

statement that Senator Chambers has referred to. I would direct your attention to paragraph (e) of Section 3. One of the provisions that's required in this disclosure statement is a statement of the health risks to the employee involved in the position of employment. Now this is so completely vague and broad that it imposes on an employer to disclose to the employee what the health risks of that employment is, I suppose that you can catch almost any disease, if you are a farmer. You can catch almost any disease or be involved in any kind of accident, if you work in a packing plant. This imposes upon an employer a very nebulous, a very abstract standard. It isn't something that can be answered with a short phrase or a paragraph that these are your health risks. The employer would almost have to give an employee a book of potential medical problems, diseases, and accidents, and if he, if the employer doesn't do this in complete detail, he is subject under this bill to criminal penalties, not only criminal penalties, but civil penalties to be decided without any kind of trial or procedure. And I think that, frankly, this language is so broad and so ambiguous that as a criminal statute it is unconstitutional. Now Senator Chambers probably has as much expertise in this area as any member of this body, and has many times brought to our attention the fact that criminal statutes have to be definite. You have to know what you are violating if you are going to be prosecuted for a crime. And that's the reason, and I offer this as an explanation to Senator Chambers why I oppose also the criminal penalty that is in this statute, because an employer is never going to know when they have complied by disclosing health risks. I don't know how broad health risk is. Does that just apply to the particular type of accident that might occur to someone working in a meat packing plant, or does it involve occupational diseases, or carpal tunnel syndrome, or stress injuries? An employer is put in an absolutely impossible situation, even if they conscientiously want to abide by the disclosure requirements, and they face criminal prosecutions if they guess wrong. And it is for that reason that I want to strike the entire Section 5, which includes both the criminal penalties and the civil penalties.

**SPEAKER WITHEM:** Mr. Clerk, I understand there is an amendment to the amendment.

**CLERK:** Mr. President, Senator Chambers would move to amend Senator Matzke's amendment by reinstating subsection (1) of Section 5.