

April 10, 1981

LB 243

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: We have one more amendment to the bill.
The Clerk will read.

CLERK: Mr. President, Senator Koch moves to amend the bill.
(Read Koch amendment found on page 1414, Legislative Journal.)

SENATOR KOCH: Well, this is a serious amendment. Obviously we want to make certain that the NRDs, if they do condemn, that they are going to pay a fair price, and having looked at the Lincoln paper here the last couple of days finding how accurate the county assessors are in spite of the laws, I just thought this would be a good amendment to place right here. Very simply it says, when they go to condemnation procedures for any kind of project that they will not pay beyond the assessed value of the land as it's presently in the county assessor's office, and for all practical purpose, you know this will take away condemnation procedures of the NRDs. Obviously that is what we are hell-bent to do so we might as well put it in there and make sure it never happens under any conditions. So I ask for the adoption of this amendment.

SPEAKER MARVEL: Does anybody wish to speak to the adoption of the amendment? Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, other than being unconstitutional, I have no objections to the amendment. It has some noble purposes, however, it is unworkable, I think, and clearly unconstitutional. The person that sets the value of the land is somebody in Lincoln or somebody at the tax assessor's office, he may be right or wrong or whatever. That has no bearing on the value of the land in terms of a court determination in a condemnation suit and it just is illegal, blatantly illegal. So I guess I would urge rejection of the amendment.

SPEAKER MARVEL: Senator Koch, do you want to close on your amendment?

SENATOR KOCH: Yes, I do. Thank you. Since I have received my instructions from the Assistant Attorney General, obviously I wouldn't want to do anything in the face of unconstitutionality but I do want to remind you that those of you who didn't read it, the county assessors are again having trouble meeting our standards that we set two years ago, so I use this platform primarily to remind us that we have offered them computers but they constantly ignore it, but now because of great parcels they have to reappraise, they can't get it done because they are short of help. So I