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LB 496

in this particular bill. I want to also visit just a little bit about what's going to happen here. I know there are legitimate disagreements over the balance of power between a city and a telecommunications company. This is...this bill is not going in and just, for the first time, giving the power of a "teleco" to go in and use the right of way. That has been a statutory right for a number of years. And it's a very simple concept. If you don't have that right you're not going to have telecommunication services, because nobody is going to want them going down their area. And the consent issue is that out in public property they've got the right to do that. Why? Well, in the private lands they don't have those police powers for health, safety, and those other issues. It's a matter there of it's almost a condemnation type issue, except it isn't a taking, it's a use to provide those lines. If you don't do that you're never going to have an efficient delivery system to every house and every area of lines and telecommunications services. And so what this bill is designed to do is strike that balance. And I think the committee struck that balance. I happen to...

SENATOR BOHLKE: One minute.

SPEAKER KRISTENSEN: ...disagree a little bit about the...whether they can move you over a block or two. And that's maybe something we need to work out between now and Select File. But if you don't have some uniform, consistent mechanism of allowing the use of those right of ways, and you do allow cities to come across and see this as tax generating, that this is an asset that they can charge fair market value for, you're just not going to have decent telecommunications services, and ultimately you're going to be in violation of the federal laws, because you're not going to be competitively neutral. You're going to make it restrictive so nobody new can come in. And that's the reason you have phrases that Senator Beutler struck out, that a municipality shall not adopt an ordinance that has the ability to prohibit telecommunications services. You can't play favorites. And that's tempting to do, we want to do those...

SENATOR BOHLKE: Time.

SPEAKER KRISTENSEN: ...things, but you really can't.