

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 480

Introduced by DeKay, 40.

Read first time January 21, 2025

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Water Recreation Enhancement Act; to
- 2 amend sections 37-1802 and 37-1803, Revised Statutes Cumulative
- 3 Supplement, 2024; to change provisions relating to legislative
- 4 findings and declarations and purposes; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 37-1802, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 37-1802 The Legislature finds and declares as follows:

4 (1) The future vibrancy of the people, communities, and businesses
5 of Nebraska depends on reliable sources of water;

6 (2) While it is in the state's best interest to retain control over
7 its water supplies, much of the state's water resources are currently
8 underutilized;

9 (3) In 2019, the state experienced historic flooding along the
10 Platte River which caused loss of life and over one billion dollars in
11 damage to private and public property and infrastructure;

12 (4) Well-planned flood control is critical to the future of the
13 people, communities, and businesses of Nebraska;

14 (5) In light of the disruption from the COVID-19 pandemic and the
15 trend toward a remote workforce around the country, people around the
16 country are rethinking where they want to work, live, and raise a family.
17 As people consider where to live, access to sustainable water resources
18 and outdoor recreational opportunities will be important considerations
19 in making Nebraska a competitive choice for the future;

20 (6) The state's lakes and rivers help Nebraskans enjoy the water
21 resources in our state and make Nebraska an even more attractive place to
22 live and raise a family;

23 (7) The state's water resources provide economic benefits to the
24 people, communities, and businesses of Nebraska by helping to attract
25 visitors from other states and boosting local economies;

26 (8) In 2021, the Legislature passed LB406, which established the
27 Statewide Tourism And Recreational Water Access and Resource
28 Sustainability Special Committee of the Legislature. The committee was
29 tasked with conducting studies on:

30 (a) The need to protect public and private property, including use
31 of levee systems, enhance economic development, and promote private

1 investment and the creation of jobs along the Platte River and its
2 tributaries from Columbus, Nebraska, to Plattsmouth, Nebraska;

3 (b) The need to provide for public safety, public infrastructure,
4 land-use planning, recreation, and economic development in the Lake
5 McConaughy region of Keith County, Nebraska; and

6 (c) The socioeconomic conditions, recreational and tourism
7 opportunities, and public investment necessary to enhance economic
8 development and to catalyze private investment in the region in Knox
9 County, Nebraska, that lies north of State Highway 12 and extends to the
10 South Dakota border and includes Lewis and Clark Lake and Niobrara State
11 Park;

12 (9) After considerable study, the Statewide Tourism And Recreational
13 Water Access and Resource Sustainability Special Committee identified the
14 following potential opportunities:

15 (a) Marina construction projects or other projects identified to
16 expand water access or and recreational opportunities at Lake McConaughy
17 and the Lewis and Clark State Recreation Area; and

18 (b) Projects A ~~project~~ to increase access to and the enjoyment of
19 Niobrara State Park through the construction of an event center and lodge
20 or through other projects identified to increase recreational opportunity
21 and the enjoyment of Niobrara State Park;

22 (10) It is in the public interest to expand water access and
23 recreational opportunities at Lake McConaughy and the Lewis and Clark
24 State Recreation Area through the construction of new marinas or through
25 infrastructure projects identified to improve access to the areas for
26 recreational opportunities and water access; and

27 (11) It is in the public interest to increase access to and the
28 enjoyment of Niobrara State Park through the construction of an event
29 center and lodge or through projects identified to increase recreational
30 opportunity and the enjoyment of Niobrara State Park.

31 **Sec. 2.** Section 37-1803, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 37-1803 (1) The purposes of the Water Recreation Enhancement Act are
3 to administer and carry out the following projects:

4 (a) Marina construction projects or other projects identified to
5 improve ~~expand~~ water access or ~~and~~ recreational opportunities at Lake
6 McConaughy and the Lewis and Clark State Recreation Area; and

7 (b) Projects ~~A project~~ to increase access to and the enjoyment of
8 Niobrara State Park through the construction of an event center and lodge
9 or through other projects identified to increase recreational opportunity
10 and enjoyment of Niobrara State Park.

11 (2) The Game and Parks Commission is granted all power necessary to
12 carry out the purposes of the Water Recreation Enhancement Act,
13 including, but not limited to, the power to:

14 (a) Enter into contracts, including, but not limited to, contracts
15 relating to the provision of construction services, management services,
16 legal services, auditor services, and other consulting services or advice
17 as the commission may require in the performance of its duties; and

18 (b) Enter into public-private partnerships to carry out the purposes
19 of the act.

20 (3) It is the intent of the Legislature that the Game and Parks
21 Commission engage local stakeholders as the commission carries out the
22 projects authorized in this section.

23 (4) It is also the intent of the Legislature to encourage political
24 subdivisions that hold a Federal Energy Regulatory Commission license and
25 that own land in and around the projects authorized in this section to
26 enter into contracts with public and private entities for the use, lease,
27 and purchase of such land whenever possible in order to increase economic
28 development and recreational opportunities, particularly when covenants,
29 easements, and other instruments can ensure such economic development
30 complies with the rules and regulations of the Federal Energy Regulatory
31 Commission.

1 (5) No member of the Game and Parks Commission or any employee of
2 the commission shall have a financial interest, either personally or
3 through an immediate family member, in any purchase, sale, or lease of
4 real property relating to a project authorized in this section or in any
5 contract entered into by the commission relating to a project authorized
6 in this section. For purposes of this subsection, immediate family member
7 means a spouse, child, sibling, parent, grandparent, or grandchild.

8 **Sec. 3.** Original sections 37-1802 and 37-1803, Revised Statutes
9 Cumulative Supplement, 2024, are repealed.