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Transcriber's Office

April 26, 1999 LB 496

SPEAKER KRISTENSEN: Yes.

SENATOR C. PETERSON: I have just briefly gone through the concern that I had that the bill would limit the municipalities' authority to determine the right-of-way. Could you maybe give me some explanation on how you see that?

SPEAKER KRISTENSEN: I think on General File we had a discussion about the ability of a city to require or locate where a right-of-way is. At that point in time I think there was some disagreement as to where that right-of-way location would be. I don't think there's any disagreement over, once the right-of-way's located, of who can get in and who can get out where it's located. But I do think the cities probably have some reasonable rights to determine the location of the right-of-way. Now, to the extent that they would locate it and say, okay, in town "X" you've got to go five miles and we're going to have right-of-way alley, and that would not allow anybody to access...if a competitor came in and wouldn't be allowed to bring their facilities...let's say there's a downtown building being built, but they couldn't get access to that building, obviously that would be competitively not neutral and would have the effect of freezing out. And so I think there's some limits as to where they could do that. But can they make them move in modest amounts or in a reasonable location? Yes, I think they can.

SENATOR C. PETERSON: Okay. Thank you, Senator Kristensen. That was one of the areas that I wanted to make sure we had a record on, because that was certainly a concern of mine. And I also would like to thank Senator Kristensen and the league for working together to the problem of the burden of proof. I think that that significantly helps in my concerns that I had on some of the different points of the bill, specifically on the indirect and direct costs.

PRESIDENT MAURSTAD: Thank you, Senator Peterson. (Visitors introduced.) For further discussion on LB 496, Senator Beutler.

SENATOR BEUTLER: I waive.

PRESIDENT MAURSTAD: Senator Landis on the advancement of