

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

March 27, 2000 LB 1285

telephone companies would go to...back to the customers. And if that happens...

SENATOR BROMM: No.

SENATOR JANSSEN: It would not.

SENATOR BROMM: No. Can I...

SENATOR JANSSEN: Yes.

SENATOR BROMM: Yeah. No, Senator Janssen, this would, for the first time, put the ability to fine in the powers of the commission. But under our constitution, any fines such as this must go to the school funds. And so if there were fines collected by the commission or ordered by the commission, they would go to the school fund. And we're looking at trying to look at mechanisms perhaps another year for certain situations where monies could be returned to the customer perhaps, but for fines under our constitution we feel, well, we know that they must go to the school funds.

SENATOR JANSSEN: Um-hum. So you're looking at, you're actually looking at down the road trying to do something with the constitution. It will probably take a constitutional amendment to change that, wouldn't it?

SENATOR BROMM: Well, I'm not sure about that until we study it thoroughly because if the commission had the authority to order that excessive charges should be returned to customers, that wouldn't necessarily be a fine. But it's an area that we need to work with very thoroughly to be sure that we're not doing something unconstitutional. It's not something, I guess I made the decision I didn't want to put something in this bill that might be confusing or unenforceable so we stayed out of trying to do that. We're just dealing with fines here.

SENATOR JANSSEN: Of course, all...if you want to look at it this way, if all customers of the telephone companies are taxpayers anyway, I mean it's six of one, half a dozen of another, where that money is going to go. I mean, if it goes to school fund, it theoretically goes back to the consumer of the