

February 10, 1995 LB 222

SPEAKER WITHEM: One minute, Senator Chambers.

SENATOR CHAMBERS: ...is to somewhat even out the odds so that if a property owner really feels that he or she has been given less than what is merited under the circumstances, the law itself will not prevent that person from launching an appeal. As Senator Hall pointed out, even if the property owner gains an equal amount to what was offered, or more than that but less than 15 percent, the risk of having to pay the court costs of the condemner would still be there, but absent from that would be the inclusion of lawyer fees and expert witness fees. So I am in favor of this bill. I hope you will advance it. And whenever you get five cooks trying to...

SPEAKER WITHEM: Time.

SENATOR CHAMBERS: ...improve the broth and none has a recipe...

SPEAKER WITHEM: Senator Hall.

SENATOR HALL: Thank you, Mr. President, and members, again I rise in support of the advancement of LB 222. And Senator Witek just came over and asked and said, how come there's all these people in the lobby now upset with this? And they...you know, it's folks from the City of Omaha and from other subdivisions of government who condemn property. And what you have to look at it from is the landowner's position, and we're not giving a full hand to the landowner, but you've got to remember, in a condemnation process, the landowner's hands are tied. The only thing that you can fight for is a fair price for your property, and unless the...you get that, right now under the system, unless you get at least 15 percent over what the award was on appeal, you will have your...say, for example, let's do it by example, let's tell a story, see if that will work. The award is \$20,000 and you think your property is worth 30, so you appeal it. Unless you can get, as the landowner, at least 15 percent above the \$20,000, and that would be, what, \$23,000 and a buck, so you would have to get at least that when you go up on appeal. By presenting your case, bringing your attorney there, bringing your expert witness forward, unless you can get that, if the award comes back at, say, \$22,000, you're short, you don't hit that 15 percent threshold, then you, as the landowner, who appealed because you thought your property was worth more and it was the only way that you could protect yourself in a condemnation process, you are subject to pay not