

January 27, 1982

LB 347

SENATOR CLARK: Senator Lamb, did you want to talk to the amendment?

SENATOR LAMB: Mr. President and members of the Legislature, I rise to oppose the Beutler amendment. I guess I don't see the problem and I am a little surprised at the opposition because what we are really talking about here are load management devices that have proved so successful in holding down the peaks in irrigation out in the greater Nebraska. Now if the power district is not going to have the authority to enforce the peak shaving that is taking place out there, we are doing a disservice to everyone in the state. So if you have a device out there on your irrigation well which is shut off at the office of the power district at a certain time, say ten o'clock in the morning, if those people are not obligated to leave that well off, then your whole program is negated, and as I see it this amendment is a very simple amendment that gives the authority to the power district to enforce the regulations which I think Senator Beutler and many other people endorse as a worthwhile principle, as a good effort to conserve power and to shave the peaks. So if those people can by some device, a pair of pliers and a screwdriver or whatever, wire around the control device and there is no penalty, then our whole program is down the drain. Now I think the words in there which are the key words are "deceptive and unauthorized". Nobody is going to be charged if the device malfunctions. You have to prove that it was done deceptively and there is no...I am not a lawyer and Senator Beutler is...but I don't believe that any court in the country is going to convict anybody of a crime if the device out there malfunctions. So all this is doing is putting teeth in the law where it should be and I think this is a big ado about nothing. I hope you would not adopt Senator Beutler's amendment and would then go ahead and adopt the amendment as presented by Senator Johnson and Senator Sleck.

SENATOR CLARK: Senator Kilgarin, did you want to talk on the amendment to the amendment?

SENATOR KILGARIN: Yes, thank you. Mr. Chairman and members of the Legislature, I rise to oppose Senator Beutler's amendment and to agree with Senator Lamb. I think he pointed out the most important thing that has been a controversy here today when Senator Vickers and Senator Johnson spoke of innocently not paying for something with their bus cards. Some of the words they forgot to mention, they only read so far in the bill. When Senator Vickers was speaking of "possesses any device, instrument...designed to obtain telecommunications service", it says "fraudulently