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criminal cases. We're talking about giving a governmental agency that has taken a position on a matter the right to come in and say, we've decided this against you and, not only are you ordered to do something, if you don't do it we're going to fine you. No criminal case involved; strictly a civil dispute over economic matters. So I have a philosophical problem with giving to governmental agencies the right really that belongs to a court to impose a fine. Now having said that, I would like to ask Senator Bromm a question about the...

PRESIDENT MAURSTAD: Senator Bromm, would you yield?

SENATOR MATZKE: ...issue, if you would...

SENATOR BROMM: Yes.

SENATOR MATZKE: ...yield, please.

SENATOR BROMM: Yes.

SENATOR MATZKE: You refer to the language in line 26 and 27 on page 2 that requires "a finding of clear and convincing evidence". Now, it does not say evidence of what. In other words, is that clear and convincing evidence of the grounds for the issuance of the order, or is it clear and convincing evidence of the fact that there is a violation or not?

SENATOR BROMM: Of the fact that...excuse me, of the fact that there is a violation, Senator Matzke.

SENATOR MATZKE: So it's not incumbent upon the Public Service Commission to establish or find by clear and convincing evidence that there is clear and convincing evidence of the grounds for the original order. The only question would be did they violate it or didn't they.

SENATOR BROMM: That would be correct. Otherwise, you'd be retrying the original order, that might have been entered years ago, over and over. So it is a clear and convincing evidence of a violation of that order. The party who didn't like that order had a chance to appeal that order when it was originally entered.