

committee amendments, what are the flaws with the committee amendments? The committee amendments are dangerous because, one, they don't solve the problem and, secondly, they even mislead the consumer into thinking he may have a solution to the problem. Let me give you an example. The committee amendment says, alright, if you want to protect yourself one thing you can do is go out and get lien waivers but, ladies and gentlemen, lien waivers do not protect you. In fact, many many of the cases that have arisen in the last couple of years is because people thought they were protected by lien waivers but they were not and the basic fundamental reason why you cannot be protected by lien waivers is because you cannot know under the current law who has supplied goods and materials. The only way you find that out is from the contractor and if for one reason or another the contractor is not truthful with you, then you only get the lien waivers from those he tells you about and from those he does not tell you about, you do not get lien waivers and you are, therefore, not protected. And you can have the best lawyers in the state and you can have a dozen of them altogether and they won't be able to protect you with lien waivers because they, too, must rely on the contractor to know who must give a waiver. That is one of the basic misleading flaws of the committee amendments. Secondly, it is my opinion that the notice provided for in the committee amendments, the notice to the homeowner if there is a lien law problem, it is my opinion that in most cases that will never be given and let me tell you why. Ask yourself, what is the penalty for not giving the notice? What is the penalty for not giving the notice? The penalty is that the prime contractor, prime contractor loses his lien rights but the subcontractors and the material men, they don't lose their lien rights if the notice isn't given. They don't lose a thing. Now if you are the prime contractor, in many cases if not in most cases, you could probably care less if you lose your lien rights. In many cases you simply won't hand over the property if you don't get your money so you don't need lien rights. In most other cases you are dealing with substantial people. You are not concerned about lien rights.

SPEAKER MARVEL: You have fifteen seconds.

SENATOR BEUTLER: There is no mechanism in the committee amendments to even ensure that that notice is given, much less that it is observed or that it is effective. The other notices provided by the committee amendments do not come before the time of payment by the homeowner. They come after the time of payment by the homeowner and are, therefore, ineffectual. I think I will hold off and make