

## LEGISLATIVE BILL 247

Approved by the Governor March 11, 1991

Introduced by Ashford, 6; Lindsay, 9

AN ACT relating to landmark heritage preservation districts; to amend sections 14-2003 and 14-2004, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exercise of the power of eminent domain by cities of the metropolitan class; to change provisions relating to membership on a landmark heritage preservation commission as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 14-2003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-2003. (1) Each city of the metropolitan class may exercise its power of eminent domain to maintain or preserve buildings, lands, areas, or districts which have been determined by the landmark heritage preservation commission to be of historical, architectural, cultural, or educational value.

(2) Within a landmark heritage preservation district a city of the metropolitan class shall not exercise its power of eminent domain to acquire property for the purpose of demolition and reconveyance for private use. This subsection shall not be applicable to any eminent domain action filed by such city prior to the effective date of this act.

(3) Whenever it ~~shall become~~ becomes necessary to take control of property pursuant to and for the purposes stated in this section, the purpose and necessity for such control shall be declared by ordinance. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 2. That section 14-2004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-2004. (1) A landmark heritage preservation commission created pursuant to sections 14-2001 to 14-2004 shall have ~~seven~~ nine members. If available, one of the members shall be an architect, one shall be a

curator or director of an art or other museum, one shall be a professional artist or historian, three shall be interested and qualified persons chosen, as far as possible, from any existing historical society, preservation group, architectural, landscape architectural, interior design, or planning association, or cultural organization, ~~and one two shall be a layperson laypersons, and one shall be an owner or operator of a business or property within a landmark heritage preservation district, which business or property may be owned or operated by a corporation of which such member is an officer or by a partnership in which such member is a partner.~~

(2) Members shall be appointed by the mayor and approved by the city council and shall serve for a ~~term terms~~ of three years. ~~Members shall serve until their successors are appointed and qualified. Members , except that of the members first appointed two shall serve one-year terms, two shall serve two-year terms, and two shall serve three-year terms. New members shall be appointed as the terms expire, and members may be appointed to successive terms.~~

(3) The commission shall select one of its members as ~~chairman chairperson~~. The director of the planning department of the city shall act as the executive director of such commission, and staff assistance for the commission shall be provided by the planning department of such city.

Sec. 3. That original sections 14-2003 and 14-2004, Reissue Revised Statutes of Nebraska, 1943, are repealed.