

of the bill. Section 6 remains in the bill. It would permit any person who is aggrieved by any violation of this act to file suit in any court and to obtain an award of damages. So the bill and the act would still be enforceable. I would urge the members of this Legislature to support this motion to remove Section 5, which is the civil penalty and criminal penalty section of this statute.

SPEAKER WITHEM: Thank you, Senator Matzke. For discussion on the Matzke amendment, Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, this is a bill designed to regulate inappropriate conduct by companies. If you are going to take out the criminal penalty, you are taking the teeth out of this bill. How many of these people, who are poor, are likely to be able to hire a lawyer, if that is the only means by which to enforce the bill, and the only thing available would be actual damages, whatever those may turn out to be. If Senator Matzke is being truthful, as I believe he is, with reference to his objection to civil penalties, he has gone beyond that principle by taking out the penalty clause. So I'd like to ask him a question.

SPEAKER WITHEM: Senator Matzke.

SENATOR MATZKE: Yes, Senator Chambers.

SENATOR CHAMBERS: Senator Matzke, would you be opposed to an amendment to your amendment which would reinstate, or would you be willing to redraft your amendment so that it would strike only the civil penalty, and we would still have the misdemeanor penalty part of the clause?

SENATOR MATZKE: I considered that, Senator Chambers, after we visited about this yesterday, and I don't believe so.

SENATOR CHAMBERS: All right, thank you. Members of the Legislature, I also handed you a copy of the Iowa statute. Some of you had asked for a copy of it. You will see that there are punishments available in that law. There are other broader reaches to that law than exists in the original version of LB 20, and certainly in the more restricted version as a result of the amendments offered by Senator Beutler. For those people whose districts have these companies and experience the problems, you know how serious a matter it is we are dealing with.