

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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control of it. You'd have to prove that. But I would think it would shift then.

SENATOR CHAMBERS: Well, you haven't proved anything other than what we would...we would stipulate to that. Yes, it was your property. Yes, you left it. But, based on the empowerment that I have under the law, I can keep it, and all I have to do is...and you...I'll find the place where the reasonable is a part of the belief, because I'm dealing with that in the bill that talks about what has to be in the notice. And the notice must be based on another provision of statute which I haven't located yet. But here is the point that I'm making, the law does not create a level playing field. The law, the way it is written, it's a landlord's law. And these...the...LB 175 will make it even more so unjustly. But the law is skewed for the landlord right now by saying if the landlord reasonably believes it's worth less than a certain amount, the landlord can keep it. So if I were the tenant, I can't afford to hire a lawyer. If I go into small claims court the first thing the landlord is going to do is have it moved out of small claims court. And since I can't afford a lawyer, I'm beat right there. So...

SENATOR BRASHEAR: That's one of the fallacies in our small claims court procedure.

SENATOR CHAMBERS: But isn't that true?

SENATOR BRASHEAR: Yes, that's exactly what happens in too many cases.

SENATOR CHAMBERS: So then we have a situation where the tenant is not even put in a position to prove the value of it, should it be the tenant's burden, because the tenant cannot afford to go into district court,...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...unless it's pro se and that the tenant would have no chance against the lawyer in district court. Wouldn't you agree? An impoverished tenant...do you think...

SENATOR BRASHEAR: No, I won't agree, Senator Chambers. I think