

March 3, 1980

LB 892

it would work pretty good that way. Nobody would have more than eight, ten dollars involved. You would get the claim settled, get her dealt with that way without lawyers but then Bill, Bill, instead of being just Bill Nichol, Bill Nichol is a great big car company or he is a...something like that. Bill discovered the loophole and the loophole is why we will just outfox Kelly. We will file one of these papers that throws it into the other court and old Kelly is going to be fooled because he is going to have to go out and hire an attorney. He is going to have more expense than he ever dreamed of and we will just put the burden on him. And so that was the loophole that was built in there. Now what Senator Johnson is trying to do is get this small claims court back to functioning like it was supposed to so that you get the claims settled there at the lower level, but as he is saying, he is saying, look, we have got to be careful we don't make a mess up and so we have got to have, if they do decide to try to take it up to the higher court immediately without going through anything on this trial by jury because of the federal Constitution, that that is still preserved. Important point that hasn't been brought out is simply this, with this system, Bill Nichol's huge car company isn't going to go up for that trial by jury because he knows he is going to be in deeper trouble there and it is going to cost him more. So he probably is going to settle the claim in the small claims court, and if he doesn't like it there, then he is going to appeal under the proper system. So I think you really ought to do this. I think it makes our small claims court hold together and accomplish the purpose they are set to and closes up the loophole that I have watched myself destroy a whole bunch of cases, the gal trying to get her rent recovery on her deposit, any number of these things. They have discovered this loophole and they are using it all the time. Once the case gets into county court and you have to go to an attorney, they just drop it and they don't do any more. So I think it is important and you are closing a major loophole and holding together your small claims court law.

SPEAKER MARVEL: The motion is the adoption of the Johnson amendment to LB 892. All those in favor vote aye, opposed vote no. Have you all voted? Call the vote. Have you all voted? There are thirteen excused. Record.

CLERK: 25 ayes, 1 nay on the adoption of Senator Johnson's amendment.

SPEAKER MARVEL: Okay, the motion now is the advancement of