

February 10, 1995 LB 222

amendments, Senator Pirsch.

SENATOR PIRSCH: I really meant the bill.

SPEAKER WITHEM: Okay, we will get back to you on the bill then. Senator Hall, on the committee amendments.

SENATOR HALL: Yes. Mr. President, members, the committee amendments, as Senator Hudkins pointed out, add the additional component that was in her proposal as well as the emergency clause, I would just urge their adoption as well.

SPEAKER WITHEM: Thank you, Senator Hall. Further discussion on the committee amendments. Seeing none, I assume...who was handling the committee amendments? Senator Hudkins, any closing. Closing has been waived. Question is the adoption of the committee amendments. All those in favor vote aye, opposed vote nay. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER WITHEM: Committee amendments are adopted. Opening on the bill, is that where we are, Mr. Clerk. Senator Hall, or Senator Hudkins, opening on the bill.

SENATOR HALL: Thank you, Mr. President and members. The proposal deals with how a condemnee, a landowner, goes about the process of appealing a condemnation of their property, and it is, basically, the landowner versus the subdivision of government. The way it currently exists is, under statute, there is a disincentive for the landowner to appeal because unless the landowner can absolutely be assured that they are going to get over and above 15 percent of the amount of the award, basically what the appraisal was of the property, if they take that gamble, they have to...and they lose, they then have to pay the court costs and attorney fees for the subdivision of government. That is the way the law currently exists, and that just flat-out isn't fair, because what it does is it has a chilling effect on the ability for a landowner to say, look, that might be fair market value for your purposes, but in terms of what I might be able to sell it for and what it is worth to me, I ought to have the ability to appeal that, and I shouldn't be penalized, in effect, for appealing it if I don't get 15.1 percent, and that is what it is. And that's really what it