

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

April 7, 1999

LB 496

SENATOR BEUTLER: ...we're on my time now, but it...I wasn't picking up the distinction, I guess,...

SENATOR BOHLKE: And that is time. Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President, members of the Legislature. Senator Beutler, although you see that definition, what really occurs there is that, for example, the public power companies, the political subdivisions cannot offer telecommunications services without express statutory authority. There is an old provision in here, in fact, we changed it not all that long ago, that would allow for county telephone companies. When we did the levy limit changes we restricted and took some of those references out. So, when you see government entity, that doesn't mean that they automatically can provide those services. I want to go back and talk about tower siting a little bit; different issue than lines going under right of ways. Towers are a different animal. And that is a source of a lot of debate, particularly in the larger cities, about where towers can go. And it's not putting them on rights of ways, or putting them in parks, because you wouldn't want to do that, if you were a company. You want to put that on leased property where you have a leasehold interest, where you have the right to, on a frequent basis, have access for maintenance, repair, and to add onto those things. That's different than what's in this bill with the definitions of lines and related facilities. The related facilities goes to the lines laying underneath. You'll also see that there's some reference that if the lines are on the ground or above, for example, aerial wires have to be not less than 18 feet high. That's in old, archaic language, when we didn't put things underground. But there's a difference between laying of lines and tower sitings. And so I don't think there's anything here that I'm aware of that would allow a company to walk in and say, okay, I want to put a tower here, or a cluster of towers in your park. I don't think.... Number one, I don't think that practically would ever work; but, two, I don't think there's any authority to allow that to occur. But I do think that if they wanted to go down the right of way of a public highway, down a street, or the right of way is so many feet from the center of that, that's where you're restricted to laying those types of lines, and that's where you'd want to narrowly view the language