

AMENDMENTS TO LB 1226

(Amendments to Final Reading copy)

Introduced by Bourne, 8

1 1. Insert the following sections:

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

4 2-3202 For purposes of Chapter 2, article 32, and section
5 5 of this act, unless the context otherwise requires:

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

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

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

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

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

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

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

20 Sec. 5. (1) The district shall ensure that any water
21 project guarantees to the public access for recreational use at
22 designated access points. Recreational users, whether public or

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

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

17 Sec. 8. Section 2-3290, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 2-3290 A Except as otherwise provided in section 5 of
20 this act, a district which owns, leases, or has an easement on land
21 may allow the land to be used by the public for recreational
22 purposes and may adopt and promulgate rules and regulations
23 governing the use of such land as provided in sections 2-3292
24 to 2-32,100 unless the district does not have the right to use such
25 land for recreational purposes. For purposes of sections 2-3234.01
26 and 2-3290 to 2-32,101, unless the context otherwise requires,
27 recreation area shall mean land owned or leased by a district, or

1 on which a district has an easement, which the district authorizes
2 to be used by the public for recreational purposes.

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

6 Sec. 9. Section 2-3296, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 2-3296 (1) A Except as otherwise provided in section
9 5 of this act, a district may permit and regulate swimming,
10 bathing, boating, wading, waterskiing, the use of any floatation
11 device, or any other water-related recreational activity in all
12 or any portion of a recreation area and may provide for special
13 conditions to apply to specific swimming, bathing, boating, wading,
14 or waterskiing areas. Any special conditions shall be posted on
15 appropriate signs in the areas to which they apply.

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

20 Sec. 10. Section 2-3297, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 2-3297 (1) A district may provide for the protection,
23 use, or removal of any public real or personal property in a
24 recreation area and may regulate or prohibit the construction or
25 installation of any privately owned structure in a recreation area.
26 A Except as otherwise provided in section 5 of this act, a district
27 may close all or any portion of a recreation area to any form

1 of public use or access with the erection of appropriate signs,
2 without the adoption and promulgation of formal written rules and
3 regulations.

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

11 Sec. 12. Section 18-1755, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 18-1755 A city of the metropolitan, primary, first, or
14 second class or village acquiring an interest in real property by
15 purchase or eminent domain shall do so only after the governing
16 body has authorized the acquisition by action taken in a public
17 meeting after notice and public hearing. The city or village shall
18 guarantee to the public a right of access for recreational use to
19 the real property acquired for public purposes. Such access shall
20 be at designated access points. The right of access granted to the
21 public for recreational use shall meet or exceed such right held by
22 a private landowner adjacent to the real property.

23 2. On page 1, line 1; and page 103, line 8, after
24 "sections" insert "2-3290, 2-3296, 2-3297, 18-1755,".

25 3. On page 1, line 6; and page 103, line 12, after
26 "sections" insert "2-3202,".

27 4. On page 2, after the semicolon in line 1 insert "to

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- 1 change provisions relating to recreational use water projects;".