

One Hundred Third Legislature - First Session - 2013

Introducer's Statement of Intent

LB580

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: March 15, 2013

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

It is the intent of LB 580 to amend the law regarding claims based on inverse condemnation. Specifically, the bill amends the process for inverse condemnation by (1) requiring inverse condemnation petitions to be filed in district court for a simultaneous determination of whether a taking or damage has occurred and determination of just compensation for the damages; (2) creating a statute of limitations of 3 years for inverse condemnation actions and (3) allowing for offers of judgment at trial on condemnation and inverse condemnation petitions.

LB 580 was introduced in response to the Nebraska Court of Appeals case of *Henderson v. City of Columbus*, No. A-11-060 (April 3, 2012). *Henderson v. City of Columbus* is currently on appeal to the Nebraska Supreme Court and oral arguments were heard on November 8, 2012 but, as of this date, a ruling has not been issued. Henderson expands the scope and application of inverse condemnation by applying inverse condemnation actions to damages caused by the operation of public utilities or public improvements that have failed to function. If the Nebraska Supreme Court affirms the Court of Appeals, LB 580 seeks to allow cities and other condemners the ability to better prepare for and process the expected increase in inverse condemnation claims. It does not change or overturn the court's ruling.

Principal Introducer: _____

Senator Jerry Johnson