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# OFFICE OF THE ATTORNEY GENERAL

## STATE OF NEBRASKA

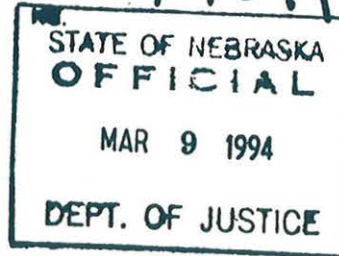
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# 94011



DATE: March 8, 1994

SUBJECT: Financing recreational trails

REQUESTED BY: Larry A. Witt, Budget & Fiscal Division  
Nebraska Game and Parks Commission

WRITTEN BY: Don Stenberg, Attorney General  
Warren D. Lichty, Assistant Attorney General

Your opinion request cites Neb. Rev. Stat. §§ 81-815.58 to 81-815.63 (1993 Supp.), and §§ 37-1501 to 37-1509 (1992 Cum. Supp.), and inquires whether funds appropriated to the Trail Development Assistance Fund (§ 37-1503) may be used to fund the Cowboy Trail (§ 81-815.59). Section 37-1503 provides, in part: "The Trail Development Assistance Fund. . . shall be used to assist in the purchase, development, and maintenance of recreational trails within the state." Subsection (3) of § 81-815.59 provides, in part: "The commission may use funds available in the Trail Development Assistance Fund to carry out this section as provided in section 37-1503."

While § 81-815.59, referred to as "this section," does not specifically name the C&NW Railroad right-of-way as the Cowboy Trail, the section does provide the following:

- (1) Authorize the Game and Parks Commission to accept the right-of-way of the C&NW between milepost 83.3 and milepost 404.5.
- (2) Credit all revenues collected from leasing said right-of-way to credit of the Cowboy Trail Fund.
- (3) Use such Fund for the development and maintenance of the Cowboy Trail.

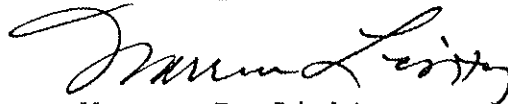
Larry A. Witt  
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(4) Use funds available in the Trail Development Assistance Fund for trail development and to transfer money from the Trail Development Assistance Fund to the Cowboy Trail Fund.

From the foregoing, we believe legislative intent can be inferred to name that portion of the Northwestern right-of-way the Cowboy Trail, and for the use of funds from the Trail Development Assistance Fund in developing the right-of-way as the Cowboy Trail.

Sincerely,

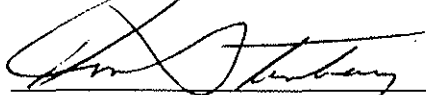
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Approved:



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