

March 18, 1974

we have a great concern, a possible misunderstanding, of how far this legislation would reach and yet, I'm sure in my mind and I'm sure in minds of many others in this body we don't know exactly what we are doing, or what we are dealing with. We do know implications and regulations set down by the ICC and how it affects those kind of characters... carriers. Characters was all right too. Those carriers. So I would move to accept Senator Prouds motion because this isn't the last we will hear of Anti-Trust Laws. We will be hearing of Anti-Trust Laws for many years in the future. This is a bill of very recent vintage. 1028. It was set up for the meat and the meat problems. And other problems we have. And that now is the time to take care of those things by deleting, by as SENator Proud suggests, that portion of the bill, and look at it with Public Hearings, more time for digestion of the problem at hand. Sometime in the future. And if it is the wish of this body then, to make this into law, make an amendment to LB1028 sometime in the future.

PRESIDENT: SENator Cavanaugh, and then SENator Carpenter. SENator Proud will you yield.

SENATOR PROUD: Yes.

SENATOR CAVANAUGH: SENator Proud, what is your understanding I've heard that through the debate here, that the railroads are governed by different laws, as I understand. That they are regulated by federal laws. If the affect of this bill upon them would be affective on intra-state business. Is that what they're concern it. Or it would not be affected?

SENATOR PROUD: Well, they're concern is that it puts a complete confusion into the law. The federal law says, that railroads can enter into agreements with competitors, and for a very good reason, for a very good reason. And any agreements that the railroads makes on rates and such, are subject to the approval of the ICC, and in many cases subject to the approval of the public service commission so this creates an absolute contradiction between the federal and the state law. So there's absolutely no need for this kind of a thing, besides you see, whether the federal or this state law eventually controls. This is a immediate invitation for people to bring law suits, to find out

(End Belt 2A)

(Start Belt 3A)

which controls. And there a lot of areas where nobody knows which law controls until the matter is adjudicated. You and I aren't the Supreme Court.

SENATOR CAVANAUGH: Well, I was asking for your best opinion as to whether this law would control or the federal law would control this. I'm sure the....

SENATOR PROUD: I have an idea that it is more logically that the federal law would control. But that is not necessarily so. That's why the railroads want to prevent this confusion.