

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 561**

Introduced by Lathrop, 12.

Read first time January 21, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to public power districts; to amend section  
2 70-670, Reissue Revised Statutes of Nebraska; to restrict  
3 the power of eminent domain as prescribed; and to repeal  
4 the original section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 70-670, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           70-670 In addition to any other rights and powers  
4 hereinabove conferred upon any district organized under or subject  
5 to Chapter 70, article 6, each such district shall have and  
6 exercise the power of eminent domain to acquire from any person,  
7 firm, association, or private corporation any and all property  
8 owned, used, or operated, or useful for operation, in the  
9 generation, transmission, or distribution of electrical energy,  
10 including an existing electric utility system or any part thereof.  
11 The procedure to condemn property shall be exercised in the manner  
12 set forth in Chapter 76, article 7. In the case of the acquisition  
13 through the exercise of the power of eminent domain of an existing  
14 electric utility system or part thereof, the Attorney General  
15 shall, upon request of any district, represent such district  
16 in the institution and prosecution of condemnation proceedings.  
17 After acquisition of an existing electric utility system through  
18 the exercise of the power of eminent domain, the district shall  
19 reimburse the state for all costs and expenses incurred in the  
20 condemnation proceedings by the Attorney General. A district may  
21 agree to limit its exercise of the power of eminent domain to  
22 acquire a project which is a renewable energy generation facility  
23 producing electricity with wind and any related facilities.

24           Sec. 2. Original section 70-670, Reissue Revised Statutes  
25 of Nebraska, is repealed.