

Kelly introduces landlord security deposits bill

By Paula Ditrack

Witnesses Wednesday debated whether the money of a tenant's damage deposit belongs to the tenant or to the landlord during an afternoon hearing of the Nebraska Legislature's Judiciary Committee.

About 15 students attended the hearing.

Landlords would have to place security deposits in a deposit account in Nebraska if the Legislature passes the debated bill.

Grand Island Sen. Ralph Kelly introduced LB121 which demands a landlord must return security deposits, provide an itemized list of damages for which money from the deposit was withheld, or subject himself to a possible misdemeanor charge for unjustly withholding the damage deposit.

Kelly said he introduced the bill because renters were not receiving security or damage deposits.

He mentioned a couple from Grand Island who he said had paid a \$50 deposit for a trailer they wanted to rent. The landlord delayed the date when the couple could move into the trailer forcing them to find other living quarters, Kelly said.

The \$50 has not yet been returned, he said.

Paul Quinlan, speaking for the Nebraska Real Estate Commission, said the deposit money "belongs to the tenant."

Crux of the bill

He said the crux of the bill is that it limits what the landlord can do with the deposit money.

Quinlan accused landlords of using what he called "trust money" for investment purposes.

He said real estate licensees must now put deposit money in escrow and added "it didn't seem fair" that landlords with less property were not required to follow suit.

He admitted that the bill does not insure the deposits will be refunded, but said that the bill does insure the money would be available to be refunded.

Also supporting the bill was John Welch, representing the ASUN Government Liaison Committee.

Welch said he had waited from last May until mid-August to receive his deposit from a Lincoln landlord.

Threatened suit

The deposit was obtained after he had made many phone calls and threatened a suit in small claims court

against the landlord, he said.

Noting that surrounding states have legislation similar to that proposed in the bill, Welch said such legislation

would serve as an impetus prompting landlords to return deposit money.

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Photo by Ted Kirk

UNL Student Legal Services Attorney David Rasmussen told the Judiciary Committee the bill concerning damage deposits "will make landlords think twice" before withholding deposit refunds.

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Legislators testing attitudes with water rights bills

By Theresa Forsman

Legislators are testing the water with bills they say are designed to determine Nebraskans' attitudes toward legislation of water rights.

Among the bills for water legislation in-

roduced this year:

LB217—Would require statewide control of groundwater runoff.

LB296—Would allow interbasin transfer of underground and surface water with a state permit and would create an advisory

board to administer the law.

LB298—Requires landowners to register water rights on surface water flowing through their land.

LB299—Underground water, while the property of the landowner, would be subject to regulation and control by the state.

LB313—Defines priorities for water use: Domestic purposes; irrigation and livestock watering; manufacturing and industrial purposes; recreation and finally, wildlife purposes.

LB55—Calls for a constitutional amendment making underground water the property of the landowner subject to state legislation.

Unclear intentions

"It is unclear what the water bills are intended to do," said David Aiken, water law specialist at UNL's Department of Agricultural Economics. "Everybody's coming at water use from a different direction. There's no comprehensive plan for water regulation."

Milligan Sen. Richard Maresh predicted no substantial water regulations would be passed during this legislative session.

"Nobody wants to jump into water legislation too hastily," he said.

Many water bill introducers are not sure whether what they are doing is the right thing, Aiken said. These bills are a starting point and they are probably hoping something better will come out of a discussion of various approaches to water legislation, he explained.

Each of the water bills is slightly stronger than the one introduced before, so legislators can see which type has the most support from citizens, said Ron Holsteen, past president of the Nebraska Agriculture Council. The Nebraska Agriculture Council represents more than 20 agriculture organizations in Nebraska.

There is strong sentiment among farmers that legislation to provide for interbasin water transfer is needed, Holsteen said.

It is important that citizens define Nebraska's water priorities before the federal government does it for them, he said.

He cited the High Plains Study, a federally financed project to determine feasibility of transferring water from states with abundant supplies to more needy states.

Easier for government

"If we don't define out water priorities, it will be easier for the federal government

to take it away from us," Holsteen said.

Nebraska farmers will support any legislation which keeps Nebraska's water in the state and provides for storing water for state use, he said.

Adams Sen. George Burrows said he believes land owners should have the primary rights to surface water on their land. If municipalities use this water for drinking, farmers should be paid for it, he said. Burrows agreed that the Legislature will move "slowly and cautiously" on water legislation.

But groundwater levels in Nebraska and throughout most of the country continue

Is the federal government meddling too much in the state's pesticide regulation? Are property rights going to be violated with new land use legislation? These related agricultural issues are among the most important facing the Nebraska Legislature this year. These issues are further examined on p.13 by reporter Theresa Forsman.

to fall, said Marvin Carlson, assistant director of UNL's Conservation and Survey Division. Rainfall in Nebraska has been below normal for the past few years, Carlson said.

This means less water for resupply and a larger demand for irrigation water. Continued growth of irrigation will keep draining the state's water supply, he said.

Nebraskans should make their preferences on these and other bills known to legislators, said Bellwood Sen. Loran Schmit.

"People take a lot of abuse from the government after the fact. More people ought to be aware of what is happening before the laws are passed," Schmit said.

thursday

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Photo by Ted Kirk

Land owners would be required to register water rights on surface water flowing through their land if one of several water rights bills introduced in the Legislature this year is passed.