

April 9, 1996

LB 1039

SENATOR BEUTLER: ...one step and tell you the part that I don't understand and maybe you or Senator Avery can tell me what I'm not thinking through. But if you don't have to pay back the greenback...the greenbacks, the greenbelt value differentiation if property is taken by eminent domain, is that what this amendment does in part?

SENATOR WARNER: That's what the amendment does and the argument for it is that there was...under the provisions that are used for eminent domain they could not allow when that negotiation or cost of that rollback taxes which if it was private sale may or may not become a factor but it could become a factor, but in eminent domain there was not an allowance for it as value.

SENATOR BEUTLER: Well, if eminent domain pays you back the value, I mean pays you back the value of the land for its best use...

SENATOR WARNER: Well...

SENATOR BEUTLER: ...then how...why should they not pay back the differential just as they would in a normal situation?

SENATOR WARNER: The argument is that may not necessarily, I don't know if you've ever been through eminent domain, those of us who have would argue that seldom is the case.

SENATOR BEUTLER: But that's the law, is it not?

SENATOR WARNER: The law is what three appraisers decide if you go to county court what the value is.

SENATOR BEUTLER: Well, but what the three appraisers say is subject to judicial review and subject to the ultimate...

SENATOR WARNER: Yes, sir.

SENATOR BEUTLER: ...test of fair market value for it's best use...

SENATOR WARNER: That's correct.

SENATOR BEUTLER: ...at the time of sale, right?