

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to speak in support of the compromise being offered by Senator Chambers, at the same time indicating that I appreciate Senator Matzke's scrutiny of this particular provision and recognize that there may be some adjustments that would be advisable or, certainly, debatable, and simply would suggest that perhaps he use a finer pen and make some refinements on Select File to that particular section. I cannot support doing away with Section 5 altogether, because in terms of enforcement, all that leaves you with is Section 6, and I wanted to talk about Section 6 a little bit, but my main point is that with Section 6 left only, and in the form that it is in, you will essentially be passing a bill that has no enforcement mechanism. And I think one of the worst things we can do with respect to the public in this day and age is pretend that we are doing something that we are really not doing, and I think that is what you do if you strike all of Section 5. In Section 6, take a note that the only way of enforcing this bill then becomes for an individual, who has agreed to file suit in district court, and that process then can only result in the award of damages to the particular individual that's harmed. Now what are the damages likely to be in a case like this? Maybe \$100, maybe a few hundred dollars, maybe it gets up over a thousand to fifteen hundred dollars. But take note, and this is very important, this section doesn't provide for any attorney's fees, so that the person who brings the suit cannot collect attorney's fees, so my person, the person who is aggrieved goes in to see an attorney and he says, gee, they didn't tell me the truth on this. And the lawyer says, well, golly, it looks like they didn't, and he says, well, how much can I recover? And he says, well, probably about \$800. And he says, well, how much does it cost me to hire you? And he says, well, this is tough. They are a big company, they are going to be real mean about this, and it is going to require several depositions. I may have to go down to El Paso and talk to the guy that hired you, I'd say it'd cost you probably about a thousand to fifteen hundred, and even the most simple of us can understand that he is risking a thousand to fifteen hundred in attorney's fees to maybe collect damages that are less. So, effectively, I think what happens if you leave...if you strike Section 5 is you have a bill that's not going to be enforceable. Let me remind you that in Iowa, in Iowa not only do they allow for civil penalties, and for criminal penalties, but they also provide for punitive damages. In this state, in Nebraska, we don't have punitive damages, but, my gosh, they have gone the full ball of