

March 29, 1979

LB 207

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, the basic purpose of the committee amendments is to get the District Court out of the process of settling electric utility disputes. The bill, the basic bill itself, sets up an arbitration board, a board composed of experts chosen by both sides, to decide the questions, the issues involved in electric utility disputes. A judge of a district court, and we have good ones here in Lancaster County, are still not prepared to deal with the very technical questions involved which are related to the issues of the electric utility rates and the charges between purchasers and suppliers. So with the committee amendment, what the bill does now is make the arbitration board decision binding except to the extent that it can be appealed to the Supreme Court of the State of Nebraska. It is appealed de novo on the record, as lawyers say, which means that the Supreme Court looks at the entire transcript of the record of the arbitration board on appeal, but the basic purpose of the amendments as the bill originally came to us, it provided for an appeal from the arbitration board to a district court and then to the Supreme Court, and what we are doing is cutting out of the process the district court because the district court is not a good institution to decide this kind of an issue.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 207. Senator Duis.

SENATOR DUIS: Yes, may I ask Senator Beutler a couple of questions. Senator Beutler, do you think that by the legislation that you will be able to get direct access to the Supreme Court?

SENATOR BEUTLER: The idea is not basically to get direct access to the Supreme Court. The idea is to put pressure on the power industry to get the issue decided with the arbitration board.

SENATOR DUIS: I am understanding this but I say, do you think that the arbitration board would have the same effect as a district court to gain access to the Supreme Court? I am concerned as to whether or not you will be able to gain access to the Supreme Court by just going through an arbitration board even though you put it in the statute?

SENATOR BEUTLER: Oh, definitely. I don't have any problem with that whatsoever. You mean as far as...I don't have any problem with the structure of what we have set up.

SENATOR DUIS: Maybe I don't understand arbitration board like