

April 11, 1979

LB 572

CLERK: Mr. President, LB 572 was introduced by the Judiciary Committee and signed by the members thereof. (Read title to LB 572.) The bill was read on February 12th of this year. It was referred to the Judiciary Committee. It was advanced directly to General File, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 572 was introduced by the Judiciary Committee at the request of the State Treasurer's office. The purpose of LB 572 is to eliminate a conflict with the unclaimed property act, sections 69-1301 to 69-1329. LB 572 would require that certain monies held by the Clerks of the District Courts be paid to the State Treasurer for eventual deposit in the permanent school fund rather than to the county treasurers for deposit in the county general fund. It was brought to the attention of the committee at the public hearing that this bill involves only a small amount of money. The figure given us regarding Douglas County was \$5,000. The figure given us in Lancaster County was \$1,500 and this is not a yearly amount but represents several years accumulation. Prior to moving the bill out of committee the committee requested and received an Attorney General's opinion on the proper construction to be placed on article 7, section 7 of the Nebraska constitution. The Attorney General's opinion indicated that those funds held by the Clerk of the District Court belonged in that category of funds and previously determined to be deposited in the permanent school funds. I move the advancement of LB 572 to E & R initial.

SPEAKER MARVEL: Senator Dworak, do you wish to speak to 572?

SENATOR DWORAK: I have a question of Senator Nichol.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Yes, sir.

SENATOR DWORAK: Senator Nichol, the procedure that we are following now, is there any problem legally, constitutionally with the system as we are following it right now?

SENATOR NICHOL: Well it seems to have been working for a long time, however, Treasurer Marsh brought this to our attention and this is the way it should be done as the