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

May 31, 2005 LB 645

somewhat narrower than what we're dealing with. And they provide these limitations, but then it says, except as provided in this article. Then it goes on to outline some conditions where public local government may provide services. It provides generally that they can do it after a vote in a referendum, and the ballot is put to the people. That's kind of similar to the way we do it with gas, and apparently with telephones, too. Then in addition to that, another area that they talk about, where they treat it differently than this bill does, it says, the local government shall be exempt from the requirements and may engage or offer to engage in providing cable television service -- and this is exempt from the referendum, apparently -- in situations where no private provider or cable television service, telecommunications service, or advance service provides the service anywhere within the boundaries of the local government. So if they have an area where they have no service, they allow the local...the public entity to jump in, or the governing body of the local government has submitted a written request to provide the service to any incumbent provider of these different types of services, and the incumbent provider has not agreed within 60 days of the receipt of the request to provide the service, or if they had agreed, has not commenced providing the service within 14 months of the receipt of the request. So in Colorado, and I understand in Texas, and I suspect in most places if we could get ahold of the statutes, they're not putting through their Legislature a bill that's nearly as broad as the one we have here, or nearly as prohibitive in all situations, as this bill is. And nor do they distinguish between retail and wholesale, at least in this Colorado bill, for example. So this bill we have in front of us is very, very large. It includes, as you know, Internet services, which are not currently regulated at all, and some other forms of services that are not currently regulated at all, either; video services, for example. So I'm hoping that before you let this bill go through you will prune it down and logically, I would think, ...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...make sure that none of these prohibitions are lasting in this broad form, up until the study is done. And