

ASSISTANT CLERK: (Read record vote. See page 2388 of the Legislative Journal.) 47 ayes, 1 nay, 1 present and not voting, Mr. President.

PRESIDENT: A majority of the members having voted in the affirmative, LB 833 is declared passed. Next we go to LB 835.

CLERK: Mr. President, I have a series of motions on LB 835.

PRESIDENT: May we have the attention of the membership, please. (Gavel.)

CLERK: Mr. President, the first motion I have is offered by Senator Abboud. Senator Abboud would move to return the bill for a specific amendment, that amendment being to strike the enacting clause. (See page 2388 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Abboud.

SENATOR ABOUD: Mr. President, colleagues, we spent a lot of time discussing LB 835. Senator Schmit has spent countless hours trying to remold this bill into something that the entire Legislature can be proud of. But at this point in time the bill is not in the shape that I feel it should be. The bill is not in the shape that Senator Schmit feels that it should be, as well as a number of members on the floor. I think there has been every effort made to compromise on this issue. We have all been in agreement that there needs to be deregulation of long distance in the State of Nebraska. When an individual calls from Omaha to Lincoln, that should be deregulated. The problem has always been with this bill is that when you have a local regulation, when you have a call within a city or a county, if they are in the same jurisdictional area, that that should be regulated by the Public Service Commission. Now, there was an Attorney General's Opinion that was done, I believe a week or two ago that I believe more or less killed this bill. I don't know whether the votes are here today to advance the bill notwithstanding the clear message given to us by the Attorney General that this bill is unconstitutional. Now, this bill is declared unconstitutional for some rather basic reasons that were expounded earlier on the floor of the Legislature, the first one being that there is no due process or not adequate due process because there is no fair hearing to the telephone ratepayers around the State of Nebraska. We talked about that a lot. It made a lot of sense to me and the Attorney General felt