

think there is one flaw and that is the penalty for the person who lies and says there is no other lien. He has a penalty on there that is a Class I misdemeanor which is a maximum of not more than one year imprisonment or a \$1,000 fine. Well, that means that the guy could be fined \$100 and that is it, or \$50. It doesn't mean anything. My amendment says it is a Class IV felony, which is a maximum five years imprisonment, or a \$10,000 fine. Now you are probably going to hear the argument from Senator DeCamp that the county attorneys won't prosecute this, that there is another statute they can prosecute under. Well, the answer to that, fellow senators, is if the county attorneys won't prosecute it then we will get a writ of mandamus and get them out of office because the key to this whole thing is the signing of that release. That is the key. Senator DeCamp, if he's honest, will admit that, that that is the key, their signing that there is no lien, everything is clear and clean. So I see nothing wrong, if the bill is good, we want to try the idea and everything is where it should be, to change it from a Class I misdemeanor to a Class IV felony. That is what I am asking this body to do. We are going to review it in three years. If it is too stiff of a penalty and doesn't work, then we can lower it. I don't see why anyone should object to this because if they are going to break the law, which blows the bill, then we might as well make it a stiff enough penalty that they are not going to break the law. Thank you, Mr. President.

SENATOR BEUTLER: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Haberman has now hit me where I live, and I'm not in favor of these harsh penalties where you cannot show that there is a valid reason for them. If you are going to put a sloppy program into place, and then try to use the criminal law to enforce sloppy commercial practices, I think that is a misuse of the criminal law. And I don't think there ought to even be a penalty for the person lying on the release. We are talking about business people doing business and not wanting to have to go through too much trouble to protect their interests. But if, as has been told to us, all of those who may be involved in this loose method of operation agree to it, why even put the criminal law...or the criminal justice system into it at all. We had a bill that was brought, by Senator Haberman on behalf of the bankers, which would put a fairly stiff