

I think you've got to leave, and you've got to leave Nebraska in as well because what we're trying to do here is deal with standards of conduct that are...are Nebraska standards. We don't want, and it gets back to the point that I was making earlier on. We're dealing with franchisors who come here from outside the State of Nebraska and impose standards of conduct which we don't approve of in the State of Nebraska. So I think that the, or may not approve of, and I think that, therefore, we must use the Nebraska language and we must use similarly situated. If Tim's point, Senator Hall's point is that it is slightly redundant in that sentence, I see to some degree the redundancy, but I don't see how it all hurts the bill and it just emphasizes the point and that is that the conduct to be...the standardized conduct to be applied is Nebraska's standards of conduct and that is consistent with case law when you apply standards of conduct to actions taken by an industry. So I would...I think it should be defeated for those reasons. Thank you.

SPEAKER BARRETT: Thank you. Senator Smith.

SENATOR SMITH: Call the question.

SPEAKER BARRETT: That won't be necessary, yours was the last light. Thank you. Would you care to close, Senator Hall, on your amendment?

SENATOR HALL: Thank you, Mr. President, members, again, the amendment is very simple and I think it does need to be adopted because what you do is you have two separate definitions with regard to similarly situated on the one hand, a similarly situated distributor, and then we come back later on in the bill and we talk about a Nebraska distributor. Now, I guess what is the difference between similarly situated in Nebraska, in many cases they can be different. Are we dealing only with Nebraska distributors? I guess then another way to offer this amendment will be to offer Nebraska at the front end as opposed to striking it on the back end if that is what we are referring to is Nebraska distributors. But clearly there is a, not a redundancy, but a discrepancy with regard to the reference to distributors in this case. There is a vague and open and broad kind of interpretation that could be granted on the one end, some of the same problems with the franchise act as Senator Ashford would have us believe, but on the back side of the amendment where we deal with, on page 23, specifically calling