

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

February 24, 2006 LB 1115

who...where this bill came from. When you said a collection agency or a collection, I assumed that you meant like a credit bureau or something of that nature. So it is a business, and I didn't mean to mislead you in that manner. I would tell you that when I was introducing the bill, there were several people that did want me to introduce it at a much higher rate. I will tell you that. But I checked around with some attorneys that are in this body. I checked with the bar association. I tried to check and see what people felt would be fair, and that's when I came up with the \$4,000. So I mean, I've had people that wanted me to do it for \$10,000, and I would not do that. So I do take some of your concerns...you know, I do consider that, but I would not do that. But without small claims court as we have it now, you know, you would have no choice but, the individual that has a problem with a neighbor and didn't pay for their part of the fence, they would have no choice but to hire a...well, to go to county court or...they wouldn't have to hire an attorney, but as you suggest, it's probably smarter when you get into court to have an attorney. We are going to try to find out, over the weekend...one of your big problems is if you lose in court and it's appealed, you lose and then you appeal it, and then you kind of intimidate the person that took you to court, you intimidate them into having to hire an attorney when they really can't afford one. We're going to try to find out how many cases are actually appealed, so I'll try to have that information for you next time. And if you're looking at this as strictly a business proposition, that businesses or collection agencies use this, there's a limit of how many times you can use it in a year; you can...a maximum of ten times in a year. So it isn't that...I don't believe they could abuse this system, Senator. I think it just brings the dollar amount more up to what's realistic for our times today. And as I said earlier, it would take 20 years at our current rate, using the Consumer Price Index, to get us up to the \$4,000 amount, and I think by 20 years from now, that \$4,000 is going to be so outdated. So with that, I will relinquish my time.

SENATOR CUDABACK: Thank you, Senator Cunningham. Senator Beutler, followed by Senator Chambers.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature,