

April 9, 1979

LB 568

SPEAKER MARVEL: Senator Duis and then Senator Kremer.

SENATOR DUIS: Mr. President, members of the Legislature, I disagree with it probably not from a philosophical standpoint but from a practical standpoint. I, too, am having a little difficulty wondering why we don't have a depreciation in here when any other thing that is taken does allow for depreciation. My question is, why don't we make them all consistent? Also I think by leaving out the depreciation they are leaving out one of those particular things that are very necessary in making an appraisal. I wonder why a public building would not have any depreciation in this concept whereas a private home or building would have. Now there is another bill that I think was going across the Board here that gave me a little problem and that was the one where we were going to allow them to put in more than was necessary as far as the living and the values were in a particular area. I don't know what the Highway Department is trying to do here. It bothers me and I think we need a much more thorough explanation because, Senator Goodrich, the Highway Department has the right of condemnation and I don't think that right of condemnation would have any bearing particularly on that of a public building or a private. So, consequently, if anyone would come in to do an appraisal, I would think they would of necessity have to use some factor in there of depreciation or maybe I am wrong. Maybe the Highway Department isn't going to use appraisers. This I think is very necessary and, of course, the person with the property and in this event there is no person. This is a public body. Senator Goodrich, I am going to need more explanation than I am getting at the present time for the necessity of this type of legislation.

SENATOR GOODRICH: I will be happy to furnish it, too. In fact, I have got the answer to your question Herb, just as soon as Kremer gets through.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Speaker, I would like to ask Senator Beutler a question and invite his comments following the question. Senator Beutler, we have talked this over before and I would like to ask you this question and I do not believe that there have been any court cases in the State of Nebraska but I understand there have been in other states when this particular situation came to the surface. Now isn't it true that in these cases, and you know about them I am sure, that the courts do not recognize or have not recognized in these other states depreciation and could not the school district, we will use the example that we have on the

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