

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1015

FINAL READING

Introduced by Speaker Hilgers, 21; Groene, 42; at the request of the
Governor.

Read first time January 13, 2022

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to natural resources; to adopt the Perkins
- 2 County Canal Project Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 4 of this act shall be known and may be
2 cited as the Perkins County Canal Project Act.

3 Sec. 2. (1) The Legislature finds that it is essential to the
4 economic prosperity, health, and welfare of the people of the State of
5 Nebraska, and to the environmental health of the entire Platte River
6 Basin, to protect Nebraska's full entitlement to the flows of the South
7 Platte River as provided for in the South Platte River Compact. The South
8 Platte River Compact is the law of Nebraska and of the United States that
9 specifically authorizes Nebraska to develop a canal and associated
10 storage facilities for the diversion of water from the South Platte River
11 for beneficial use in Nebraska.

12 (2) The Legislature declares that a canal and associated storage
13 facilities, which shall be known as the Perkins County Canal Project,
14 shall be developed, constructed, managed, and operated under the
15 authority of the State of Nebraska consistent with the South Platte River
16 Compact and pursuant to the Perkins County Canal Project Act.

17 Sec. 3. The Department of Natural Resources shall have the
18 necessary authority to develop, construct, manage, and operate the
19 Perkins County Canal Project consistent with the terms of the South
20 Platte River Compact and pursuant to the Perkins County Canal Project
21 Act. The department's powers under the act shall include: (a) Contracting
22 for services, (b) acquiring permits, (c) acquiring and owning real
23 property, (d) acquiring, holding, and exercising water rights, (e)
24 employing personnel, (f) accepting grants, loans, donations, gifts,
25 bequests, or other contributions from any person or entity, public or
26 private, including any funds made available by any department or agency
27 of the United States, (g) managing and expending such funds as are made
28 available to it from the Perkins County Canal Project Fund, and (h) any
29 other necessary functions consistent with the compact and pursuant to the
30 act in protecting Nebraska's full entitlement to flows of the South
31 Platte River. For purposes of the Perkins County Canal Project Act, the

1 Department of Natural Resources is authorized to acquire real estate or
2 access thereto in the name of the State of Nebraska by the use of eminent
3 domain as provided under section 76-725. The department is also
4 authorized to resolve all disputes that may arise, including the
5 initiation or defense of legal actions of any kind, as necessary to
6 achieve the purposes of the act.

7 Sec. 4. (1) An individual listed in subsection (2) of this section
8 or his or her immediate family member shall not, directly or indirectly,
9 hold a financial interest in any entity which is party to a contract or
10 have a financial interest in the ownership or lease of any property
11 relating to the development, construction, management, or operation of
12 the Perkins County Canal Project.

13 (2) This section shall apply to:

14 (a) Any elected official in the executive branch of state
15 government. This section shall apply to such official while he or she is
16 in office and for two years after he or she leaves office; and

17 (b) Any member of the Legislature.

18 (3) For purposes of this section, immediate family member means a
19 spouse, child, sibling, or parent and includes the spouse of any child,
20 sibling, or parent.