

April 7, 1981

LB 44

CLERK: Mr. President, Senator Wesely moves to amend LB 44 and the amendment is found on page 1212 of the Journal.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker and members of the Legislature, the amendment before you is found again on page 1212 of the Journal. It would essentially strike an amendment which we placed on General File which dealt with an issue which I brought to your attention about an individual having some property taken to a pawnbroker that was their property but somebody else took it to the pawnbroker and tried to have it pawned, then they were caught using somebody else's property and so the owner of that property tries to get their property back but they aren't able to get it back and so there is some difficulty there where the owner of the property doesn't get their property back. Well, we put the amendment on to raise the issue and I sat down with the cooperation of John Goc, the legal counsel for the Judiciary Committee, and we arrived at the amendment which is now before you which would strike that original amendment and put in this new language which I think is a much better approach to dealing with that specific problem. This amendment would allow for a reference in the pawnbroker's statutes back to the replevin statutes of the state that we already have adopted, and the replevin statutes are a process they now go through in order to recover property which is theirs but which for some reason or another has been taken out of their possession. So this is a very clean way to deal with that problem that we have had with the pawnbrokers. I have talked to the representative of the pawnbrokers in the state and they have felt that this is a reasonable approach and so I certainly encourage your support for the amendment.

SENATOR CLARK PRESIDING

SENATOR CLARK: The question before the House is the amendment to the bill from Senator Wesely. Is there any discussion? If not, those in favor vote aye, those opposed vote nay. While we are waiting for the vote, I would like to introduce four students from Wesleyan University of Nebraska. They are up in the north balcony. Senator Marvel is their instructor. Will you stand up and be recognized, please? Welcome to the Unicameral. Have you all voted? The Wesely amendment. Record the vote.

CLERK: 27 ayes, 0 nays on adoption of Senator Wesely's amendment, Mr. President.