

SPEAKER: There will be no debate because the time has elapsed. The motion is by Senator Kremer to indefinitely postpone the bill. All those in favor vote aye, those opposed vote no. Have you all voted? Clerk will record.

CLERK: 24 ayes, 9 nays.

SPEAKER: Bill is indefinitely postponed. We will now take up LB731. Clerk will read.

CLERK: Read LB731.

SPEAKER: Someone going to handle the committee amendments for Senator Richendifer? Senator Murphy.

CLERK: They are not committee amendments they are his amendments.

SPEAKER: Whose amendments?

CLERK: Senator Richendifer's amendments.

SPEAKER: I ask if anyone would want to handle them for him. Senator Murphy.

SENATOR MURPHY: I don't believe that I was aware of the one issue, there are two items to it. The amendments reinstate the section of the laws that now exist on appealing a condemnation award. This is the entire thrust of the Richendifer amendments. The principle difference being that in the present law, if you appeal a condemnation award you have to achieve at least a 15% increase over the award of the committee or the fees can not be allowed by the court. If you do achieve 15% or greater the court may at its discretion allow the fees.

SPEAKER: Any discussion on the Richendifer amendment? Senator Fellman.

SENATOR FELLMAN: Would Senator Murphy yield? I have...say again does this...say again I don't follow what this does.

SENATOR MURPHY: This would leave the award on a condemnation appeal as regards to a payment of attorney fees in the hands of the court the way it is now. If I understand that correctly right now, if you appeal a condemnation award, and do not achieve at least a 15% gain over what that award was you can not be allowed fees, but if you achieve 15% or greater over that condemnation award, the court may at its discretion allow attorney's fees to the prevailing party.

SENATOR FELLMAN: Does that change under the bill?

SENATOR MURPHY: It would have been changed under the bill and he is asking that it be retained. His thought being that in doing this you are making it open season to go ahead and appeal and for a nickles difference fees would be awarded and he made some comment relative to attorney's welfare programs or something like that, I have forgotten.

SENATOR FELLMAN: (mike not activated) in order to get the fee you have to go over 15%. Or the fee would be paid by the sub-division.