

February 22, 1980

LB 680, 833

try to offer at this time if there is no objection from the Chair. If there is objection from the Chair I will just offer it on Select File.

SPEAKER MARVEL: Do you want to wait until you get to Select File?

SENATOR SCHMIT: All right, let's wait until we get to Select File with those amendments but I want to alert the membership that the amendments are there and that I will offer them on Select File. The bill itself, Mr. President, is a bill which provides that in the case of an appeal for an award, when...at the present time if the award is increased by more than 15% the plaintiff is entitled to the reasonable fees for attorneys. This provides for two additional conditions whereby the attorney fees may be granted. One is if we find that they did not negotiate in good faith. The other is if there was not a reasonable sum...pardon me, if the condemner did not negotiate in good faith or if there was no public purpose for taking the property in the first place, then there could be an award granted for reasonable attorneys fees, Mr. President. That is all it does and I move for the advancement of the bill.

SPEAKER MARVEL: All those in favor of advancing 680 to E & R for review vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 0 nays on the motion to advance, Mr. President.

SPEAKER MARVEL: The motion is carried and the bill is advanced and now LB 833.

CLERK: LB 833 was introduced by Senator Nichol. (Read title.) The bill was read on January 21, referred to the Ag and Environment Committee. It was advanced to General File. There are committee amendments by Senator Schmit's Agricultural and Environment Committee.

SPEAKER MARVEL: The Chair recognizes first, Senator Schmit, for amendments, committee amendments to LB 833.

SENATOR SCHMIT: Mr. President, I move the adoption of the committee amendments. The committee amendments, Mr. President, provide for a manner in which the tax shall be subscribed and it also provides for exemption for those whose volume of potatoes does not exceed 1,800,000 pounds. That is all it does. I move for the adoption of the committee amendments.