

LEGISLATIVE BILL 1015

Approved by the Governor April 18, 2022

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

A BILL FOR AN ACT relating to natural resources; to adopt the Perkins County Canal Project Act.

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

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

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

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

Sec. 3. The Department of Natural Resources shall have the necessary authority to develop, construct, manage, and operate the Perkins County Canal Project consistent with the terms of the South Platte River Compact and pursuant to the Perkins County Canal Project Act. The department's powers under the act shall include: (a) Contracting for services, (b) acquiring permits, (c) acquiring and owning real property, (d) acquiring, holding, and exercising water rights, (e) employing personnel, (f) accepting grants, loans, donations, gifts, bequests, or other contributions from any person or entity, public or private, including any funds made available by any department or agency of the United States, (g) managing and expending such funds as are made available to it from the Perkins County Canal Project Fund, and (h) any other necessary functions consistent with the compact and pursuant to the act in protecting Nebraska's full entitlement to flows of the South Platte River. For purposes of the Perkins County Canal Project Act, the Department of Natural Resources is authorized to acquire real estate or access thereto in the name of the State of Nebraska by the use of eminent domain as provided under section 76-725. The department is also authorized to resolve all disputes that may arise, including the initiation or defense of legal actions of any kind, as necessary to achieve the purposes of the act.

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

(2) This section shall apply to:

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

(b) Any member of the Legislature.

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