

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

April 14, 2004      LR 400

Supreme Court ruled, 8 to 1, the states did have the ability to regulate this private...or public enterprises, public utilities in this case. They did have the right, states had the right, to regulate them. So here we are. We passed LB 827. Our state Supreme Court ruled against the law, but the U.S. Supreme Court overturned all that through a ruling from a Court of Appeals, and we have no law in place right now. We have a program being administered that does allow for the leasing of dark fiber with no statute in place. We had a hearing on an amendment to what we were going to use as a bill in the Transportation Committee here a couple weeks ago, just to leave our options open. We chose not to do that. We had some concerns that there would be mischief involved with this situation over the summer if we did not do something because, as I said, there's an ongoing program with leasing dark fiber and so on with NPPD out there. The committee, we chose not to take that route and, hence, we put together this legislative resolution, just to get some things of record. And I don't anticipate taking this to a vote, but we want to get some things of record saying that I personally will have a bill drafted to get these things back into statute. It's not going to be a long bill. I think nearly all the work has been done by Senator Bromm, gets the credit for this two years...actually, it was a two-year process, but the bill was passed two years ago. I think the parties are still pretty much in agreement with what we had done with LB 827, but with the time frame involved we just simply couldn't put things together fast enough at the end of this 60-day session. So, as I've said, what we've tried to do here is get some record established, intent established that we...I will be back with a bill next session to address what was ruled unconstitutional by our state court, later overturned by the U.S. Supreme Court. So, in a nutshell, that's where we are. That's kind of a thumbnail sketch. If there's specific questions, I'd be glad to answer them. I think Senator Bromm has a lot of the expertise, having worked out this compromise, and I know Senator Beutler has some very serious concerns about what we're doing here. But that's the rationale and how we got where we are. We want to get some legislative intent out here on the floor. Let the parties know, the Public Service Commission, the various parties involved with LB 827, the dark fiber issue, on notice that, yes, we are going to come back and address this next session. We