

SPEAKER BAACK: Senator Landis.

SENATOR LANDIS: What I have been told is that in the case of acquiring property, real property or private property for a public purpose, there will be a public hearing in all of the instances in which this would otherwise apply. That there is no circumstance in which the city would act and, by this change, be relieved of an obligation of a hearing. Why? Because the city would need to act in its ordinance or resolution passing form, either in this form of passing an ordinance, or passing a resolution, both of which are done with public notice, in an open session before open public hearings. And in that sense, to my knowledge at least, the representation of the City of Lincoln has been that there is no circumstance under which this now applies, which, if we did away with it, there would be a nonhearing based action by the city.

SENATOR PIRSCH: Senator Landis, is Section 25 just city agencies? Does that just relate to city agencies then, or does that not relate to state agencies?

SENATOR LANDIS: I'm looking at subsection 5, which says, cities of the primary class, when acquiring property for a proposed project within its corporate limits, is exempt from the application of the uniform procedure, so that it is the city...

SENATOR PIRSCH: And that's Section 25?

SENATOR LANDIS: Umm, 25-2501 is the uniform procedure for everyone. What there is in that list...

SENATOR PIRSCH: Right.

SENATOR LANDIS: ...is a series of exemptions, and this adds an exemption. The exemption is limited only to cities, I'm talking about an agent, the city of a primary class, in which that city is acquiring property for a proposed project and the acquisition is inside its own corporate limits, and there are ten or fewer lots. In that case you don't use the uniform procedure, you'll use the resolution or ordinance passing form, which has, as you know, three hearings in many cases, open sessions, and notice.

SENATOR PIRSCH: And the agency then would be a city agency.

SENATOR LANDIS: In this case it would be the city taking