

April 10, 1981

LB 243

SENATOR CHAMBERS: Mr. Chairman, I just have one question I want to ask Senator Schmit. I will ask him at this point. Then I won't have to discuss the bill any more. Senator Schmit, is it true that there is a lawsuit pending and the passage of this bill will affect the outcome one way or the other?

SENATOR SCHMIT: I don't believe the passage of the bill, Senator, would have any impact upon the lawsuit because of the fact that the case is in court right now. In fact, it might clarify...it might reduce the ambiguity that exists today.

SENATOR CHAMBERS: That is all I had to ask. Thank you, Senator Schmit.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: May I ask Senator Schmit a question, please?

SENATOR CLARK: Senator Schmit.

SENATOR KREMER: Senator Schmit, my question is almost exactly the same as Senator Chambers' question. I inquired about this the other day, I think yesterday it was, and I was informed that it definitely would. Now I don't know how to explain the difference in the answer.

SENATOR SCHMIT: Well I would just like to say this, Senator Kremer, I think we just had almost an identical situation in a preceding instance on the bill that Senator Labeledz introduced. There is a case pending in court there and the Legislature took action to resolve an issue that is pending and I think that the same situation exists here. There is a question as to whether or not the issue is a viable one and I think that the question can be handled in this manner.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: Well the reason I am concerned, as I understand there is something over a million dollars of monies belonging to the state and various subdivisions of government that could be affected. If this does affect the case that is in court today is the reason I wanted that answer. So I understood Senator Schmit to say it would not in any way, in his opinion at least, affect the outcome of that case. Thank you.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President, I would like to ask Senator