

April 10, 1973

PRESIDENT: Motion now is to advance LB 455. If you are in favor of that motion, please say aye. Opposed say no. The bill as amended is advanced.

SENATOR CAVANAUGH: Mr. President, I move the adoption of the E & R amendments to LB 501.

PRESIDENT: Motion to adopt the amendments to LB 501. All those in favor of that motion say aye. Those opposed say no. Amendments are adopted.

SENATOR CAVANAUGH: Mr. President, I move LB 501 as amended be advanced to E & R for engrossing.

PRESIDENT: Now there is a motion to advance the bill. All those in favor of advancing the bill, please say aye. Those opposed say no. So ordered. The bill as amended is advanced.

SENATOR CAVANAUGH: Mr. President, I move the adoption of the E & R amendments to LB 504.

PRESIDENT: Motion to adopt the amendments to LB 504. All those in favor of the motion say aye. Those opposed say no. The amendments are adopted.

SENATOR CAVANAUGH: Mr. President, I move LB 504 as amended be advanced to E & R for engrossing.

PRESIDENT: Motion is now to advance the bill as amended. All those in favor of that movement, please say aye. Those opposed say no. So ordered. The bill as amended is advanced.

SENATOR CAVANAUGH: Mr. President, I move the adoption of the E & R amendments to LB 226.

PRESIDENT: Motion to adopt the amendments to LB 226. All those in favor of the motion say aye. Those opposed say no. So ordered. The amendments are adopted. Clerk.

CLERK: Mr. President, we have an amendment to LB 226 offered by Senator Luedtke. Do you wish to have it read?

SENATOR LUEDTKE: Mr. President.

PRESIDENT: Yes, sir. Senator Luedtke.

SENATOR LUEDTKE: I would move the adoption of the amendment and, maybe, ask for...if I may just explain it. I think. They are two corrective amendments. This is the catch-all bill on the Court Reform Act. The first amendment is simply clarification of some sloppy drafting, really, and the language did not straighten out the new County Budget Practices Act and this puts it in line with the County Budget Practices Act and that is all that it does. That's the first amendment. The second amendment is a great deal more important. There was an attorney out in the state that discovered that in the original 1032 by way of reference to eminent domain cases, he found out that there was some question as to whether or not their could be a jury trial on an eminent domain cases and eminent domain cases in a county court are only of an administrative nature. There really isn't..they do not go into the issues at all and so, obviously, when it goes up on appeal, you should have the right to a jury trial in the district court. Anybody would want that right and should have it. So, this particular amendment straightens that out and eliminates reference to allowing an appeal up to the District Court from the County Court in the usual manner of civil cases which is de novo on the record, which means no jury trial, whereas, on appeal, whereas in eminent domain cases, it would say the appeal shall be tried de novo in the District Court meaning that they could have this right to jury trial upon appeal. So