

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB473

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: March 11, 2015

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

One of the most intrusive of governmental activities is eminent domain whereby a landowner can be divested of private property, against the landowner's will. The requirement that a "fair price" be paid is small solace.

Before being hijacked and politicized, the State had a process for the siting of pipelines "through or across the State of Nebraska" in interstate or intrastate commerce.

That process involved specified duties and actions by the Public Service Commission to ensure that the interests of the State and its inhabitants were not disregarded or undermined.

That process was short-circuited by legislation tailored to fit the wishes of a foreign-owned, for-profit company by contriving an end-run around the Public Service Commission by transferring its oversight function to the Governor.

As stated, eminent domain is one of the most intrusive of governmental activities — and it is made even worse and more onerous when a foreign-owned, for-profit corporation is authorized by statute to invoke it, to the detriment of Nebraska residents.

Legislative Bill 473 remedies the situation by denying to such a corporation the right to exercise the power of eminent domain, and by removing the Governor from the process.

Principal Introducer: _____

Senator Ernie Chambers