



Ninety-Ninth Legislature - Second Session - 2006
Committee Statement
LB 924

Hearing Date: February 15, 2006

Committee On: Judiciary

Introducer(s): (Fischer, Baker, Burling, Combs, Cudaback, Cunningham, Erdman, Flood, Heidemann, Hudkins, Kremer, Loudon, McDonald, Dw. Pedersen, Schrock, Smith, Stuhr, Stuthman, Wehrbein)

Title: Change provisions of the Community Development Law and restrict the use of eminent domain

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- | | | |
|---|---------------------|---|
| 7 | Yes | Senators Aguilar, Bourne, Combs, Flood, Foley, Friend, Pedersen |
| | No | |
| | Present, not voting | |
| 1 | Absent | Senator Chambers |
-

Proponents:

Senator Deb Fischer
Walt Bleich
Len Schropfer
Charles Starr
Steve Nelson
John Hansen
Norma Hall
Robert Hallstrom
Curt Bromm
Larry Smith
Bill Blake
Bruce Rogers
Scott Farwell

Representing:

Introducer
Self
Self
Self
Nebraska Farm Bureau
Nebraska Farmers Union
Women Involved in Farm Economics
National Federation of Independent Business
Papio Valley Preservation Association
Nebraska Cattlemen
Self
Self
self

Opponents:

Lance Hedquist
Tom Willnerd
Gary Krumland

Representing:

City of South Sioux City
South Platte United Chamber of Commerce
League of Nebraska Municipalities

Dallas McGee
Ward Hoppe
Walt Radcliff

City of Lincoln, Urban Development Department
Self
Nebraska Realtors Association
Nebraska State Homebuilders Association

Neutral:

Ken Bunger
Paul Kratz
Beth Bazyn Ferrell
Kurt Elder
Scott Voichoskie

Representing:

North Platte Community Development Corp.
City of Omaha
Nebraska Association of County Officials
Self
self

Summary of purpose and/or changes:

Legislative Bill 924 prohibits agricultural land from being designated as substandard, blighted, or undeveloped vacant land. The bill does not allow a condemner to use eminent domain to acquire property if the taking is for economic development purpose. Economic development purpose is defined as taking property for subsequent use by a commercial for-profit enterprise or to increase tax revenue, tax base, employment, or general economic conditions.

The bill does not affect the use of eminent domain for:

- public projects or private projects that have a public use as of right;
- removing a harmful use of property that causes an immediate threat to public health;
- leasing property to a private person who occupies an incidental part of the public property;
- acquiring abandoned property;
- clearing defective property title;
- taking private property for use by a public utility;
- or taking private property based upon a finding of blighted or substandard conditions under the Community Development Law.

Explanation of amendments, if any:

The committee amendment replaces the green copy of the bill. It strikes sections 1 and 2 of the green copy of the bill. It also clarifies that eminent domain may be used for taking private property based upon a finding of blighted or substandard conditions under the Community Development Law if the private property is not agricultural land or horticultural and as defined in section 77-1359.

Senator Patrick J. Bourne, Chairperson