

AMENDMENTS TO LB1023

Introduced by Natural Resources.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Sections 1 to 4 of this act shall be known and may be  
4 cited as the Jobs and Economic Development Initiative Act and may also be  
5 referred to as the JEDI Act.

6           Sec. 2. The Legislature finds and declares as follows:

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

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

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

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

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

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

26           (7) The state's water resources provide economic benefits to the  
27 people, communities, and businesses of Nebraska by helping to attract

1 visitors from other states and boosting local economies;

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

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

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

13 (c) The socioeconomic conditions, recreational and tourism  
14 opportunities, and public investment necessary to enhance economic  
15 development and to catalyze private investment in the region in Knox  
16 County, Nebraska, that lies north of State Highway 12 and extends to the  
17 South Dakota border and includes Lewis and Clark Lake and Niobrara State  
18 Park;

19 (9) After considerable study, the Statewide Tourism And Recreational  
20 Water Access and Resource Sustainability Special Committee identified  
21 potential opportunities within the floodway near the Platte River that  
22 could be used to build a combined reservoir of approximately three  
23 thousand six hundred surface acres, or greater, in or near Sarpy County.  
24 Such a reservoir could be built without a dam of a Platte River channel  
25 and without negatively impacting the city of Ashland, the surrounding  
26 communities, or the economic development already occurring in such area;

27 (10) It is in the public interest to construct a lake at or near  
28 this location. Such a lake would provide water quality, flood control,  
29 and public recreational opportunities that would benefit generations of  
30 Nebraskans, similar to the recreational opportunities provided by Lake  
31 McConaughy, Lewis and Clark Lake, and Eugene T. Mahoney State Park;

1           (11) In addition to the primary purposes of providing flood control  
2 and public recreational opportunities that will benefit the public,  
3 building a lake will provide the collateral benefit of economic  
4 development opportunities;

5           (12) It is in the public interest, and the purpose of the Jobs and  
6 Economic Development Initiative Act, that private parties contribute to  
7 the cost of constructing and developing the lake and that the state seek  
8 out donations and investments from private parties to fund such  
9 construction and development;

10           (13) It is in the public interest, and the purpose of the act, that  
11 the state (a) manage the construction and development of the lake in a  
12 manner that encourages private donations and investments, including  
13 through the use of public-private partnerships, (b) maintain sufficient  
14 oversight to protect the state's investment in the lake, and (c) retain  
15 ownership of the lake as an asset for Nebraskans; and

16           (14) It is in the public interest, and the purpose of the act, that  
17 the lake, and the land near or adjacent thereto, be developed in a  
18 thoughtful and planned manner by the state and be free from control of  
19 political subdivisions or municipalities to further the act's purposes of  
20 providing flood control, recreational opportunities, and orderly  
21 development of the project.

22           Sec. 3. (1) The Department of Natural Resources is granted all  
23 power necessary to carry out the purposes of the Jobs and Economic  
24 Development Initiative Act, including, but not limited to, the power to:

25           (a) Purchase, sell, or lease land;

26           (b) Enter into contracts, including, but not limited to, contracts  
27 relating to the provision of construction services, management services,  
28 legal services, auditor services, and other consulting services or advice  
29 as the department may require in the performance of its duties; and

30           (c) Enter into agreements with natural resources districts to  
31 accomplish the purposes of the act. In any such agreement, a natural

1 resources district may use the full powers granted to it by law.

2 (2) It is the intent of the Legislature that the department engage  
3 private parties and entities to construct and develop the lake and to  
4 enter into contracts or public-private partnerships that the department  
5 deems advantageous to the construction and development of the lake, and  
6 land adjacent thereto, and to advance the purposes of the act.

7 (3) Notwithstanding any other provision of law, the department shall  
8 give preference to:

9 (a) Contract proposals relating to the development or management of  
10 the lake from a Nebraska nonprofit corporation whose board of directors  
11 include the Attorney General, or his or her designee, at least four other  
12 directors who are appointed by the Governor, and one member of the  
13 Legislature who is appointed by the Executive Board of the Legislative  
14 Council and who is a nonvoting, ex officio member of such board of  
15 directors. All such directors must agree to be bound by the conflict-of-  
16 interest provisions in sections 49-1493 to 49-14,104. Any such nonprofit  
17 corporation shall agree to be bound by the Open Meetings Act and sections  
18 84-712 to 84-712.09 and to publicly let contracts valued in excess of  
19 twenty-five thousand dollars; and

20 (b) Contract proposals which provide for a public-private  
21 partnership with the state in constructing, developing, or managing the  
22 lake.

23 (4) The department is granted authority to select the land upon  
24 which the lake will be built. In making such selection, the following  
25 shall apply:

26 (a) The land shall be located in or near Sarpy County and within the  
27 flood plain or floodway of the Platte River;

28 (b) Preference shall be given to locations that were materially  
29 underwater when the Platte River flooded in 2019;

30 (c) It is the intent of the Legislature that the lake be at least  
31 three thousand six hundred surface acres in size;

1       (d) No dam shall be constructed on the main channel of the Platte  
2 River in order to construct the lake; and

3       (e) No city or village, or any part thereof, shall be flooded in  
4 order to construct the lake.

5       (5) The department is granted authority to designate the land  
6 selected for the lake under subsection (4) of this section, and land near  
7 or adjacent thereto, as the Lake Development District.

8       (6) The department may, in the performance of its duties, seek input  
9 and advice from any natural resources district that encompasses any of  
10 the area included in the Lake Development District.

11       (7) It is the intent of the Legislature that the department engage  
12 local stakeholders as the department carries out its duties under this  
13 section.

14       Sec. 4. Notwithstanding any other provision of law, no land within  
15 the Lake Development District, as designated by the Department of Natural  
16 Resources pursuant to section 3 of this act, shall be annexed.

17       Sec. 5. Sections 5 to 7 of this act shall be known and may be cited  
18 as the Water Recreation Enhancement Act.

19       Sec. 6. The Legislature finds and declares as follows:

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

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

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

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

30       (5) In light of the disruption from the COVID-19 pandemic and the  
31 trend toward a remote workforce around the country, people around the

1 country are rethinking where they want to work, live, and raise a family.  
2 As people consider where to live, access to sustainable water resources  
3 and outdoor recreational opportunities will be important considerations  
4 in making Nebraska a competitive choice for the future;

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

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

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

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

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

22 (c) The socioeconomic conditions, recreational and tourism  
23 opportunities, and public investment necessary to enhance economic  
24 development and to catalyze private investment in the region in Knox  
25 County, Nebraska, that lies north of State Highway 12 and extends to the  
26 South Dakota border and includes Lewis and Clark Lake and Niobrara State  
27 Park;

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

31 (a) Marina construction projects to expand water access and

1 recreational opportunities at Lake McConaughy and the Lewis and Clark  
2 State Recreation Area; and

3 (b) A project to increase access to and the enjoyment of Niobrara  
4 State Park through the construction of an event center and lodge;

5 (10) It is in the public interest to expand water access and  
6 recreational opportunities at Lake McConaughy and the Lewis and Clark  
7 State Recreation Area through the construction of new marinas; and

8 (11) It is in the public interest to increase access to and the  
9 enjoyment of Niobrara State Park through the construction of an event  
10 center and lodge.

11 Sec. 7. (1) The purposes of the Water Recreation Enhancement Act  
12 are to administer and carry out the following projects:

13 (a) Marina construction projects to expand water access and  
14 recreational opportunities at Lake McConaughy and the Lewis and Clark  
15 State Recreation Area; and

16 (b) A project to increase access to and the enjoyment of Niobrara  
17 State Park through the construction of an event center and lodge.

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

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

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

27 Sec. 8. Section 50-802, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 50-802 (1) The Statewide Tourism And Recreational Water Access and  
30 Resource Sustainability (STAR WARS) Special Committee of the Legislature  
31 is hereby established as a special legislative committee to exercise the

1 powers and perform the duties provided in this section. The special  
2 legislative committee shall consist of no fewer than seven members of the  
3 Legislature as determined by the Executive Board of the Legislative  
4 Council. The special legislative committee shall consist of the Speaker  
5 of the Legislature, who shall serve as chairperson of the special  
6 legislative committee, the chairperson of the Natural Resources Committee  
7 of the Legislature, one member of the Appropriations Committee of the  
8 Legislature, and at least four other members of the Legislature appointed  
9 by the executive board. The appointed members of the special legislative  
10 committee shall be members who represent legislative districts comprising  
11 portions of the areas under study or who otherwise have knowledge of such  
12 areas. All appointments shall be made within the first six days of the  
13 legislative session in odd-numbered years. Members shall serve two-year  
14 terms corresponding with legislative sessions and may be reappointed for  
15 consecutive terms.

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

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

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

31 (ii) The need to provide for public safety, public infrastructure,

1 land-use planning, recreation, and economic development in the Lake  
2 McConaughy region of Keith County, Nebraska; and

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

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

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

19 (4) The special legislative committee may hold hearings and request  
20 and receive reports from federal, state, county, city, and village  
21 agencies and natural resources districts regarding matters pertaining to  
22 such studies. The special legislative committee may hold one or more  
23 closed sessions for the receipt of confidential information if at least  
24 one-half of the members of the special legislative committee vote in open  
25 session to hold a closed session. The special legislative committee may  
26 appoint one or more subcommittees for the purpose of receiving public  
27 input as it relates to the purposes described in section 50-801 and this  
28 section.

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

1           (6) The special legislative committee shall terminate on December  
2 31, 2026 ~~2022~~.

3           Sec. 9.     Original section 50-802, Reissue Revised Statutes of  
4 Nebraska, is repealed.

5           Sec. 10.   Since an emergency exists, this act takes effect when  
6 passed and approved according to law.