

April 9, 1996

LB 1375

SENATOR BEUTLER: Then if the statutes, if it is absolutely silent altogether, then it is interpreted that there is an implied power to charge a fee for access. Is that right?

SENATOR BROMM: I think under Section 4, that's correct.

SENATOR BEUTLER: Okay. With respect to that category of situation that has to do with implicit power to set a fee, no set fee in statute, but no prohibition against setting the fee in statute, is it good or bad to allow new contracts to be entered into in the context of what we are trying to do here for a term of years that is unlimited by law?

SENATOR BROMM: I think, Senator Beutler, I think it would be unwise to allow contracts which were unlimited. This amendment, though, I think even the contracts under Section 4 would be terminated January 31 of '98.

SENATOR BEUTLER: The Section 4 contracts would be terminated January 1...

SENATOR BROMM: Right,...

SENATOR BEUTLER: ...of '98?

SENATOR BROMM: If you look at line 7 on the first page.

SENATOR BEUTLER: Line...line which?

SENATOR BROMM: Seven.

SENATOR BEUTLER: Okay.

SENATOR BROMM: Any such contract in existence on the effective date of this act, and any contracts entered into pursuant to Section 4 of this act shall be terminated on January 31, 1998. So the...

SENATOR BEUTLER: I guess my confusion is coming on this point. It seems to me that Section 4, all it really talks about, if you drop Senator Chambers' language, all it really talks about is reporting. I mean Section 4, if you just read it in and of itself, says that there are certain types of contract, if no fee is specified by state law, but all it says about those kinds of