

March 27, 1981

LB 44

to go ahead and adopt the committee amendments and then discuss the amendments which are the bill and I move for the adoption of the committee amendments.

SENATOR CLARK: We have amendments to the committee amendments. Mr. Clerk.

CLERK: Mr. President, Senator Wesely moves to amend the committee amendments.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, the amendment that I am offering at this time was presented to the committee at the hearing discussing this legislation and I appreciate the fact that they took the time to develop the committee amendments which are before you at this time, however, my specific concern still I don't think has been dealt with as well as it could be in this bill. I know that John Goc, legal counsel for the committee is trying to find a way to deal with that but I would like to try and add this amendment to the committee amendments to get it on the bill and to take a look at this situation because what these amendments would do is deal with a problem I have had in the City of Lincoln and I think others may have had in your districts and one of the problems is that this individual had a boat. It could be any piece of property, whatever you want to talk about, but this fellow had a boat and he had a roommate who took the boat down to a pawnshop and the pawnbroker there kept the boat and was going to sell it and this guy found out that his roommate had taken his boat to the pawnshop and was trying to sell it. So he immediately took court action on that to try and recover his boat, however, the statutes did not provide for him to recover that boat. There was all kinds of litigation going on and it went on into months and months of time that were spent, all the time at which this boat was not being able to be used or had access to by the individual who owned it and was being held by the pawnbroker. The amendment which is being proposed at this time would allow for, after going to a court, to claim the rightful ownership of that property, the chance for somebody to get back their property instead of having it sit in some pawnbroker's shop or perhaps in some police station awaiting the final disposition of a trial which may go on for months. Now what it is trying to do is protect somebody who owns property and somebody else try and pawn it off and not being able to use that property until something is finally done with it. Now I realize there may be some problems that may arise through this amendment perhaps, but I think the fundamental purpose is to try and help people