

March 20, 1980

LB 842, 884, 892

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: 27 ayes, 16 nays, 4 excused and not voting, 2 present and not voting, Mr. President. Vote appears on page 1336 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 884.

CLERK: Read LB 884.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed no. Have you all voted? Clerk will record the vote.

CLERK: 42 ayes, 2 nays, 4 present and not voting, 2 present and not voting, Mr. President. Vote appears on page 1337 of the Legislative Journal.

SPEAKER MARVEL: All provisions of law having been complied with, the bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 892.

CLERK: Mr. President, I have a motion on the desk. Senator Johnson moves to return LB 892 to Select File for a specific amendment. The amendment is found on page 1313 of the Legislative Journal.

SPEAKER MARVEL: Chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. Speaker, members of the body, this amendment is one to take care of one additional problem with respect to the transfer of small claims court cases, from the small claims court to the regular municipal or county court. The bill 892 presently says that the only transfers that can be effected out of small claims court into the municipal or county court are those requested when the defendant litigant requests a jury trial. We had a considerable conversation a couple of weeks ago, we dealt with that particular language. Since then I have asked the Attorney General for an opinion on two points. (A) The Constitutional right to a jury trial in civil cases, that is when must a jury trial be granted and (B) assuming that it must be granted in civil cases, if a

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