

add language saying if he does so-and-so and according to lines 15, 16, and 17, that language saying then he shall automatically pay the regular rate and he has broken his contract, something of that nature? He is penalized. Then he has to pay the regular going rate for the rest of the season for which his contract is in operation? He is buying electricity at a lesser rate because he is on a scheduling program so he is not actually stealing but he is stealing in the way that he is getting it at a lesser rate because he gets it whenever he wants it if he bypasses this. So couldn't we actually put him right back on the regular rate as a penalty rather than fining him \$300 and putting him in jail?

SENATOR BEUTLER: I guess I miss part of your point in the sense that if he is on a scheduling...he is on a schedule that is authorized by the supplier...

SENATOR KREMER: He signed a contract with the supplier, a rural electric, now I will let you shut me off any time that we reach a certain peak, and by so doing he is assessed a lesser rate than if he was not on a scheduling program.

SENATOR BEUTLER: Right, and that is all authorized. It is not deceptive or unauthorized, right?

SENATOR KREMER: No, but if he is guilty of tampering with that mechanism and then he turns his pumpoff and actually the company said you are off because we are reaching a peak, he still is paying a rate at a lesser rate according to the contract, but if he does that, couldn't the supplier notify him that he has broken his contract and you are back on the regular rate which is a higher rate rather than putting him in jail.

SENATOR BEUTLER: Yes, I would think that would be possible under contract law right now, Senator Kremer. If that is not in a contract, I would be surprised.

SENATOR KREMER: Well, it is in the contract and this is what bothers me. We are putting a penalty on him when he already is under the present law in my opinion.

SENATOR BEUTLER: Yes, this would, if he violates the contract what we are doing here is saying it is not only a contract violation and you pay whatever damages or penalties are provided for as between the parties but in addition it is a criminal violation under this section.

SENATOR KREMER: See, what he is actually doing, he is forcing