

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

January 28, 2000 LB 175

SENATOR QUANDAHL: ...yes.

SENATOR CHAMBERS: Senator Quandahl, I don't know if you followed the discussion, but under the existing law, if the landlord has a reasonable belief about the value of his property being less than whatever turns out to be the amount put in, let's say for sake of argument \$500, because that's what they're trying to do, and we'll have something we can use, and decides to keep the property, and the tenant thinks it was worth more than that. Would you point out first of all what steps the tenant can take to overcome that determination.

SENATOR QUANDAHL: I think you...some of the discussion that I heard or that I understood was that the tenant could take the...if they can't come to an accommodation with the landlord, can actually take the landlord to small claims court to sue that landlord for the value of that personal property.

SENATOR CHAMBERS: And if the landlord moves it out of small claims court, the landlord may then be represented by a lawyer, is that true?

SENATOR QUANDAHL: That is correct also, but...

SENATOR CHAMBERS: Which court will it be in?

SENATOR QUANDAHL: It would be in county court, because actually...

SENATOR CHAMBERS: Okay.

SENATOR QUANDAHL: ...small claims court is just a separate division of the county court system.

SENATOR CHAMBERS: Okay, so it's moved into county rather than district court. Now the plaintiff being an impoverished tenant, and by that I meant not able to afford a lawyer, would have to represent himself or herself in the absence of having a lawyer. Would you agree with that?

SENATOR QUANDAHL: That's...that's...if you didn't have a