

is. I believe it was Senator Chambers who pointed out in committee that, well, a wily subdivision of government would basically offer 14 percent below the actual fair market value or the purchase price, the sale price of a piece of property on each occasion knowing full well that the landowner would have to run the risk that somehow in court they were going to be able to get that up above the 14 percent, in fact above the 15 percent, otherwise risk the entire cost of the litigation, and that's where LB 222 comes into play. And it says that if the final judgment is not equal to or greater than the award of the appraisers, the court may, in its discretion, award to the condemner the court costs incurred by the condemner but not attorney or expert witness fees. It still says the landowner would be subject to court costs, but you are not going to get saddled with attorney's fees and expert witness fees, and those are the...those are the part of it that are the greatest expense. I think it is a very fair proposal. It protects the landowner. There was only opposition on all three of the bills by the City of Omaha, and, frankly, I believe that this is a proposal that protects people who have no choice in the matter. They are going to lose their property one way or the other through the condemnation process, and it clearly says that, look, you have the ability to appeal. If you lose that appeal within that 15 percent framework, then you are subject to the court costs, but you are not subject to attorney's fees and you are not subject to expert witness fees. And that's a very fair proposal. I would hope that the body would move to advance LB 222. As I said earlier, it came in the form of at least two other bills we heard the same day, offered by Senator Hudkins, Coordsen and others, and then two more bills that we have yet to hear because of the time at which they were introduced. With that, I'd respond to any questions from members of the body, Senator Withem, but would urge the advancement of the bill.

SPEAKER WITHEM: Thank you, Senator Hall. Senator Pirsch, followed by Senators Witek and Chambers.

SENATOR PIRSCH: Thank you, Mr. Speaker and members of the body. I do sympathize with those persons who are the condemnees, but we are making a standard change as well as awarding of attorney and expert witness fees here, and I wonder if that is not going to result in more appeals and perhaps frivolous appeals. I'd like to ask Senator Hudkins a question, if she would yield.

SPEAKER WITHEM: Senator Hudkins.