

CLERK: Mr. President, Senator Matzke would move to amend the bill. (See FA12 on page 537 of the Legislative Journal.)

SPEAKER WITHEM: Senator Matzke.

SENATOR MATZKE: Mr. Speaker and members of the Legislature, I have filed a motion to strike Section 5 out of LB 20. Section 5 is the criminal and civil penalty provision. What I object to, primarily, is the civil penalty provision of this bill, which would grant to the Department of Labor the power to be the investigator, the prosecutor, the jury, the judge, and the sheriff in enforcing this statute. Section 5, which I have...which my motion moves to strike, reads, and I will quote it. It says, any employer who violates any provision of Sections 1 to 3 of this act is guilty of a Class IV misdemeanor and may be subject to a civil penalty of up to \$1,000 per violation. Any employer who violates any rule or regulation adopted or promulgated pursuant to this act may be subject to an administrative fine of up to \$1,000 per violation. Now under this bill, the way it is written, the Department of Labor would be entitled to promulgate rules and regulations, and in the event that there was a violation of either the law or those rules or regulations, they could impose an administrative fine of up to \$1,000 per violation. I guess, Mr. Speaker, I am sort of old-fashioned. I think that if you are going to fine people, and if you are going to penalize them, you at least ought to give them the right to a trial. Under this provision, you could not do so. I have on previous occasions opposed civil money penalties on bills before this Legislature. Last year we had a bill that would have given the Public Service Commission the right to go out and fine railroads, without a trial, without proceedings. I opposed that. I think that this is, indeed, a rather un-American-type approach to the enforcement of what essentially is a business agreement. Under Senator Chambers' bill, really two things are required, a disclosure statement, as he explained, which is an agreement, in effect, between the employer and the employee, and also an agreement to provide funds for transportation back to their home in the event their employment is terminated. It is really a business agreement, and if we are going to pass this bill and require this kind of agreement between employees and employers, it is not reasonable to give some bureaucrat or administrator the power to impose what amounts to fines. I think that whether you wish to support this bill, or if you wish to oppose it, we should remove Section 5 from the bill. Now that does not take the teeth out