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March 27, 2000 LB 1285

amendments to LB 1285.

SENATOR CUDABACK: The question is the E & R amendments to LB 1285. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the next amendment to the bill, Senator Bromm, an amendment AM2456. You had filed this with me, Senator, on February 22. (Legislative Journal page 833.)

SENATOR CUDABACK: Senator Bromm, to open on your amendment, AM2456, to LB 1285. Senator Bromm.

SENATOR BROMM: Thank you, Senator Cudaback and colleagues. I'm going to file another amendment in a couple of minutes, then I'm going to ask leave to substitute for AM2456. And it will be virtually identical in most respects except for just a few modifications that I will explain. When we came off of General File, we had intact in LB 1285 two principles that I'll remind the body of. For the first time this legislation gave the Public Service Commission the authority to impose a fine in the event that they determine by clear and convincing evidence that violations had occurred. It also set in place for the first time a change in a law that said when a PSC order is entered it becomes effective ten days after it is given to the parties rather than being stayed by the simple filing of an appeal. It also contained stay provisions allowing the action of the PSC to be stayed by a stay order entered by the commission or by the Court of Appeals. Following General File, and I'm taking a little bit of time to explain this, I hope, because this is, in my opinion, terribly important legislation. Following General File there were continued concerns expressed by companies that operate in the area of telecommunications about a couple of things. And one thing was the...whether or not the stay provisions that would stay the order of the PSC would be a meaningful stay, a meaningful opportunity for a stay. And some of the concerns were based in the fact that the Court of Appeals, being an appellate court, is not generally one that gets involved in issuing stays. In fact, they probably haven't up to this time. The district court system in the state of Nebraska is more of a fact finding court, a court of equity, and a court that is used to looking at facts to determine whether or not a stay should be entered. Those concerns were noted and we