

amendments. All those in favor please say aye. Opposed nay.
E & R amendments are adopted.

CLERK: Senator Landis would move to amend, Madam President.
(The Landis amendment, AM1036, is found on pages 1163-64 of the
Legislative Journal.)

PRESIDENT MOUL: Senator Landis.

SENATOR LANDIS: Thank you. Mr. Speaker...or Clerk, do you have
that amendment?

CLERK: AM1036, Senator. It was just printed.

SENATOR LANDIS: Okay. Let me tell you what this amendment
does. It's a very minor one. This is the pay-per-call bill
that passed unanimously from committee and from General File.
What we found, through the Public Service Commission, is that
federal legislation has made a slight alteration during the time
when this had been coming through. We drafted a preamble, what
a telephone company has to say over the telephone line
consistent with what the federal law allows the state to do.
But the feds have changed on this very briefly and they've said
that they're going to come out with a new preamble in October
so...or rather July of 1993. Therefore, what this amendment
says is the PSC is empowered by us to create, as a rule, a
preamble to one of these pay-per-call things consistent with
federal legislation. That way we will be able to weather the
changes that will occur in July, 1993, with no new obligation to
have a statute. In the event we were to have a state law that
went beyond or were different than the federal law, it wouldn't
be effective anyway because federal courts and the FCC have
taken the position that any preamble requirements that are
different from the state to the feds are preempted by the
federal regulation and, therefore, the feds define the amount of
regulation possible. If we want to regulate pay-per-call
preambles, this amendment will be necessary, otherwise come July
we may well be out of compliance and, therefore, preempted from
action. I urge this technical amendment which allows the
purpose of LB 42 to be carried and commend to you its
recommendations by the Public Service Commission.

PRESIDENT MOUL: Thank you, Senator Landis. Does anyone wish to
address the Landis amendment? Seeing none, do you have closing?
Closing is waived. We'll now vote on the Landis amendment to