

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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April 26, 1999 LB 496

PRESIDENT MAURSTAD: Thank you, Senator Kristensen. Senator Chris Peterson.

SENATOR C. PETERSON: Thank you, Mr. President, members of the body. LB 496 specifically does get into right-of-ways and the issue of the municipalities being able to request compensation and see that as a new form of revenue. And this comes from the Telecommunications Act, as Senator Kristensen has explained, of 1996, and specifically, from Section 253(c) of the act that says, "Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis." I want to carry this just a little further, because I think the issue that I'm certainly interested in, and the discussions we had when this was on General File came from this, about the municipal authority to actually regulate the access to the public right-of-ways. And I feel that it's very important that that be maintained. And when we were discussing this on General File, one of the committee amendments that came out had changed a part of the bill from...on page 2, which says "Consent from a governing body for the use of a public highway within a municipality shall be based upon a lawful exercise of its statutory and constitutional authority and shall not be unreasonably withheld"...we changed that in the committee amendments from the original language which said, having to do with "the police power". And we felt that this was not as narrowly restricted. And specifically, getting down to kind of a real-life example, would a city still have the authority, when they had a request for a telecommunications company to use the right-of-way, to be able to determine which right-of-way that would be? And there was some question about that when we visited on the floor on this in General File. And so I would like to ask Senator Kristensen a question.

PRESIDENT MAURSTAD: Senator Kristensen...

SPEAKER KRISTENSEN: Yes.

PRESIDENT MAURSTAD: ...would you yield?