

ASSEMBLY BILL NO. 201—ASSEMBLYMEN KIRKPATRICK, THOMPSON, ELLIOT ANDERSON, BENITEZ-THOMPSON; ARAUJO, BUSTAMANTE ADAMS, CARLTON, HANSEN, KIRNER, NEAL, SPIEGEL, SWANK AND WHEELER

FEBRUARY 26, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing eminent domain. (BDR 3-960)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to eminent domain; prohibiting a local government from entering into an agreement for the purpose of exercising the power of eminent domain to take a mortgage or deed of trust on private property or a note secured by a mortgage or deed of trust on private property; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill prohibits a local government from entering into an agreement with any
2 person for the purpose of exercising the power of eminent domain to take a
3 mortgage or deed of trust on private property or a note secured by a mortgage or
4 deed of trust on private property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 37.030 is hereby amended to read as follows:
2 37.030 ***1.*** The private property which may be taken under
3 this chapter includes:
4 ~~1-1~~ ***(a)*** All real property belonging to any person, company or
5 corporation.
6 ~~1-2~~ ***(b)*** Lands belonging to the State, or to any county, or
7 incorporated city or town, not appropriated to some public use.



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1 ~~13.1~~ (c) Property appropriated to public use; but such property
2 shall not be taken unless for a more necessary public use than that to
3 which it has been already appropriated.

4 ~~14.1~~ (d) Franchises for toll roads, toll bridges, ferries, and all
5 other franchises; but such franchises shall not be taken unless for
6 free highways, railroads or other more necessary public use.

7 ~~15.1~~ (e) All rights-of-way for any and all purposes mentioned in
8 NRS 37.010, and any and all structures and improvements thereon,
9 and the lands held or used in connection therewith, shall be subject
10 to be connected with, crossed, or intersected by any other right-of-
11 way or improvement or structure thereon. They shall also be subject
12 to a limited use in common with the owner thereof, when necessary;
13 but such uses of crossings, intersections and connections shall be
14 made in the manner most compatible with the greatest public benefit
15 and the least private injury.

16 ~~16.1~~ (f) All classes of private property not enumerated may be
17 taken for public use when such taking is authorized by law.

18 ***2. Notwithstanding any other provision of law, a local***
19 ***government shall not enter into an agreement with any person for***
20 ***the purpose of exercising the power of eminent domain to take a***
21 ***mortgage, deed of trust, or mortgage lien on private property or***
22 ***any note secured by a mortgage, deed of trust or mortgage lien on***
23 ***private property.***

24 **Sec. 2.** NRS 37.090 is hereby amended to read as follows:

25 37.090 The court or judge thereof shall have power:

26 1. To determine the places of making connections, crossings,
27 cattle guards and culverts, and to regulate the manner thereof, and of
28 enjoying the common use mentioned in ***paragraph (e) of*** subsection
29 ~~15.1~~ ***I*** of NRS 37.030.

30 2. To hear and determine all adverse or conflicting claims to
31 the property sought to be condemned, and to the damages therefor.

32 3. To determine the respective rights of different parties asking
33 condemnation of the same property.

34 **Sec. 3.** This act becomes effective upon passage and approval.

