

February 10, 1995 LB 222

SENATOR HUDKINS: Yes, go ahead.

SENATOR PIRSCH: Senator Hudkins, what, the first change that we are making in this bill is to add to an award, you might say, or the elimination of cost to the award that is equal to or greater than the award of the appraisers. Before this, we have just said that if the appraisal is greater than...or the final judgment is greater than the award of the appraisers, that it would be...that all court costs would be paid, right.

SENATOR HUDKINS: Senator Pirsch, I am sorry, you lost me entirely. If you don't mind, I would direct your question to Senator Hall.

SENATOR PIRSCH: Oh, okay. Senator Hall.

SENATOR HALL: Yes.

SENATOR PIRSCH: The old language is he or she will be charged with such costs if the final judgment is not greater than the award of the appraisers. The old standard was greater than the award of the appraisers. Were there problems with that? How, why were the words "equal to" added?

SENATOR HALL: Basically, it says that the tie goes to the condemnee or the landowner because you are talking...

SENATOR PIRSCH: Which was not formerly the case?

SENATOR HALL: That's correct.

SENATOR PIRSCH: Right.

SENATOR HALL: That's absolutely correct.

SENATOR PIRSCH: Okay, and if the tie goes to the condemnee and the appeal is taken by the condemnee only, and that final judgment is equal to, then the court may, in its discretion, award to the condemner the court costs incurred by the condemner but not attorney or expert witness fees.

SENATOR HALL: That's correct.

SENATOR PIRSCH: Now that is different too because before all