

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

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LB 748

one, informs the utility. They wait to see if the utility corrects the situation. If not, the city again informs the utility. The city waits to see if the utility is correct...if the utility corrects the situation. If not, the city either informs the utility and waits, or determines utility has had sufficient opportunities. The amount of time for this, 6 to 15 months. Step three, the governing body votes to prepare a resolution of intent to condemn; takes about a day. Step four, the city staff prepares a resolution of intent to condemn. Required contents of the resolution: number one, a description of the property; one or more of public health and safety, customer service, excessive rates, financial instability...and I'm being succinct here. The resolution may not contain any reference to expected or anticipated revenue to be derived by the city due to condemnation or operation of the gas system. Takes about two to six weeks to do this. Step five, the governing body adopts resolution at regular meeting and sets time for public hearing. They send a copy of the resolution and the city publishes notice; amount of time, 45 to 60 days, 45-day minimum required by statute. Step six, the governing body holds public hearing solely on resolution. The public can comment at that time. The utility may respond to resolution and public comments, and any time prior to adjournment the utility may require the city to include additional portions of gas system and description of the property being condemned. This takes about a day. Step seven, the governing body votes to condemn. This can take anywhere from 0 to 60 days. Step eight, if not a village and mayor vetoes the resolution, the governing body votes to override, that's kind of dismissed there, the clerk then notifies the Chief Justice of the Supreme Court. Step ten, Supreme Court appoints three district judges as a court of condemnation to determine the value of the gas system being taken; 1 to 30 days, 30 days the maximum set by statute. Step 11, the Supreme Court enters order requiring judges to attend as court of condemnation at county seat in which the city is located within such time as may be stated in the order; 0 to 30 days. Step 12...I'm going to go over that one because it's a half page long. Step 13, condemnation of court determines the value of the gas system. Step 14, there's a number of things the city can do. Step 15, generally the utility will appeal. Step 16, is...