

AMENDMENTS TO LB 784

Introduced by Judiciary Committee:

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

3 Section 1. Section 2-3202, Revised Statutes Cumulative
4 Supplement, 2004, is amended to read:

5 2-3202 For purposes of Chapter 2, article 32, and section
6 2 of this act, unless the context otherwise requires:

7 (1) Commission means the Nebraska Natural Resources
8 Commission;

9 (2) Natural resources district or district means a
10 natural resources district operating pursuant to Chapter 2, article
11 32;

12 (3) Board means the board of directors of a district;

13 (4) Director means a member of the board;

14 (5) Other special-purpose districts means rural
15 water districts, drainage districts, reclamation districts, and
16 irrigation districts;

17 (6) Manager means the chief executive hired by a majority
18 vote of the board to be the supervising officer of the district;
19 and

20 (7) Department means the Department of Natural Resources.

21 Sec. 2. (1) The district shall ensure that any water
22 project guarantees to the public access for recreational use that
23 meets or exceeds the same access afforded to or reserved by private

1 landowners adjacent to the water project. Recreational users,
2 whether public or private, shall abide by all applicable rules and
3 regulations for use of the water project adopted and promulgated
4 by the district or the political subdivision in which the water
5 project is located. Public recreational users may only access the
6 water project through designated access points.

7 (2) For purposes of this section, water project means
8 a project authorized in section 2-3235 and designed and built
9 on and after the effective date of this act that (a) includes
10 the construction of a reservoir or results in the construction,
11 enlargement, extension, or improvement of any stream of drainage or
12 system of control of surface water and (b) creates significant new
13 recreational benefits for the reservoir, stream, or surface water.
14 Water project does not include conservation and land-use projects
15 that do not create significant new recreational benefits.

16 Sec. 3. Section 2-3290, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 2-3290 A Except as otherwise provided in section 2 of
19 this act, a district which owns, leases, or has an easement on land
20 may allow the land to be used by the public for recreational
21 purposes and may adopt and promulgate rules and regulations
22 governing the use of such land as provided in sections 2-3292
23 to 2-32,100 unless the district does not have the right to use such
24 land for recreational purposes. For purposes of sections 2-3234.01
25 and 2-3290 to 2-32,101, unless the context otherwise requires,
26 recreation area shall mean land owned or leased by a district, or
27 on which a district has an easement, which the district authorizes

1 to be used by the public for recreational purposes.

2 In addition to the authority provided in section 2-3292
3 to establish and collect fees, a district may establish and collect
4 permit fees for public access to such land.

5 Sec. 4. Section 2-3296, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 2-3296 (1) A Except as otherwise provided in section
8 2 of this act, a district may permit and regulate swimming,
9 bathing, boating, wading, waterskiing, the use of any floatation
10 device, or any other water-related recreational activity in all
11 or any portion of a recreation area and may provide for special
12 conditions to apply to specific swimming, bathing, boating, wading,
13 or waterskiing areas. Any special conditions shall be posted on
14 appropriate signs in the areas to which they apply.

15 (2) Any person who swims, bathes, boats, wades,
16 water-skis, uses any floatation device, or engages in any other
17 water-related recreational activity in a recreation area when not
18 permitted by a district shall be guilty of a Class V misdemeanor.

19 Sec. 5. Section 2-3297, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 2-3297 (1) A district may provide for the protection,
22 use, or removal of any public real or personal property in a
23 recreation area and may regulate or prohibit the construction or
24 installation of any privately owned structure in a recreation area.
25 A Except as otherwise provided in section 2 of this act, a district
26 may close all or any portion of a recreation area to any form
27 of public use or access with the erection of appropriate signs,

1 without the adoption and promulgation of formal written rules and
2 regulations.

3 (2) Any person who, without the permission of the
4 district, damages, destroys, uses, or removes any public real
5 or personal property in a recreation area, constructs or installs
6 any privately owned structure in a recreation area, or enters
7 or remains upon all or any portion of a recreation area when
8 appropriate signs or public notices prohibiting such activity have
9 been erected or displayed shall be guilty of a Class V misdemeanor.

10 2. On page 3, line 12, strike "ensure that the public
11 has a right of access" and insert "guarantee to the public a
12 right of access for recreational use"; in line 15 strike "section"
13 and insert "sections 2-3290, 2-3296, 2-3297, and"; and in line 16
14 strike "section" and insert "sections 2-3202 and".

15 3. Renumber the remaining sections accordingly.