

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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promised to work on all of those issues. Another second major concern by some of the industry was that we're giving fining authority for the first time. Should there not be some cap, some level of ceiling on the fine that could not be exceeded. We've addressed those issues and the substituted amendment that I'm going to be asking leave to file addresses particularly the cap issue, is the major change from the amendment that's on file. But at this time if I could, Mr. Clerk, I'm going to bring an amendment and ask leave to substitute. This will be AM3082. And while the...if I may, Senator Cudaback...

SENATOR CUDABACK: Seeing no objection to substitution, so ordered. (AM3082, Legislative Journal page 1312.)

SENATOR BROMM: And while it's being entered and it will appear on your screens I think, I don't know how they do this, some sort of magic, but it will be there very shortly, it will appear. There has been a great deal of work that has gone into this amendment. And I want to thank the senators that, some of those senators from the committee that have taken time to try to understand and follow along on the issue. Senator Kristensen has been very helpful. Senator Landis has been very helpful. In fact, this amendment is a Bromm-Kristensen-Landis amendment. And we know that this area will be a changing area of law, but I can assure you that it will be...that the law will be in a better state, following the passage of this amendment, if you see fit to do so, and ultimately LB 1285, than it is now from the standpoint of the interests of the consumer, the interests of the industry as a whole, and of the state of Nebraska. Now let me cover some highlights and there's been handed out to you a shaded kind of a bullet point, major points difference that I will explain to you. And I think everyone on the floor has one with the exception of myself. Thank you. As I said before, when we came out of General File with LB 1285, we had fining authority with a maximum of \$10,000 per violation. The PSC had to establish that a violation had occurred by clear and convincing evidence. Those elements remain the same. Now starting at the top of the shading, let me explain that. AM3082 sets a maximum or a cap of \$2 million per year for each violation. How did we arrive at this figure? There was...there were suggestions, of course, there were suggestions for no cap. And quite honestly, I lean in that direction myself because I