

MEMORANDUM

TO: Personnel, Legislative and Public Affairs Subcommittee

SUBJECT: LB 134

DATE: February 2, 2009

FROM: John Winkler, General Manager

This legislative session a bill has been introduced by Senator Pankonin, LB 134, which changes and repeals provisions relating to eminent domain. The Natural Resources Committee conducted a public hearing on LB 134 on January 23, 2009.

A basic summary of this bill is that its intent is to change NRD's eminent domain authority by **eliminating a districts ability to utilize eminent domain for the development or management of recreational trails or corridors unless associated with a flood control structure.**

Senator Pankonin introduced this bill on behalf of landowners in Cass County who would be impacted by the final leg of the MOPAC trail being planned, designed and constructed by the Lower Platte South NRD.

This bill would have far reaching implications beyond Cass County as it applies to every NRD throughout the state of Nebraska. Specifically, this bill would impact several Papio NRD projects including Western Douglas County Trail, Keystone East Connector and Missouri River Trails. The passage of this bill could ultimately affect millions of dollars in federal trails funding as trail projects could potentially be stopped by one landowner thus prohibiting the completion of entire trails and trail segments and jeopardizing current and future funding.

At this year's Annual Legislative Conference the NARD voted unanimously to oppose this bill on the grounds that this bill has a negative impact on the entire state in an attempt to resolve the issues of one project.

Therefore, management recommends that the subcommittee recommend to the full Board of Directors that the Papio Missouri River Natural Resources District officially opposes LB 134 and directs the General Manager and Government Relations Consultant to take such appropriate action to indefinitely postpone this bill in the Natural Resources Committee and/or to kill the bill in the full legislature if necessary.