

February 24, 1995 LB 830

SPEAKER WITHEM: Oh, court of appeals, okay, sorry, Senator Kristensen.

SENATOR WICKERSHAM: Court of appeals, Senator, yes.

SPEAKER WITHEM: Court of appeals...

SENATOR WICKERSHAM: Yes, and Senator Kristensen would take umbrage if he...

SPEAKER WITHEM: Yeah, I apologize to that. He wasn't even on the floor to hear that.

SENATOR WICKERSHAM: Yes.

SPEAKER WITHEM: So, in other words, this could potentially add a delay factor to one of these projects to the tune of six months to a couple of years. Is that reasonable?

SENATOR WICKERSHAM: No, Senator.

SPEAKER WITHEM: And why not?

SENATOR WICKERSHAM: That is not reasonable because if they choose to pay for the property, they will acquire it much more promptly. They have the choice of paying for the property, or they have...

SPEAKER WITHEM: So what this will do then will allow the individual with the property to threaten an appeal in order to extract a higher fee from the body.

SENATOR WICKERSHAM: The way that the condemnation statutes work makes it unlikely that you will frivolously seek appeals because it puts you at jeopardy for attorneys' fees and costs.

SPEAKER WITHEM: Okay. Didn't we have a bill in here dealing with that this session and alters attorney fees on eminent domain cases?

SENATOR WICKERSHAM: I don't recall, Senator.

SPEAKER WITHEM: It seems like we did. Okay, anyway, thank you, Senator Wickersham. I...