

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 152**

Introduced by Dubas, 34.

Read first time January 11, 2013

Committee:

A BILL

- 1 FOR AN ACT relating to eminent domain; to restrict negotiations of a
- 2                   condemner as prescribed; and to provide a duty for the
- 3                   Revisor of Statutes.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. It is the intent of the Legislature to ensure  
2 damages for condemned property are accurately assessed by courts  
3 considering the purpose that the property will be used for, that the  
4 purpose and scope of the project does not change after property is  
5 condemned and an award made by the court, and that property is not  
6 unnecessarily condemned for projects that may never come into  
7 existence. The importance of private property rights must be balanced  
8 with Nebraskans' need for infrastructure projects. Condemnation  
9 affects a property owner's use of their remaining property rights.  
10 When condemnation is necessary, landowners should be given complete  
11 and accurate information regarding the purpose of the condemnation.

12           Sec. 2. A condemner shall not attempt to negotiate with a  
13 condemnee unless the condemner has a present plan and a present  
14 public purpose. The condemner has a present plan and a present public  
15 purpose only after all agencies required to have approved the project  
16 have done so and all necessary permits have been granted. The  
17 condemner shall provide the condemnee copies of all granted and  
18 necessary permits upon request of the condemnee.

19           Sec. 3. A condemner found to be noncompliant with section  
20 2 of this act or found coercive or to be threatening the condemnee  
21 with condemnation shall entitle the condemnee to injunctive relief  
22 from the condemner, attorney's fees, and actual damages as prescribed  
23 by the court.

24           Sec. 4. The Revisor of Statutes shall assign sections 1  
25 to 3 of this act within Chapter 76, article 7, and any reference to

1 such article shall be deemed to include such section.