

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 567

Introduced by Landis, 46

Read first time January 19, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to eminent domain; to amend section 19-701,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to condemnation of public utilities;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-701, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 19-701. Whenever the qualified electors of any city of
4 the primary class, city of the first class, city of the second
5 class, or village ~~shall~~ and the qualified electors in the zoning
6 and subdivision area of the city or village vote at any general or
7 special election to acquire and appropriate, by an exercise of the
8 power of eminent domain, any waterworks, waterworks system, gas
9 plant or a gas system, including a natural or bottled gas plant,
10 gas distribution system, or gas pipe lines, electric distribution
11 system or light plant, electric light and power plant, heating
12 plant, street railway, or street railway system, located or
13 operating within or partly within and partly without such city or
14 village or the zoning and subdivision area of the city or village,
15 together with real and personal property needed or useful in
16 connection therewith, if ~~the main~~ part of such works, plant, or
17 system ~~be~~ is within any such city or village or the zoning and
18 subdivision area of the city or village and even though a franchise
19 for the construction and operating of any such works, plant, or
20 system may or may not have expired, then any such city or village
21 shall possess and have the power and authority, by an exercise of
22 the power of eminent domain to appropriate and acquire, for the
23 public use of any such city or village, any such works, plant,
24 railway, pipelines, or system, ~~PROVIDED, that where~~ within the city
25 or village or the zoning and subdivision area of the city or
26 village. If any public utility properties supplying different
27 kinds of service to such a city or village are operated as one unit
28 and under one management, the right to acquire and appropriate, as

1 provided in sections 19-701 to 19-707, shall not cover and extend
2 to the entire property ~~and not~~ but only to any divided or
3 segregated part ~~thereof~~ within the city or village or the zoning
4 and subdivision area of the city or village, and the duly
5 constituted authorities of any such city or village shall have the
6 power to submit such question or proposition, in the usual manner,
7 to the qualified electors of any such city or village and the
8 qualified electors in the zoning and subdivision area of the city
9 or village at any general city or village election or at any
10 special city or village election and may submit the proposition in
11 connection with any city or village special election called for any
12 other purpose, and the votes cast thereon shall be canvassed and
13 the result found and declared as in any other city or village
14 election. Such ~~AND PROVIDED FURTHER,~~ ~~such~~ city or village
15 authorities shall submit such question at any such election
16 whenever a petition asking for such submission, signed by the legal
17 voters of such a city or village equaling in number fifteen percent
18 of the votes cast at the last general city or village election, and
19 filed in the city or village clerk's office at least sixty days
20 before the election at which the submission is asked, but if the
21 question of acquiring any particular plant or system has been
22 submitted once, the same question shall not again be submitted to
23 the voters of such a city or village and zoning and subdivision
24 area until two years shall have elapsed from and after the date of
25 the findings by the board of appraisers regarding the value of the
26 property and the ~~city's or village's~~ rejection of the same.

27 Sec. 2. Original section 19-701, Reissue Revised
28 Statutes of Nebraska, is repealed.