

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

April 26, 1999 LB 496

PRESIDENT MAURSTAD: Senator Beutler, you're recognized on the advancement of LB 496.

SENATOR BEUTLER: Mr. Lieutenant Governor, Senator Kristensen, just a bit of a summary for me, and maybe it will be helpful for others to see exactly where we're at with regard to the use of right-of-ways, once with this amendment, and as this bill would affect the situation.

PRESIDENT MAURSTAD: Senator Kristensen.

SPEAKER KRISTENSEN: Yes.

SENATOR BEUTLER: How accurate is it to say that generally speaking, under the law, with this bill, a telecommunications company would have the right to use public right-of-ways under the conditions of the bill? They have the right to use them?

SPEAKER KRISTENSEN: Yes. I believe they've...and obviously, if they've been doing that for numbers of years of having access to the right-of-ways, this bill, I think, cements that and makes it clear, I believe, that they do have the right to those right-of-ways. But more importantly, what the bill probably does is talk about that the use of the right-of-way is not a revenue generator in terms of making money or fair market rental use of the right-of-way.

SENATOR BEUTLER: Okay. So no rents, essentially, can be charged for it?

SPEAKER KRISTENSEN: Except for the issue of occupation tax. And this bill is designed not to impact the occupation tax. And remember, that's the use of the facility and the taxation of that facility. There are cities that use that for a variety of purposes now. Omaha, for example, uses some of the occupation tax for roadway repair and so on. Some cities, there's no rational relationship between the occupation tax and what they use the money for. But this bill leaves the occupation tax as an island. It doesn't affect that.

SENATOR BEUTLER: Okay. Let's turn the situation around the