

February 26, 1991 LB 36

SENATOR BEUTLER: No, it is unnecessary.

PRESIDENT MOUL: Senator Beutler.

SENATOR BEUTLER: Madam President, members of the Legislature, first of all, I would like to thank Senator Kristensen for his patience on this particular bill in bringing it back at this stage, but he and I had discussed early and grappled with one small part of what is a very comprehensive and I think excellent piece of legislation. But the piece that we had been grappling with had to do with this problem of the locked trunk or locked box or cash box, and under the bill the way it is right now, when you went to public sale to sell the property in the event that you went that direction, then you would simply describe in the notice of public sale that you were selling a locked box or a trunk or some kind of box that had never been opened. And it seemed to me that this wasn't a particularly good way of doing it, and so what the amendment would do would be this. It would say that at that point in time when the landlord makes a decision as to whether the items in consideration are of a value of \$250 or more, and you will recall that under the bill, if he makes the decision that the value is more than \$250, then there is a public sale of the property, and if he makes the decision that it is less than 250, then he can retain the property. At that point in time, the locked box would be opened if practicable, and the contents of it evaluated so that in making that decision as to the value, whether it is 250, more or less, and if necessary in giving the notice of public sale, you can detail what the contents of the locked box are, and that way we are not dealing with some hidden material, which could be cash, or it could be jewelry, could be valuable, sitting in a locked box and having a sale of a locked box the contents of which are not known by anybody. So the whole point of the amendment is to open the box and deal with its contents, basically, in the same manner that you would deal with contents that were readily visible to the eye. And that is the sole purpose of the amendment. Thank you.

PRESIDENT MOUL: Thank you, Senator Beutler. Does anyone else...Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President, members of the body. Senator Beutler has discussed this matter with me on several occasions and we have struggled with it because there