

March 5, 1982

LB 825

they would go and they would go back to the city or the county depending on who was prosecuting and be credited to the office of the city prosecutor or the county prosecutor. And that is what the amendment does, and I would ask or move for its adoption.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, there is no mandatory jail time in this bill, Senator Stoney, but I do have some concerns about it. I think if the state is going to impose what to me amounts to a very heavy fine for an overdue library book or any periodical, record, picture, whatever they allow you to check out, if the state is going to intrude into this situation, some standards ought to be set, and I think there ought to be a requirement of when charges will be filed or may be filed so that library patrons have notice, then if a determination is made to file a charge, then prior to the filing of that charge the person to be charged would be notified and the notice would take the form of a demand that the book be returned, or whatever it is, be returned, and should it not be returned within a certain period of time, charges will be filed. If the charges are filed and the person goes to court and is convicted, then attorney fees and court costs will be assessed in addition to the cost levied for having the book overdue. Otherwise, you have an opened situation where if a library board is running low on funds, they could get a prosecution for a 2 cent fine. But I know they have the statement in here about the bylaws and regulations. I don't know what the individual bylaws in all these villages and counties and whatnots would be, but I genuinely think that if you enact a bill like this, you ought to set some standards to determine by state statute when prosecutions can be brought in these circumstances and the type of demand and notice and opportunity to settle the debt that I have suggested. So on this situation, as with Senator Stoney's bill, if it moves, I would offer amendments on Select File but I won't try to hinder its passage or movement now. But I do want to notify the body and Senator Beutler what my concerns are.

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to 825. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the Beutler amendment.

SPEAKER MARVEL: The motion is to advance the bill. Senator Pirsch.

8360