

LB 163.

SPEAKER WITHEM: LB 163 is advanced. LB 92.

CLERK: LB 92 introduced by Senator Bromm. (Read title.) The bill was introduced on January 5, referred to Transportation, advanced to General File. There are committee amendments, Mr. President.

SPEAKER WITHEM: Senator Kristensen, the committee amendments, please.

SENATOR KRISTENSEN: Thank you, Mr. Speaker, and members of the Legislature, Senator Bromm brought LB 92 to us. This deals with the penalties that should be given out for people who reconnect their services for various utilities. There's a procedure in statute which defines and sets out the due process nature and the things that you've got to do if you're going to be disconnected for your utilities. You've got to have notice, the chance to have a meeting with people and so on. But once you're disconnected for nonpayment or other reasons, the problem evidently arose that people would come back in and reconnect those things on their own. Now the services would still go through the meter and so they would gladly pay for those, so it isn't like they were stealing it, but that they were reconnecting in violation of what the utility had done for them. What the committee amendment does is basically, if you will look on page 2, it basically rewrites the first section which is the actual and it becomes a Class III misdemeanor when an electrical gas or water service has been disconnected pursuant to Section 70-1601, etcetera, that's the due process and procedure sections. Any person who reconnects such service without the knowledge and consent of the supplier of such service shall be deemed guilty of a Class III misdemeanor. That effectively is what we had had before but we place it in a little different section and make it a subsection, so, in effect, the committee amendment, that becomes the substantive provision of making it a violation. And I suppose, for the record, the elements of that is obvious, you're going to have to prove in what county this occurred, that there was a disconnect pursuant to those sections, there was actually a reconnection. And I think that you're also going to have to prove that the utility did not have any knowledge and that they did not give their consent. And, finally, you will have to, of course, prove beyond a reasonable doubt that that was the person that did it. And Senator Bromm