

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1011

Introduced by Pankonin, 2.

Read first time January 20, 2010

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend
2 section 2-3234, Revised Statutes Supplement, 2009; to
3 change provisions relating to eminent domain; to repeal
4 the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3234, Revised Statutes Supplement,
2 2009, is amended to read:

3 2-3234 Except as provided in section 2-3226.11, each
4 district shall have the power and authority to exercise the power
5 of eminent domain when necessary to carry out its authorized
6 purposes within the limits of the district or outside its
7 boundaries, except a district shall not use the power of eminent
8 domain for the development or management of recreational trails
9 or corridors unless associated with a flood control structure.
10 Exercise of eminent domain shall be governed by the provisions
11 of sections 76-704 to 76-724, except that whenever any district
12 seeks to acquire the right to interfere with the use of any
13 water being used for power purposes in accordance with sections
14 46-204, 70-668, 70-669, and 70-672 and is unable to agree with
15 the user of such water upon the compensation to be paid for such
16 interference, the procedure to condemn property shall be followed
17 in the manner set forth in sections 76-704 to 76-724 and no other
18 property shall be included in such condemnation. No district shall
19 contract for delivery of water to persons within the corporate
20 limits of any village, city, or metropolitan utilities district,
21 nor in competition therewith outside such corporate limits, except
22 by consent of and written agreement with the governing body of such
23 political subdivision. A village, city, or metropolitan utilities
24 district may negotiate and, if necessary, exercise the power of
25 eminent domain for the acquisition of water supply facilities of

1 the district which are within its boundaries.

2 Sec. 2. Original section 2-3234, Revised Statutes
3 Supplement, 2009, is repealed.

4 Sec. 3. Since an emergency exists, this act takes effect
5 when passed and approved according to law.