

LEGISLATIVE BILL 406

Approved by the Governor May 25, 2021

Introduced by McDonnell, 5; Gragert, 40; Flood, 19; Lindstrom, 18; Sanders, 45.

A BILL FOR AN ACT relating to natural resources; to state legislative findings; to create the Statewide Tourism And Recreational Water Access and Resource Sustainability Special Committee of the Legislature; to provide powers and duties; to provide a termination date for the committee; and to declare an emergency.

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

Section 1. The Legislature finds and declares as follows:

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

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

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

(4) The state's water resources provide economic benefit to the people, communities, and businesses of Nebraska by helping to attract visitors from other states and boost local economies;

(5) Nebraska has tremendous water resources across the state, including, but not limited to, the Ogallala Aquifer, Lake McConaughy, the Platte River, the Republican River, and the Missouri River. The state's lakes and rivers help Nebraskans enjoy the water resources in our state and make Nebraska an even more attractive place to live and raise a family;

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

(7) Studies should be conducted focusing on securing Nebraska's future water supply and strengthening Nebraska's flood control infrastructure, while also considering economic and recreational opportunities, including opportunities from increased tourism, in finding innovative solutions and winning opportunities for the State of Nebraska;

(8) Any such studies must not deter ongoing economic activity or fail to protect current investment in the areas under study; and

(9) An investment in a one-time series of studies that take advantage of previous studies while including innovative approaches and new technologies is best positioned to find solutions for all Nebraskans, especially Nebraskans living, working, and investing in the areas under study.

Sec. 2. (1) The Statewide Tourism And Recreational Water Access and Resource Sustainability (STAR WARS) Special Committee of the Legislature is hereby established as a special legislative committee to exercise the powers and perform the duties provided in this section. The special legislative committee shall consist of no fewer than seven members of the Legislature as determined by the Executive Board of the Legislative Council. The special legislative committee shall consist of the Speaker of the Legislature, who shall serve as chairperson of the special legislative committee, the chairperson of the Natural Resources Committee of the Legislature, one member of the Appropriations Committee of the Legislature, and at least four other members of the Legislature appointed by the executive board. The appointed members of the special legislative committee shall be members who represent legislative districts comprising portions of the areas under study or who otherwise have knowledge of such areas.

(2) The Executive Board of the Legislative Council shall provide staff as required by the special legislative committee from existing legislative staff. In addition, the special legislative committee may hire additional staff, make expenditures for travel, and enter into contracts for consulting, engineering, and development studies. The contracts shall be based on competitive bids and subject to approval by the executive board upon the recommendation of a majority of the members of the special legislative committee. It is the intent of the Legislature to appropriate two million dollars for fiscal year 2021-22 to carry out the purposes of this section.

(3)(a) Studies shall be conducted on:

(i) The need to protect public and private property, including use of levee systems, enhance economic development, and promote private investment and the creation of jobs along the Platte River and its tributaries from Columbus, Nebraska, to Plattsmouth, Nebraska;

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

(iii) The socioeconomic conditions, recreational and tourism opportunities, and public investment necessary to enhance economic development

and to catalyze private investment in the region in Knox County, Nebraska, that lies north of State Highway 12 and extends to the South Dakota border and includes Lewis and Clark Lake and Niobrara State Park.

(b) The study of the Lower Platte River pursuant to subdivision (3)(a)(i) of this section shall not include a study of any dam on a Platte River channel, but may include infrastructure options that maintain the integrity of the main channel of the Platte River. The committee may study dams relating to tributaries of the Platte River and levees in such area.

(c) The studies regarding Lake McConaughy in Keith County and Lewis and Clark Lake and Niobrara State Park in Knox County shall evaluate the outcomes and the economic benefits of proposed development and improvements to residents, the local region, and state tourism.

(4) The special legislative committee may hold hearings and request and receive reports from federal, state, county, city, and village agencies and natural resources districts regarding matters pertaining to such studies. The special legislative committee may hold one or more closed sessions for the receipt of confidential information if at least one-half of the members of the special legislative committee vote in open session to hold a closed session. The special legislative committee may appoint one or more subcommittees for the purpose of receiving public input as it relates to the purposes described in section 1 of this act and this section.

(5) The special legislative committee shall endeavor to complete each study on or before December 31, 2021, but such studies shall be completed no later than December 31, 2022.

(6) The special legislative committee shall terminate on December 31, 2022.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.