

February 7, 1991 LB 247

CLERK: Mr. President, LB 247 is a bill introduced by Senator Ashford. (Read title.) The bill was introduced on January 14, referred to Urban Affairs. Senator, do you want to explain your bill before the amendment?

SENATOR ASHFORD: Briefly, Mr. Clerk. Actually, I think we could probably go to the amendment. I can explain the bill through the amendment.

CLERK: Mr. President, Senator Ashford would move to amend his bill. (The Ashford amendment appears on page 584 of the Legislative Journal.)

SPEAKER BAACK: Senator Ashford.

SENATOR ASHFORD: Thank you, Mr. Speaker, and members, this bill deals with the landmark heritage preservation district. This particular legislation applies only to cities in the metropolitan class which creates a historical district or allows the city to create historical districts and certain rules and regulations apply. This amendment is quite simple. It simply is a word change to a provision in the existing law which clarifies the what I believe to be the proper public policy and that is that eminent domain cannot be used...can only be used in a heritage preservation district to preserve buildings or maintain or preserve buildings, lands, areas or districts which have been, in fact, denominated landmark heritage districts. It just, I think, just clarifies the public policy that the city or state could not come in and condemn a piece of property in a landmark heritage district unless it was done in an effort to preserve or protect that district. So it just adds the word "only" to the existing language and I believe is a proper public...proper application of public policy in this regard.

SPEAKER BAACK: Any discussion on Senator Ashford's amendment? Senator Warner.

SENATOR WARNER: Senator Ashford, I'm not sure if I understood the limitation of the eminent domain. Give me an example of...it seems to me, I don't...Omaha has had redevelopment programs, some of them, it seems to me, have been large areas, I do not know if eminent domain was used or not but under what conditions can eminent...by whom and who cannot use eminent domain?