

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

April 11, 2006      LB 924

was the result of extensive negotiations with various individuals who are both interested in protecting property rights as much as possible, and with developers, cities, utilities, and things of that...entities like that that have to have the ability to condemn. I don't know what Senator Redfield's amendment does. I'm not sure what the standard is now. She's indicating that the condemner shall prove by clear and convincing evidence. I don't know what the standard is now, to be honest with you. I've been focusing on other bills, but I am kind of concerned that we're changing the standard, and I want to say that this standard was in one of the other bills and we dismissed it because it went too far, and I need to look at this. Hopefully there are some other lights on, because I don't think we should just adopt the Redfield amendment without some consideration. Again, the committee amendment on LB 924 was the result of extensive negotiations between private property individuals, meaning folks that wanted to keep private property rights, and those folks who have to--utilities, things like that--who have to have the ability to condemn to build our infrastructure. I don't know, again, how this changes it. Senator Redfield, would you yield to a question or two?

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Senator Redfield, will you yield?

SENATOR REDFIELD: Yes, I will.

SENATOR BOURNE: Senator Redfield, what is...what you're doing is...and again, I apologize. I'm kind of taken off guard by the amendment. But you are changing the burden of proof on the condemner that the property is for a public use; is that right?

SENATOR REDFIELD: Only in the instance of economic development in section...subdivision 3(g).

SENATOR BOURNE: And subdivision 3(g), this section does not affect the use of eminent domain for taking private property based upon a finding of blighted or substandard conditions under the committee...