

SENATOR LINDSAY: Thank you, Madam President, members of the Legislature, the committee amendments to LB 396 correct what the committee thought was a potential problem with the bill. There's language in the bill which provides that a failure to provide a, if a mortgagee fails to provide a release or a trustee fails to provide a deed of reconveyance within a given period of time the current language says that they should be liable for the interest or \$1,000 or actual damages in attorney's fees. The concern is whether the \$1,000 can be considered punitive damages and if so, whether those are constitutional so the committee amendment would change that, that they would be liable for the greater of \$1,000 or actual damages and interest and attorneys fees to make clear that is not a punitive provision. Should be clear that the...should also be made aware that the, for the record, that the language in the bill makes it clear that title work or whatever other attorneys fees in obtaining the reconveyance or in clearing title are recoverable. That is not explicitly set forth in the committee amendment, but that's not because it's...they should not be recovered. What's its...what the committee's intention is and I think the intent of the bill is, is that those are considered part of the general damages and the attorney fees that are referred to are those used in filing the action to recover those damages which include the attorney fees previously incurred or title work which would have had to have been done. With that I'd urge the adoption of the committee amendments. Be happy to try to answer any questions.

PRESIDENT ROBAK: Thank you, Senator. Senator Beutler.

SENATOR BEUTLER: Madam President, these committee amendments have nothing to do with what the bill was introduced to do and the Judiciary Committee continues to intrusively poke its nose into the crevices of all these bills. I think maybe we just need to give them more bills, but I guess there are some things we have to put up with. Thank you.

PRESIDENT ROBAK: Thank you, Senator Beutler. Any further discussion on the adoption of the committee amendments? Seeing none, Senator Lindsay, do you wish to close on the committee amendments? No. Closing is waived. The question before the body is the adoption of the committee amendments to LB 396. All those in favor vote aye, all those opposed vote nay. Please record.