

March 20, 1974

make a lot of business for them if we put Senator Waldron's amendment on this.

PRESIDENT: Senator Murphy. The motion is to return the bill.

SENATOR MURPHY: I can only oppose as briefly as possible and apologize for the continued delays in our activity. I would...I have distributed to you the amendments that I offered incorporated into the total chapter. I have attached to them a note that I believe specifically sets forth the arguments for LB327. Under the Waldron version. And under the Murphy version there are instances cited of what constitutes a violation, of what constitutes a remedy. They both provide subpoena powers which were not in existence before. They both provide remedies which are identical. The one thing that is in my bill or in my revision of it, I should say, is consumer protection which is not in Senator Waldron's bill. If a man violates all of these actions cited under Senator Waldron's bill, the consumer has the magnanimous opportunity to hire an attorney and go to court to obtain satisfaction of a judgment and the only deterrent under that bill is to furnish an injunction to cause the person so violating this act to cease the violation. Under the amendments I have offered, the man is subject to penalties. It is the only protection for the consumer offered by either bill. If he violates all of these things that we recite, he can in fact be fined up to \$500 or imprisoned for 6 months. Now there is no such protection for the consumer in this other bill. This is supposed to be a government of the people, by the people and for the people. And so help me, it is becoming a government of attorneys, by attorneys and for attorneys.

PRESIDENT: Is there any further discussion of the motion? Then the question is, do you want to return LB327 from Final Reading, do you want to return LB327 to Select File for specific amendments? Senator Waldron, do you want to close?

SENATOR WALDRON: Mr. President, members of the Legislature. I would like to point out once again and I don't blame Senator Murphy because I think he's getting the wrong information but frankly, it's just...his bill is not consumer protection, no way it can be explained that way. There is no way that any really I would say any any attorney except those hired by the special interests can explain it that way. And anyone I've talked to has said it's not consumer protection, it's merely strengthening our uniform deceptive trade practices act which has been passed out to you by Senator Murphy and then you know the little things that Senator Murphy has passed out to you, it says....his version does not provide that a man is guilty until proven innocent. Which he gives you the impression that would be the case under my amendment and that is not true, he knows that is not true. I was out back to his desk personally two or three weeks ago and pointed out to him that was not true. So I would like to bring this bill back and I would like to do it today and then if...I would appreciate your giving me 25 votes and then if we don't have the 25 votes, to pass it on Final Reading, then let it fail on Final Reading and we can dispose of it that way. Otherwise, I plan to try it again time after time as long as we are in session here. Because I feel that strongly about this bill.

PRESIDENT: The motion is to return LB327 to Select File for specific amendment. This is the motion to return the bill only. All those in favor of returning the bill, vote