

Their bottom line is to make money. Now, I have supported business in this Legislature probably more than anyone and I think everyone is entitled to a fair profit where there is competition. But this bill will hurt businesses in the State of Nebraska. I urge you to kill this bill. I urge you not to adopt the bill and I am going to leave the kill motion on here, Mr. President, and I will talk a little bit later, go into a little bit greater detail on why this bill is not good. Thank you.

PRESIDENT: Senator Abboud is leaving his motion to return to Select File before the body and Senator McFarland is next to speak. After Senator McFarland it is this speaking order. Senator DeCamp, Goll, Schmit, Hoagland, Higgins, Vard Johnson, Morehead, Rod Johnson and Hefner. Senator McFarland.

SENATOR McFARLAND: Thank you, Mr. President, fellow senators, I have a motion to strike the enacting clause as well but I think I better speak now because I hear there is going to be a calling of the question and suspension of the rules. I would like to address the constitutional issues that come out in the Attorney General's Opinion and in the opinion rendered by the telephone company lawyers. I am familiar with due process issues. Our law office handles a lot of due process cases, particularly in the employment area and, interestingly enough, we often oppose the Attorney General's Office. Now, I read with interest the Attorney General's decision in this matter and I also read the telephone company brief in this matter, with interest. I agree with the Attorney General's decision in the case and his legal opinion that he rendered. I think it is a well written legal opinion. It is written for judges and lawyers and for them to understand. Interestingly enough, in contrast, I note that the telephone company lawyers' brief seems to be more directed at the legislators. I think it is stocked with oversimplifications, overgeneralizations and complete misstatements, in some instances. But I think it is directed at legislators. I think if a judge or another lawyer looked at that brief, they would certainly have questions about how well that particular brief is done on the legal issues. However, that is not the purpose of the telephone company lawyers. The purpose is to appeal to your emotions as a legislator and not to your sense of reason. I would like to ask you to consider. I am a lawyer. I am not going to bore you with a lot of legal analysis. Sometimes lawyers confuse more than they clarify. But I would ask you just to consider the fundamental fairness of this bill as it is in its present form, as it relates to the