

January 23, 1976

So if you vote for Senator Murphy's move to move the bill back don't do it for the reason that he gave you because the reason the attorney gave him is incorrect. If you look in your bill book you'll see that on the green copy the original of the bill was to amend Section 24-524. If you look at the amendment that was adopted on the floor you'll see that it deals with an entirely different section of statute which is not small claims.

So, Senator Murphy, was your reason for offering this amendment the idea that it was incorrect because it mentioned attorneys and attorneys are not used in small claims court? Was that the main reason you offered the amendment?

SENATOR MURPHY: Senator Chambers, that would be a portion of it in as much as a small claims court does come under the county court. It also would extend the provision of privacy in eliminating the postcard service to the other courts, which I really thought was your original intent. This would facilitate it. Would make it possible that no longer would postcard notice be given under any court.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I won't argue the issue. The amendment itself was argued the other day. The reasons for the certified mail were given to ensure that a notice was actually sent to the individual. There is great carelessness in giving people notice.

To be very brief the amendment that was adopted says that after a judgement has been entered against a person in his or her absence, within three days of the entry of that judgement a certified notice would have to be sent to the person against whom the judgement was entered.

I say again, the rationale for the amendment, given to Senator Murphy, is incorrect. This bill is not altering the procedures in the small claims court. I think the bill should not be moved back.

PRESIDENT: Senator Luedtke.

SENATOR LUEDTKE: Mr. President, members of the Legislature. If what Senator Chambers says is true, and I think it is, then it's all the more reason why the bill ought to be moved back. LB 425 is a bill that attempted to deal with the small claims court. Certainly, that is why the misapprehension about whether this service of notice applies to the small claims court. I think everybody was of the opinion that it applied only to small claims court without checking 24-537, which was the 1973 law brought up on judgements which, as Senator Chambers says correctly, relates to other judgements. This was an attempt to slip into a bill, dealing with the small claims court, something which was not intended at all and upon which there was no public hearing.

I would, for that reason alone, say it should be moved back.

PRESIDENT: Senator Barnett.