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LB 1285

and is written, Goliath has nothing to fear. There are means to appeal the orders of the PSC, but that is a different part of the bill. I think this is very reasonable. It is not onerous. Remember, the current law says "after notification" so the PSC doesn't just go into some kind of session and say, well, we think these...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...guys need to have the hammer dropped on them so let's say we're going to levy this civil penalty. The violation has to be established; the violator must be notified. So I think this is a very reasonable bill. This portion of the amendment I believe ought to be adopted.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Further discussion on this part of the divided committee amendments to LB 1285, Senator Matzke, followed by Senators Wickersham, Bromm, and Chambers. Senator Matzke.

SENATOR MATZKE: Mr. President and members of the Legislature, I think Senator Landis was rather candid in saying that what we have here is a wrestling match between gigantic telephone companies, and I think we have to be careful because what we do is going to give one of them leverage and make others vulnerable. You can look at the committee statement and you can see who testified for the bill and who testified against it. They're all major telephone companies. Personally, during the five years I served on the Transportation Committee I opposed civil penalties as a general matter. Civil penalties are really fines. Now, what we have to understand is that when most of us think of fines we think of a criminal case where we violated a law and we go to court and we get fined for something. This is not a criminal case. This is a civil case, which is like a civil lawsuit between individual people or individual businesses, and put it in that context. If you have a dispute in a civil matter, if Senator Byars, who is standing back there listening attentively, and I have a dispute over a contract or a boundary dispute or over some business matter, what would it be like if I had the right, as one of the litigants, to say, well, I disagree with you, I'm going to fine you. Well, that's what we're talking about. We're talking about civil cases, not