

March 1, 1991

LB 251, 324

wishing to debate the issue, do you wish to close? Closing is waived. We'll proceed to vote on the motion to advance LB 251. All those in favor please vote aye, opposed nay. Have you all voted on the advancement of LB 251? Have you all voted? Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays on the advancement of 251.

PRESIDENT MOUL: LB 251 is advanced. LB 324.

CLERK: LB 324 introduced by Senator Hall. (Read title.) The bill was introduced on January 16, referred to Judiciary, advanced to General File. I have no amendments to the bill.

PRESIDENT MOUL: Senator Hall.

SENATOR HALL: Thank you, Madam President, members, LB 324 is a bill that deals with service of process and as it relates to a landlord with regard to a tenant. The issue is one that we have worked on now I think about four years and I guess you work long and hard enough you get it on consent calendar. But the bill has actually been out on the floor the last two years. It's just never been taken as a priority and what it does is this, it allows for a landlord, in the case of an individual who has basically abandoned the property, discontinued payment of their rent, after first going through the service of process that is laid out in statute would then have the ability to serve that process by first posting the property or making service at the property, the address, and then mailing that same service to the last known address which would be the rental property under question and that would then satisfy the service with regard to the court. Now of course the court would first have to be addressed and they would have to clarify or make note that there were diligent efforts made with regard to following the normal course of process which is usually personal service. Personal service is one in which a landlord goes to the sheriff and has the sheriff take out a summons to those individuals to let them know that, hey, look, you are going to be evicted. What happens is in these cases, if the property has been abandoned, there is nobody there to serve, if the tenant knows that they are being served, they're going to be served, they frankly aren't there either. They basically just don't open the door for the sheriff. It only applies in cases where it deals with regaining the property for the landlord. It cannot serve in the area of money judgements or anything kind of discrepancy over the amount