

March 5, 1982

LB 697, 825

SPEAKER MARVEL: The motion is advancement of the bill as explained by Senator Lamb. All those in favor of the motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced.

CLERK: Mr. President, LB 825 is a bill offered by Senator Beutler. (Read title.) The bill was read on January 14, referred to Miscellaneous Subjects. The bill was advanced to General File. I do have an amendment to the bill offered by Senator Beutler, Mr. President.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, we have been having a little problem here in Lincoln with our library books. We continue to lose about a \$100,000 worth of them a year, and although I have not done a survey, I understand that it is a problem in many other places in the state. And there are a number of things that need to be done to alleviate the problem, but one thing that some people thought would be helpful and that I think would be helpful would be to provide that the city attorney or the county attorney's office, when they are asked by the library boards to get back these books or to get damages for the books or to prosecute people for not returning the books, that they should be awarded, if they ask for it, attorney's fees and court costs when they win the action. What is happening is that the cases are generally so small that the city attorney and the county attorneys are reluctant to involve themselves in the cases because they simply lose money on the proposition. And so, therefore, we have created a situation where there is no incentive for people to return books because generally speaking the cases are so small they are not prosecuted. Consequently, the situation gets worse and worse. So what this little bill does is simply say that everywhere in the state when the county attorney or the city attorney prosecutes for the return of library books and library materials that the city attorney or county attorney has the right to ask for attorney's fees and court costs, and hopefully that will increase the pressure on people who are abusing the system to get the books back so that other people and other kids can use them. Now the amendment is simply a technical amendment. I failed in the bill to designate where the attorney's fees would go once they were collected, and the amendment simply outlines where