

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 20

Introduced By: Mines, 18;
Read first time: January 4, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to public access to public lands; to amend
2 sections 2-3290.01 and 18-1755, Revised Statutes Cumulative
3 Supplement, 2006; to change provisions related to public
4 access for recreational use at water projects; to harmonize
5 provisions; and to repeal the original sections.

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

1 Section 1. Section 2-3290.01, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 2-3290.01. (1) A district shall permit public use of those
4 portions of a water project located on lands owned by the district and
5 on land over which the district has a lease or an easement permitting
6 use thereof for public recreational purposes. All recreational users
7 of such portions of a water project shall abide by the applicable
8 rules and regulations adopted and promulgated by the board.

9 (2) The district shall provide public access for
10 recreational use at designated access points at any water project.
11 Recreational users, whether public or private, shall abide by all
12 applicable rules and regulations for use of the water project adopted
13 and promulgated by the district or the political subdivision in which
14 the water project is located. Public recreational users may only
15 access the water project through such designated access points.
16 Nothing in this subsection shall require public access when the
17 portion of the project cost paid by the natural resources district
18 with public funds does not exceed ~~twenty~~ five percent of the total
19 cost of the project.

20 (3) For purposes of this section water project means a
21 project with cooperators or others, as authorized in section 2-3235,
22 that results in construction of a reservoir or other body of water
23 having a permanent pool suitable for recreational purposes greater
24 than one hundred fifty surface acres, the construction of which
25 commenced after July 14, 2006. Water project shall not mean soil
26 conservation projects, wetlands projects, or other district projects
27 with cooperators or others that do not have a recreational purpose.

1 Sec. 2. Section 18-1755, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 18-1755. A city of the metropolitan, primary, first, or
4 second class or village acquiring an interest in real property by
5 purchase or eminent domain shall do so only after the governing body
6 has authorized the acquisition by action taken in a public meeting
7 after notice and public hearing. The city or village shall provide to
8 the public a right of access for recreational use to the real property
9 acquired for public recreational purposes. Such access shall be at
10 designated access points and shall ~~be equal to~~ meet or exceed the
11 right of access for recreational use held by adjacent landowners. ~~The~~
12 ~~right of access granted to the public for recreational use shall meet~~
13 ~~or exceed such right held by a private landowner adjacent to the real~~
14 ~~property.~~

15 Sec. 3. Original sections 2-3290.01 and 18-1755, Revised
16 Statutes Cumulative Supplement, 2006, are repealed.