

January 31, 1995 LB 20

SPEAKER WITHEM: Thank you, Senator Janssen. I would like to recognize a guest of mine under the north balcony. We have the Fire Chief from Papillion, Nebraska, John Strawn, and his daughter, Emily, and his son, T. J. If you'd rise, we would be happy to welcome you here. Senator Chambers, it is my understanding that you wish to withdraw this amendment.

SENATOR CHAMBERS: That is correct.

SPEAKER WITHEM: This amendment is withdrawn. Mr. Clerk, next item.

CLERK: Mr. President, Senator Bromm would move to amend the Matzke amendment. (See FA14 on page 537 of the Legislative Journal.)

SPEAKER WITHEM: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker, and as I have listened to the debate so far, I think Senator Matzke has some valid points, and I share some of the concerns that he has expressed about the civil penalty and how that would work, and certainly the administrative fine prospects gives me some real concerns. On the other hand, I understand where Senator Chambers is coming from and I think there does need to be some penalty that the company that violates this knowingly and willingly can be subjected to, and I don't feel entirely comfortable with leaving that just to the employee to bring a civil action because I recognize the prospects of that are very, very slim. If they aren't articulate in the English language and they can't find a lawyer to help them, they are going to have a hard time doing that. So what my amendment does is reinstates lines 20 and 21 of Section 5 through the word "misdemeanor." So in Section 5, instead of having sections (1) and (2), and instead of having it stricken entirely, would read: Any employer who violates any provision of Sections 1 to 3 of this act is guilty of a Class IV misdemeanor. Now that, I think that provides some lever. It provides a means for some enforcement without totally relying upon the employee to bring a civil action. And I do still share some of the concerns that Senator Matzke has expressed about some of the vagueness in the act, but I think... I think the bill is getting better the more we work with it, and, hopefully, this might be a resolution of the dilemma that we are at right now. Thank you.