
SENATE BILL NO. 326—SENATOR CARE

MARCH 24, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing eminent domain. (BDR 3-78)

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

~

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

AN ACT relating to eminent domain; limiting the public purposes for which the right of eminent domain may be exercised; restricting the authority of a redevelopment agency to acquire real property by eminent domain; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 37 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. Notwithstanding the provisions of any other specific statute***
4 ***to the contrary, the right of eminent domain may not be exercised***
5 ***by the State of Nevada, any political subdivision of the State or***
6 ***any other governmental entity that possesses the power of eminent***
7 ***domain in order to acquire property for:***

8 ***(a) Open-space use; or***

9 ***(b) The purpose of protecting, conserving or preserving***
10 ***wildlife habitat.***

11 ***2. As used in this section, “open-space use” has the meaning***
12 ***ascribed to it in NRS 376A.010.***

13 **Sec. 2.** NRS 279.471 is hereby amended to read as follows:

14 279.471 1. ***An agency may exercise the power of eminent***
15 ***domain to acquire property for a redevelopment project only if the***
16 ***agency adopts a resolution that includes a written finding by the***



1 *agency that a condition of blight exists for each individual parcel*
2 *of property to be acquired by eminent domain.*

3 **2.** In *addition to the requirement set forth in subsection 1, in a*
4 county whose population is 100,000 or more, an agency may
5 exercise the power of eminent domain to acquire property for a
6 redevelopment project only if:

7 (a) The property sought to be acquired is necessary to carry out
8 the redevelopment plan;

9 (b) The agency has adopted a resolution of necessity that
10 complies with the requirements set forth in subsection ~~[2-] 3~~; and

11 (c) The agency has made every reasonable effort to negotiate the
12 purchase of the property.

13 ~~[2-] 3.~~ A resolution of necessity required pursuant to paragraph
14 (b) of subsection ~~[H] 2~~ must set forth:

15 (a) A statement that the property will be acquired for purposes
16 of redevelopment as authorized pursuant to subsection 17 of NRS
17 37.010 and subsection 2 of NRS 279.470;

18 (b) A reasonably detailed description of the property to be
19 acquired;

20 (c) A finding by the agency that the public interest and necessity
21 require the acquisition of the property;

22 (d) A finding by the agency that acquisition of the property will
23 be the option for redevelopment that is most compatible with the
24 greatest public good and the least private injury; and

25 (e) A finding by the agency that acquisition of the property is
26 necessary for purposes of redevelopment.

27 ~~[3-] 4.~~ After an agency adopts a resolution ~~[of necessity,]~~
28 *pursuant to subsection 1 or 2*, the resolution so adopted and the
29 findings set forth in the resolution are final and conclusive and are
30 not subject to judicial review unless credible evidence is adduced to
31 suggest that the resolution or the findings set forth therein were
32 procured through bribery or fraud.

33 **Sec. 3.** The amendatory provisions of this act apply to an
34 action in eminent domain that is filed on or after July 1, 2005.

35 **Sec. 4.** This act becomes effective on July 1, 2005.

