

got a right to protest, on the other hand it says, the procedures are so onerous that you have no way of exercising that right and through no fault of your own, you can lose before the Public Service Commission.

PRESIDENT: Your time is up.

SENATOR MCFARLAND: I would ask you to strike the enacting clause of this particular bill. Thank you.

PRESIDENT: Senator DeCamp.

SENATOR DECAMP: Mr. President, I would like to address the various arguments raised in the five minutes allotted. The one that has been heard most often is Senator McFarland and Senator Abboud feel the bill is unconstitutional. Senator McFarland suggested, for example, that he is very familiar with due process and I agree with him, he must be. He is lawyer. However, I am sure he then also is familiar with the multitude of Nebraska Supreme Court cases that specifically discuss when dealing with rate-making, specifically emphasize that "that is a legislative process, legislative in nature, not judicial". Now, theoretically, then you would not have even any public hearing or any process. However, we have put those in the bill. We have put those in addition. Senator McFarland feels it is unconstitutional. I believe the implications, if you accept the Attorney General's Opinion, as I suggested, the implications are that virtually any legislative action in terms of deregulation or anything other than a procedural matter with respect to railroads, telephones, trucking, any common carriers, is not allowed by this Legislature. Such things as, for example, deregulation of the gravel trucks, I think Senator Barrett, Senator Bill Barrett, pioneered that a few years ago and amid some complaints at the time that this also was dangerous and would result in terrible things. We had the results that lower rates and more competition came in and today, as a result of that, on a relative scale you have stopped the massive increases that were going on and you have provided better trucking of gravel, as one example, an area we have deregulated. As I say, I think Senator Barrett pioneered that a few years ago, has worked out admirably well. However, based upon that opinion, if you accept that we can't do any of these things, I suppose that would be unconstitutional also along with most of Chapter 75. Now Senator Abboud dealt with something that has me gravely concerned. He kept using phrases like the only purpose of the companies is making money. They need more money. Why should we