

amendment to the DeCamp amendment.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I congratulate Senator Smith on discovering, I think, a couple of the land mines that are in the bill and righting them. I think she is quite right in pointing out that the burden of petitioning rivals the level of petitioning that would be required to put a ballot question before us for an initiative and referendum, 27,000 votes there, 20,000 votes into the bill as it was originally drafted. I'm glad that she brought that to our attention. Secondly, turning the burden of proof around from what the DeCamp amendments originally were, I, however, continue to think that there is no definition of actual economic cost and that is an important factor. So with respect to those land mines I think that this is a good amendment. However, even the Smith amendments don't go far enough. I look at page 13 and page 14 of the underlying amendments that are being amended and I wonder what this language means that was undetected in the Smith review of the bill. A telecommunications company shall not be liable for damages arising from errors, mistakes, omissions, interruptions, or delays of communications company in the course of establishing, furnishing, rearranging, moving, terminating, or changing service or facilities including obtaining or furnishing information relating thereto, in the absence of gross negligence or willful misconduct. Now, I assume this has to do with the business interruption occurrence, but I look at that language and say, if a telephone truck strikes somebody while putting up telephone service, even though there is negligence, there isn't liability. The bill has been written from the absolute perception of what will be best for the telephone industry and even to the extent that liability rules that we might well have for just average citizen errors are being undone in an attempt to write this bill from only the industry perspective. I applaud Senator Smith's attempt to improve the DeCamp amendments. I think she has caught a few of the things that are in there undoubtedly, but it seems to me that with 13 days left we don't have the time or energy to catch all of these things one by one, and, in essence, negotiate with the telephone industry in an attempt to find the public interest as opposed to the telephone company's interests. So while I can support the Smith amendment, it does not solve the underlying difficulties with the DeCamp amendment and I'll vote green for this amendment and red for the DeCamp