



Hundredth Legislature - First Session - 2007
Committee Statement
LB 672

Hearing Date: February 21, 2007
Committee On: Judiciary

Introducer(s): (Lathrop)
Title: Change eminent domain provisions relating to municipal utilities

Roll Call Vote – Final Committee Action:

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

Vote Results:

8	Yes	Sen. Ashford, Sen. Lathrop, Sen. Chambers, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch, Sen. Schimek
0	No	
	Present, not voting	
	Absent	

Proponents:

Sen Lathrop
 Mr. Hansen
 Kenneth Wilson

Representing:

Nebraska Farmer’s Union

Opponents:

Charles Humble

Representing:

Nebraska Power Association

Neutral:

Representing:

Summary of purpose and/or changes: Under current law, metropolitan utility districts (MUDs) have the authority to condemn or exercise the power of eminent domain over utilities systems if the facilities are within, annexed to, or otherwise consolidated within the city limits of a metropolitan city. Other utilities providers in the state also have the authority to exercise eminent domain over utilities systems in the state.

Legislative Bill 672 amends N.R.S. §14-2116 and §70-667 to create an exception for wind farms. Under the provisions of the bill, a community-based energy project, which is defined as a new wind energy project or wind farm, cannot be condemned or taken under the power of eminent domain by a MUD, a municipal electric utility or a municipal power agency.

Explanation of amendments, if any:

COMMITTEE AMENDMENT

Committee Amendment 451 strikes the original section 1. As amended, LB 672 does not affect the authority of MUD to exercise their power of eminent domain. However, this is actually a correction that removes MUD from the provisions of the bill because MUD would have no interest in wind energy projects.

Senator Brad Ashford, Chairperson