April 4, 2006   LB 1249

language comes from a bill that was passed a couple years ago.
This all fits in together.   Some of us weren't here a couple
years ago, so we're trying to figure out how those pieces work,
and I guess I'm just...I'm hoping that whatever we put out, if
it is eventually passed, that utilities, both public and
private, know where to go, can get a quick decision so we don't
have people waiting in limbo for years.   I would defer the rest
of my time to Senator Landis, so that he may respond to some of
that. Thank you.

SENATOR CUDABACK: Thank you, Senator Flood.

SENATOR LANDIS: Thank you, Senator Cudaback.   Thank you,
Senator Flood. In answer to your question, the amount of value
would have to be actual value.   Anything less would be
confiscatory and   unconstitutional.   If you'd like some
legislative statement to that intent, count this as that.   Let
me tell you what I think the PSC would ultimately arrive at, and
that is to take the condemnation language, which is standard
practice where this kind of exchange occurs when a city
condemns, and apply the same standard for recovery. That...if I
was on the PSC, that's where I would go. It can't be less than
actual value, and that, I think, is the test that they would
use.   That is an area that, by the way, if we needed more
clarity I would, but if the legislative intent is sufficient,
that's fine.   The material in Section 9 is a recitation of
LB 78. Let me tell you that my legislative intent by   reciting
it here is to bring LB 78 into the Natural Gas Regulation Act,
because right now they're in two different places and it's
better law drafting.   Secondly, it is only to alter the timing
of LB 78's application so that LB 78 is done prescriptively, not
postscriptively.   Any   behaviors,   actions,   intentions,
presumptions, methodologies by the PSC that they've used in the
eight or ten times they've done this,...

SENATOR CUDABACK: One minute.

SENATOR LANDIS: ...I would expect to stay in place, to be
administered just as it is now, with one exception. The clock
starts prescriptively, not postscriptively. Time?