

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 11, 2002 LB 384

said, well, what...what is a material threat? Well, that is something that actually in the original bill and actually in the amendment would have created a court challenge, but as it is right now it's merely in the resolution and would not create a court challenge to the cities going forward. So the material safety issue would be something that would be a real threat, not a perceived threat, that a city must set forth in their resolution before they continue on with their condemnation. And that, again, is just in the interest in giving the voters, when they prim...when they go to vote on the condemnation, the reasons why the city wishes to condemn that system. And again, I'll bring it all around, is that that condemnation should never happen solely for revenue purposes, solely for so that the city can buy an extra truck, so that the city can subsidize the pool, so that the city can do any of the myriad of things that a city does outside of the purview of providing natural gas. Further, on page 3 of the amendment, subsection (b), the resolution may contain...a city can...

SPEAKER KRISTENSEN: One minute.

SENATOR QUANDAHL: ...set forth their resolution to include service; subsection (c), rates, when those rates charged to the city are excessive. Now how is that determined? Well, comparisons with other cities, with other states in the area, with like-minded situations would determine as to whether those rates are excessive. And, finally, there is a fourth reason that a city can put in their resolution, and that's when the city believes or has indications that the financial instability of the utility, which may appear...which may impair its ability to maintain appropriate levels of safety and consumer service. And so this bill has gone through the ringer a couple of different times, and all I can tell you is, is that I wish that we could all support, and I...I certainly hope that we can support, AM3058 because it is a compromise that is good, I believe, not only for the natural gas companies, but also for...

SPEAKER KRISTENSEN: Time.

SENATOR QUANDAHL: ...the cities themselves. Thank you.