

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 406**

FINAL READING

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

Read first time January 14, 2021

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to natural resources; to state legislative
- 2 findings; to create the Statewide Tourism And Recreational Water
- 3 Access and Resource Sustainability Special Committee of the
- 4 Legislature; to provide powers and duties; to provide a termination
- 5 date for the committee; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Legislature finds and declares as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24       (4) The special legislative committee may hold hearings and request  
25 and receive reports from federal, state, county, city, and village  
26 agencies and natural resources districts regarding matters pertaining to  
27 such studies. The special legislative committee may hold one or more  
28 closed sessions for the receipt of confidential information if at least  
29 one-half of the members of the special legislative committee vote in open  
30 session to hold a closed session. The special legislative committee may  
31 appoint one or more subcommittees for the purpose of receiving public

1 input as it relates to the purposes described in section 1 of this act  
2 and this section.

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

6 (6) The special legislative committee shall terminate on December  
7 31, 2022.

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