

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB155**

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**Hearing Date:** Thursday February 07, 2019  
**Committee On:** Natural Resources  
**Introducer:** Brewer  
**One Liner:** Eliminate authority for eminent domain by certain political subdivisions

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

<b>Aye:</b>	6	Senators Albrecht, Bostelman, Geist, Gragert, Halloran, Moser
<b>Nay:</b>	1	Senator Quick
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Hughes

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**Oral Testimony:**

**Proponents:**

Senator Tom Brewer  
Michael Young  
Brent Steffen  
Ann Warren  
Marjorie Manning  
Wayne Eatinger  
Barbara Welch  
Dan Welch  
Dean Smith  
Douglas Nelson  
Shaylee Scranton  
Sam Sampson  
Amy Ballagh  
James Ducey  
Terry Madson  
David Hutchinson

**Representing:**

Introducer  
self  
self  
self  
self, Cleve Trimble  
self  
self  
self  
self  
self  
self  
self  
self  
self  
self  
self, and Save the Sandhills

**Opponents:**

Richard Lombardi  
Lucas Nelsen  
John Hansen  
Donna Roller

**Representing:**

Advanced Power Alliance  
Center for Rural Affairs  
Nebraska Farmers Union  
self

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

LB 155 would remove from statute the statement that the use of eminent domain by public power for transmission for privately developed renewable energy generation facilities is a public use.

Section 1 amends 70-1014.02, which provides the requirements privately developed renewable energy generation facilities must meet in order to bypass the state's approval process and clarifies that only consumer-owned electric suppliers operating in Nebraska may use eminent domain for transmission, by eliminating language stating the use of eminent domain for needed transmission for privately developed renewable energy generation facilities is a public use.

Property acquired by eminent domain must be for a qualifying public use. By saying that transmission needed for privately owned renewable generation is not a public use, the bill results in public power's inability to use eminent domain for transmission for any such project.

Section 2 repeals the original section.

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Dan Hughes, Chairperson