

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1394

Introduced by Beutler, 28; Baker, 44; Bohlke, 33; Bourne, 8;
Brashear, 4; Brown, 6; Bruning, 3; Hartnett, 45;
Hilgert, 7; Jensen, 20; Kiel, 9; Landis, 46;
Lynch, 13; Matzke, 47; Dw. Pedersen, 39; D.
Pederson, 42; Preister, 5; Price, 26; Quandahl, 31;
Raikes, 25; Schimek, 27; Schmitt, 41; Schrock, 38;
Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14

Read first time January 20, 2000

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend
2 section 2-3234, Revised Statutes Supplement, 1999; to
3 authorize eminent domain for acquisition of county roads;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3234, Revised Statutes Supplement,
2 1999, is amended to read:

3 2-3234. (1) Each district shall have the power and
4 authority to exercise the power of eminent domain when necessary to
5 carry out its authorized purposes within the limits of the district
6 or outside its boundaries. If it is necessary to acquire a county
7 road to carry out an authorized purpose, a district may acquire the
8 county road through the exercise of eminent domain after a public
9 hearing and a determination by the board that the public benefits
10 to the state of the use by the district outweigh the public
11 detriment to the state from the closing of the county road.

12 (2) Exercise of eminent domain shall be governed by the
13 provisions of sections 76-704 to 76-724, except that whenever any
14 district seeks to acquire the right to interfere with the use of
15 any water being used for power purposes in accordance with sections
16 46-204, 70-668, 70-669, and 70-672 and is unable to agree with the
17 user of such water upon the compensation to be paid for such
18 interference, the procedure to condemn property shall be followed
19 in the manner set forth in sections 76-704 to 76-724 and no other
20 property shall be included in such condemnation.

21 (3) No district shall contract for delivery of water to
22 persons within the corporate limits of any village, city, or
23 metropolitan utilities district, nor in competition therewith
24 outside such corporate limits, except by consent of and written
25 agreement with the governing body of such political subdivision.

26 (4) A village, city, or metropolitan utilities district
27 may negotiate and, if necessary, exercise the power of eminent
28 domain for the acquisition of water supply facilities of the

1 district which are within its boundaries.

2 Sec. 2. Original section 2-3234, Revised Statutes

3 Supplement, 1999, is repealed.