and water conservation, drainage, or similar projects, or in cooperation with the programs of natural resources districts, irrigation districts, reclamation districts, or similar agencies, the county board thereof shall, if in its opinion the ~~said~~ construction is necessary for the public welfare, have the power to: (1) Enter into an undertaking, in the name of the county, to hold the United States of America free from any damage

to persons or property resulting during the construction or after the completion thereof, (2) contract with the federal government, in the name of the county, that when ~~said~~ the work is completed the ~~said~~ county will maintain, keep in repair, and operate such flood control works or other similar projects, (3) furnish all necessary lands, rights-of-way, and easements, as provided in section 23-320.02, (4) appropriate such funds as may be necessary to fully develop, plan, and carry out a coordinated program of flood control or soil and water resource development for such county, and (5) appropriate such funds as may be necessary to pay the construction costs and expenses in excess of funds to be provided by the federal government.

Sec. 7. Section 77-1363, Revised Statutes Supplement, 1998, is amended to read:

77-1363. Agricultural land and horticultural land shall be divided into categories, including, but not limited to, irrigated cropland, dryland cropland, grassland, wasteland, nurseries, feedlots, and orchards, so that the categories reflect uses appropriate for the valuation of such land according to law. Categories shall be divided into subclasses based on soil classification standards developed by the Natural Resources Conservation Service of the United States Department of Agriculture. ~~Soil Conservation Service.~~ Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production shall be classified according to its taxable value as determined in subsection (2) of section 77-201. County assessors shall utilize and implement soil surveys in the tax year after the soil survey maps become available. County assessors shall utilize and implement soil classifications as converted into land valuation groups provided by the Property Tax Administrator.

Sec. 8. Section 85-162.03, Revised Statutes Supplement, 1998, is amended to read:

85-162.03. In carrying out sections 85-162.01 to 85-162.05, the State Forester shall cooperate with (1) any agency or bureau of the United States, including, but not limited to, the Forest Service, the ~~Soil Conservation Service~~ Natural Resources Conservation Service, the ~~Agricultural Stabilization and Conservation Service~~ Farm Service Agency, the Bureau of Reclamation, the Corps of Engineers, and the Bureau of Outdoor Recreation, (2) any agency or bureau of the State of Nebraska or its political subdivisions, including, but not limited to, the Game and Parks Commission, the Nebraska Natural Resources Commission, the State Fire Marshal, the Department of Agriculture, the Adjutant General, the Department of Economic Development, and the Conservation and Survey Division, and (3) any incorporated municipality of the state or any political subdivision of the state, including, but not limited to, rural fire districts, natural resources districts, and weed control districts.

Sec. 9. Original sections 2-1503, 2-1547, 2-1584, 2-1596, 2-4901, and 23-320.01, Reissue Revised Statutes of Nebraska, and sections 77-1363 and 85-162.03, Revised Statutes Supplement, 1998, are repealed.