

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 1, 2000

LB 1285

SENATOR MATZKE: Okay. Thank you. I know that a number of states have a cap on this fine. This...this bill talks in terms of \$10,000 per day, I suppose forever if (laugh) if it lasts that long. Senator Bromm, is that...that's clear, there's no cap on the \$10,000 per day fine, so could go on for years I presume. Is that correct?

PRESIDENT MAURSTAD: One minute.

SENATOR BROMM: If a company wants to operate in that fashion, yes, it could.

SENATOR MATZKE: I would urge the body to vote in opposition to both the amendment and the bill. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Matzke. Further debate, Senator Wickersham.

SENATOR WICKERSHAM: Mr. President, members of the body, I'm troubled by the proposal that Senator Bromm and the Transportation Committee brings to us because I don't think there's really necessarily a very clear answer. On the one hand, you have public agencies saying that we want to make sure our orders are respected and obeyed. On the other hand, you have the potential objects of those orders saying that you're going to impose, if you do what is in this bill or, in particular, if you do what's in this section of the bill, you're going to impose an inappropriate and unfair burden on us; we will be handicapped in our efforts to represent our own interests; we will have burdens that are unfair and inappropriate. Now how you sort all of that out is, I think, ultimately a highly individualized process. I would note that for my part I am greatly troubled by the level at which I think the burden could be imposed on a party that was subject to a commission order. I understand that we have to find a mechanism so that ultimately parties do have to respect the decisions of the commission. However, I am not comfortable that the provisions we have before us need to be as direct...I don't...I hesitate to use the word "punitive", but I don't know what else...I don't know what else to say when you have the potential for a fine that amounts to \$10,000 a day. I've expressed to a