

SPEAKER BARRETT: Shall the E & R amendments to 628 be adopted? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, Senators Morrissey and Wesely would move to indefinitely postpone the bill. Senator Robak would have the option of laying the bill over at this time, Mr. President.

SPEAKER BARRETT: Senator Robak, your wishes?

SENATOR ROBAK: I will take it up.

SPEAKER BARRETT: Take it up now? Thank you. Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker, members, Senator Morrissey and I and some other senators have talked about this piece of legislation. If you recall, on General File, I issued a concern and a warning about what this bill did and suggested that we take a look at it, which I have done. In addition, there were some negotiations occurring between the Nucor Company and NPPD about how to handle the particular problems that they have that initiated this bill, and I want to go back and start from the beginning and try and highlight what I think the situation is. In 1987, in April, which is about two years ago, Nucor was awarded \$4.4 million in a court action that said essentially that their rates were increased by NPPD with unreasonable notice. In other words, NPPD had a rate hearing, adjusted their rates upwards, and did not give adequate notice and, as a result, the rates were overturned and \$4.4 million was returned to Nucor Steel. As a result of that court action, we have this piece of legislation and to essentially put into statute what the court said was unreasonable notice. At the time that NPPD and Nucor had this difficulty, NPPD's practice was to only advertise in the Columbus Telegram as to a notice on their hearings. Of course, the Columbus Telegram does not have a wide distribution around the state. It is localized in Columbus and Nucor Steel is just outside of Norfolk in Stanton County, in Senator Schellpeper's District, and in Stanton County there is only one subscriber to this particular newspaper, and the rate increase that was being proposed affected but one entity, and that being Nucor Steel, but no notice was provided to Nucor, and away they went with the rate increase without a chance to be challenged by Nucor Steel. Well, Nucor did go to court. As I said, they won the case and the court did rule that the idea of having a small town newspaper have a notice when, in