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FLOOR DEBATE

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however, that that bill of particulars is not something that can go to court. It's not the basis of litigation. Now, in the previous Quandahl amendment it was the basis of litigation, and it would have been the basis of litigation, and it's why critics of the bill, like myself, said this is too much, and why Senator Beutler held up the five feet, because about three of those feet (sic--feet) were challenges and appeals. But that's gone. So, there's a bill of particulars and a chance to make that case in public, by the city, including their attempts to get the utility to give a right of cure. That is not an onerous burden in that, it seems to me, it's not the basis of litigation and it doesn't affect costs significantly, and it does focus the issue and make the city make a case of particulars. And those are legitimate reasons for condemnation, and they get to proceed. So, although that's a burden for those of us who don't think this right should be fettered in any way, it's a livable one. Secondly, there is the condemnation court moving from after the vote of the people, before the vote of the people. This was a recommendation by the league to say, look, this would settle the issue. What if we did this and just stopped? That didn't happen to settle the issue, but it was a response to the argument the public ought to know the costs before they vote, and that seemed to be a principle that both sides could live with. For existing...existing utility systems, that's all, we're done, that's it--bill of particulars and a separate hearing that does not allow the city to do it for revenues, plus a condemnation court before the vote of the people. If you have an existing system, those are the changes that we'd make to the condemnation process, and that's all. Now, there's another new idea, and that's the one that is occasioned by Senator Baker's situation. If you have a new town that does not now get served, or you expand an existing system by 20 percent of the area or by 20 percent of the value, then, at the agreement of both parties, the city and the utility can sign a contract that cannot fall below certain minimums, it has to have certain guarantees in it, but that contract would be for the...

SPEAKER KRISTENSEN: One minute.

SENATOR LANDIS:.. ..recovery life of the improvement so that the natural gas company can get back the cost of the improvement