

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 134

Introduced by Pankonin, 2.

Read first time January 09, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend
2 section 2-3234, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to eminent domain; and to
4 repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3234, Reissue Revised Statutes of
2 Nebraska, is amended to read:

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

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1 Sec. 2. Original section 2-3234, Reissue Revised Statutes
2 of Nebraska, is repealed.