

March 6, 1980

LB 680

bill, at the present time, you see, if the court, if there is an appeal on an award and the award by the court is more than fifteen percent of the original award, then the individual citizen is entitled to court costs and attorney fees. Under this bill we would also grant court costs and attorney fees if we found that the original negotiation did not take place in good faith or if there was no public purpose involved in the first place. Now the amendment which I am offering here today provides that, first of all it adds the language that we spoke about and it also provides that there would be, if there was not good faith in the first place, or if there was no public purpose, then the court costs would be awarded also.

SPEAKER MARVEL: Senator Sieck, have you completed your questions?

SENATOR SIECK: Yes.

SPEAKER MARVEL: You are about two minutes overtime.

SENATOR SCHMIT: But I want to answer if I could, Mr. President, for Senator Sieck's benefit that the amendment here which I offer at this time provides that you cannot, the condemnor may not instigate proceedings for a period of two years after that time. I think it is a reasonable thing. I don't think we want to find ourselves back into court within thirty days. Maybe two years is too long, Senator, but I don't think it is given the normal procedure that we could follow.

SPEAKER MARVEL: Senator Sieck, do you have one more question of Senator Schmit?

SENATOR SIECK: I am going to make a comment, then close.

SPEAKER MARVEL: Okay.

SENATOR SIECK: I have to be opposed to the amendment because I feel that the two years is too long. We could hold up the projects, no matter what, the highways, natural resource project or the Bureau of Reclamation, and two years is too long and the thirty days as Senator Schmit is talking about may be too short and I would have to agree with him that it should be extended a little bit but I am going to be opposed to the amendment with the two years option on it, realizing that this seldom does happen but it could happen, and I would hate to delay a project just because of this quirk in the law so I oppose the amendment.