

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

May 9, 2005

LB 48, 748

I believe we ought to give Senator Landis his time with LB 48. But if we recommit this to committee, I have a firm belief that there's middle ground between these two bills. I believe they were the bookends. And I think, I do think, with time--others would disagree--that there is middle ground that could be found. For example, what the, I guess, citizens who are driving a bill like this are really looking for is the authority to grow by eminent domain and condemnation power. That type of stuff--and I've read both bills--that type of stuff isn't incorporated in LB 48. It's incorporated here, but it's on the far end of the, I guess, food chain, or the other end of the spectrum. Too much? Possibly. The other bill, my contention is, it wouldn't offer enough. We've got years and years and years of public natural gas usage and promotion in this state. And what we're doing is saying, bam, here are the handcuffs. And we can shake our head no all we want. But let me tell you this. We create those monopolies, we create those monopolies; what happens to the obligation to serve? Far as I know, a municipality has got that obligation to serve in its extraterrestrial...(laugh) extraterritorial jurisdiction. Thank you. That obligation to serve should apply...a distinct obligation to serve should apply to the investor-owned, as well. If there's a new development in a certain area that hasn't had pipe laid in that area yet, should an investor-owned be able to just opt out and...

SENATOR CUDABACK: One minute.

SENATOR FRIEND: ...say, that's not cost-effective? If we create that monopoly...and I'd like to hear the argument later on, again, or now, as far as what LB 48 is going to create. If it's not a monopoly, if we create that, I'd like to find out what that obligation to serve is, because I don't read it in the statute. So let me clear up one more thing real quick. The duplicative piping thing, what I think I can say is this. LB 748--and I don't know if anybody would disagree with this--in Section 17, 66-1803--it's actually on page 20 of the bill--"A natural gas utility owned or operated by a city or a metropolitan utilities district shall not be subject to the provisions of the State Natural Gas Regulation Act and the commission shall have no authority under the act over such a natural gas utility or metropolitan utilities district." I