

CLERK: Senator Schmit, your motion to indefinitely postpone.

SENATOR SCHMIT: Any other amendments I have, Mr. President, I will withdraw.

CLERK: Mr. President, Senator McFarland would move to return the bill.

PRESIDENT: Senator McFarland.

SENATOR MCFARLAND: Thank you, Mr. President, and fellow legislators, I didn't complete what I was going to say the last time and I would like to take this opportunity to just ask you to listen for just a few moments more so I can complete what I was going to say. I appreciate Senator Schmit's comments about he is not burdened with a legal education, therefore, he can understand the facts of this bill. I am burdened with a legal education. I am a lawyer and I would like to respond a little bit to Senator Johnson's and Senator Hoagland's and Senator DeCamp's statements on the floor. First I think that the idea of the Attorney General's Opinion, once you have due process right, there are two parts of it, substantive due process and procedural due process. When you establish the due process right for individuals to come in and contest rate increases, then you cannot undermine that right by making the procedures so difficult and so onerous that that right becomes meaningless, and that is exactly what this bill would do. The procedures of getting the thousands of signatures, of the limited time available, and the fact that the Commission chooses not to make a decision to apprise that person, deprive that person of the chance to have that case decided through no fault of his or her own, he has followed all of the procedures and yet he gets no decision. I think those are all indications that the bill is unconstitutional. Now I have been told that if I voted against LB 835 that I would be perceived as an enemy of the telephone company. I have been told by lobbyists that on an issue like this, a young senator is better to keep quiet on it and not say anything, particularly an issue of this magnitude. I have been told by lobbyists that since I am coming up for election that the phone company could do a lot for me as far as contributions to the campaign, as well as providing workers to the campaign. I have been told by persons, representatives of the telephone company that sometimes that if in fact my service in the Legislature is over with that the telephone company will often take care of its members. I am here to tell you that as long as