

March 27, 1981

LB 44

SENATOR CLERK: Senator Wesely, we will take up your amendment at this time.

SENATOR WESELY: Yes, again, Mr. President, what this amendment tries to do is provide for protection for individuals who have had their property taken by somebody else to be pawned and gives them an opportunity to go to court and ask that they determine who is the rightful owner of that property so that they can claim possession and get it back in their possession. I know Senator Kahle has some concerns about protection of the pawnbroker. I guess what I am saying is we need to protect the owner of the property and we should provide some sort of protection of pawnbrokers as well. I do not have an answer to the particular problem he may have but I think that can be worked out. Still though, the basic fundamental point of the amendment is when somebody owns property, it is taken to a pawnbroker, he should have the right to the possession of that property, not have to wait while it sits somewhere else even though it is his own property. It is not fair I don't think.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I guess what I am concerned about is the pawnbroker and where he comes into this whole thing. It looks to me like if someone took property that was not theirs and attempted to pawn it that it would be theft involved and I don't know how that relates either exactly. I know that if the pawnbroker takes an automobile or a motorcycle or something like that that has a title to it, why they have to have the title before they can take this vehicle into possession. A boat, I am not sure how that would be worked but it looks to me like there should be some protection for the pawnbroker when someone comes in and says well this is my boat and I want to pawn it. I think you have to protect both parties and not just one of them and that is the reason I am concerned. I don't know how to do it exactly but that is my concern at the moment.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I really don't know whether I support the amendment or not. I think it is a little bit clumsy to handle this quickly, Senator Wesely, and I think that the problem should be addressed. I just wonder if this is the time. We haven't had a hearing, have we, on some other bill on your amendment? I think what the problem would be would be to establish that the owner was really the owner and secondly, if you had a boat, I can understand why you would not want that hanging around in a pawnshop. It would take up a lot