

March 6, 1981

LB 89

It is the county seat of Lancaster County and the capital of the state. There are twelve incorporated cities, villages, including Lincoln. This has been the capital since 1870 and was founded primarily as a site of state government, and for that reason, many of the principal state institutions are located here. The district court currently consists of five district judges and one court appointed referee to handle the child support contempt matters. There is a separate juvenile court consisting of one judge. The population of Lancaster County was 85,000 in 1920; 155,000 in 1960; and 192,718 in 1980. The Third Judicial District is a unique judicial district. The Legislature has passed laws that require many types of lawsuits to be filed only in Lancaster County. These are cases that the other twenty judicial districts of the state cannot hear and are peculiar to this district. Many of these cases involve serious constitutional questions that have a very serious impact on the citizens of our state, not just the Third Judicial District. There are fifteen statutes passed by this Legislature and two examples are that actions to enforce state and administrative board orders are required to be filed. This is 25-21.165. And the second example is that appeals from all administrative agency decisions that occur in Lancaster County will be filed here and that is 84-917. I am sorry Senator Schmit isn't here because I wanted him to hear that many of these cases, particularly those dealing with constitutional issues, such as, Prendergast versus Nelson (phonetic) that approved the constitutionality of the medical malpractice bill required extensive briefing by both parties and independent research on the part of the judge. These are not garden variety cases but take concentrated thought on new areas of the law and require more time than many other cases. Senator Warner would be interested to know that the Board of Regents of the University of Nebraska versus Exon appeal to the Supreme Court was filed here to determine whether acts of the Legislature affecting the University were in violation of Article VII, Section 10 of the Constitution. Senator Koch would be interested in Gaffney versus State Department of Education appeal to the Supreme Court, 192, Neb. 358 action for declaratory judgments to determine the constitutionality of the Nebraska Textbook Loan Act. Senator VonMinden and Fitzgerald should be interested to know that the State of Nebraska Board of Educational Lands and Funds versus Lathrop and Commissioner of Labor was filed here, the appeal from Commissioner of Labor for alleged violation of veterans preference law. Senator Landis may be interested to know that Owohl versus Chizek, Commissioner of Labor, an appeal from the Nebraska Appeal Tribunal was filed here. Senator Chambers and Senator Johnson will know about the Whirl versus Department of Public Welfare bill.