

February 26, 1980

LB 742

SPEAKER MARVEL: Senator Cope and then Senator Schmit and then Senator Hefner.

SENATOR COPE: Mr. President and members, a question of Senator DeCamp.

SENATOR DeCAMP: Yes, Senator Cope.

SENATOR COPE: Please make the explanation brief. What is fair market price? How would you define it?

SENATOR DeCAMP: Fair market price is the price that will be obtained by a willing buyer and a willing seller, neither under pressure or compunction to buy or sell.

SENATOR COPE: All right, let me give you an illustration. There is a quarter section of land. There are landowners that on each side of this quarter section or near that want the land. They bid against each other. It sells for \$3000 an acre because it is near them and they want the land. Now, is the rest of the land in the area going to be based on the \$3000 an acre that they paid? Is that fair market value?

SENATOR DeCAMP: There are in excess of probably several million...several million federal, state, local, all over the United States cases clearly setting out what is meant.

SENATOR COPE: I know, but just answer the question. Is that fair market value?

SENATOR DeCAMP: Your particular case....your particular case uses a speculative or a special pressure situation and is an aberration.

SENATOR COPE: Boy, that's not much of an explanation. So I certainly would oppose the amendment.

SPEAKER MARVEL: Senator Schmit and then Senator Hefner and then Senator Burrows. Senator Schmit.

SENATOR SCHMIT: Well, Mr. President and members of the Legislature, I too would have to oppose the amendment proposed by Senator DeCamp at this time, and I will tell you very briefly why. I think that Senator Carsten has pointed out that if we were to adopt this amendment and two individuals were to decide they both wanted to own the same home or the same piece of land, and they would bid it up beyond what would be the normal market value, under this amendment,