

AMENDMENTS TO LB1023

Introduced by Hilgers, 21.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new 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 a county  
24 having a population of at least one hundred thousand but not more than  
25 three hundred thousand inhabitants. Such a reservoir could be built  
26 without a dam of a Platte River channel and without negatively impacting  
27 any existing municipalities, their surrounding communities, or any  
28 economic development already occurring in such areas;

29 (10) It is in the public interest to construct a lake at or near  
30 this location. Such a lake would provide flood control by providing  
31 additional off-channel storage during flood events and public

1 recreational opportunities that would benefit generations of Nebraskans,  
2 similar to the recreational opportunities provided by Lake McConaughy,  
3 Lewis and Clark Lake, and Eugene T. Mahoney State Park;

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

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

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

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

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

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

29 (b) Enter into contracts, including, but not limited to, contracts  
30 relating to the provision of construction services, management services,  
31 legal services, auditor services, and other consulting services or advice

1 as the department may require in the performance of its duties; and

2 (c) Enter into agreements with natural resources districts to  
3 accomplish the purposes of the act. In any such agreement, a natural  
4 resources district may use the full powers granted to it by law.

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

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

12 (a) Contract proposals relating to the development or management of  
13 the lake from a Nebraska nonprofit corporation whose board of directors  
14 include at least four directors who are appointed by the Governor with  
15 the approval of a majority of the Legislature, one representative of the  
16 Game and Parks Commission who is a nonvoting, ex officio member of such  
17 board of directors, and one member of the Legislature who is appointed by  
18 the Executive Board of the Legislative Council and who is a nonvoting, ex  
19 officio member of such board of directors. All such directors must agree  
20 to be bound by the conflict-of-interest provisions in sections 49-1493 to  
21 49-14,104. Any such nonprofit corporation shall be bound by the Open  
22 Meetings Act and sections 84-712 to 84-712.09 and shall publicly let  
23 contracts valued in excess of twenty-five thousand dollars; and

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

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

30 (a) The land shall be located in or near a county having a  
31 population of at least one hundred thousand but not more than three

1 hundred thousand inhabitants and within the flood plain or floodway of  
2 the Platte River;

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

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

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

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

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

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

17 (7) It is the intent of the Legislature that the department engage  
18 local stakeholders as the department carries out its duties under this  
19 section.

20 (8) The land selected for the lake shall be owned by the state, and  
21 the department shall ensure that the general public has complete access  
22 to the lake. No private entity involved in the constructing, developing,  
23 or managing of the lake shall designate any portion of the lake for  
24 exclusively private use. Nothing in this subsection shall preclude  
25 reasonable limitations on the number of people using the lake, a marina,  
26 or any other access point so long as such limitation does not restrict  
27 access to a designated class of private parties.

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

31 Sec. 5. Sections 5 to 7 of this act shall be known and may be cited

1 as the Water Recreation Enhancement Act.

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

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

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

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

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

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

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

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

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

29 (a) The need to protect public and private property, including use  
30 of levee systems, enhance economic development, and promote private  
31 investment and the creation of jobs along the Platte River and its

1 tributaries from Columbus, Nebraska, to Plattsmouth, Nebraska;

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

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

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

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

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

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

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

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

27 (a) Marina construction projects to expand water access and  
28 recreational opportunities at Lake McConaughy and the Lewis and Clark  
29 State Recreation Area; and

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

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

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

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

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

13           (4) It is also the intent of the Legislature to encourage political  
14 subdivisions that hold a Federal Energy Regulatory Commission license and  
15 that own land in and around the projects authorized in this section to  
16 enter into contracts with public and private entities for the use, lease,  
17 and purchase of such land whenever possible in order to increase economic  
18 development and recreational opportunities, particularly when covenants,  
19 easements, and other instruments can ensure such economic development  
20 complies with the rules and regulations of the Federal Energy Regulatory  
21 Commission.

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

24           50-802 (1) The Statewide Tourism And Recreational Water Access and  
25 Resource Sustainability (STAR WARS) Special Committee of the Legislature  
26 is hereby established as a special legislative committee to exercise the  
27 powers and perform the duties provided in this section. The special  
28 legislative committee shall consist of no fewer than seven members of the  
29 Legislature as determined by the Executive Board of the Legislative  
30 Council. The special legislative committee shall consist of the Speaker  
31 of the Legislature, who shall serve as chairperson of the special



1 legislative committee, the chairperson of the Natural Resources Committee  
2 of the Legislature, one member of the Appropriations Committee of the  
3 Legislature, and at least four other members of the Legislature appointed  
4 by the executive board. The appointed members of the special legislative  
5 committee shall be members who represent legislative districts comprising  
6 portions of the areas under study or who otherwise have knowledge of such  
7 areas. All appointments shall be made within the first six days of the  
8 legislative session in odd-numbered years. Members shall serve two-year  
9 terms corresponding with legislative sessions and may be reappointed for  
10 consecutive terms.

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

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

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

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

29 (iii) The socioeconomic conditions, recreational and tourism  
30 opportunities, and public investment necessary to enhance economic  
31 development and to catalyze private investment in the region in Knox

1 County, Nebraska, that lies north of State Highway 12 and extends to the  
2 South Dakota border and includes Lewis and Clark Lake and Niobrara State  
3 Park.

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

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

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

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

27 (6) The special legislative committee shall provide oversight over  
28 any projects carried out as a result of any studies completed by the  
29 committee to ensure continuity and to ensure that the projects fulfill  
30 the goals of the studies as they are implemented. The committee may seek  
31 input from local stakeholders regarding such projects. The committee

1 shall also recommend legislative changes that may become necessary at the  
2 various stages of the implementation of such projects.

3 (7) ~~(6)~~ The special legislative committee shall terminate on  
4 December 31, 2026 ~~2022~~.

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

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