

April 3, 1979

LB 143

cities of the second class. I have had no response, not one from my area crying for this bill. There is some fiscal note to it I notice and I don't care to add any fiscal note to the users of utilities in my district. I have checked with several members of the Legislature that represent areas somewhat similar to mine, and as far as I could ascertain, there were no one...none of these had received any complaints so my amendment simply removes cities of the first class, second class and villages from the bill. I move for its adoption.

SPEAKER MARVEL: Senator Simon and then Senator Koch.

SENATOR SIMON: Mr. President, I rise to strongly object to Senator Nichol's motion. I'd just suggest, Senator Nichol, that you put a kill motion up and let us deal with the issue straightforward. As I mentioned earlier this morning, I am always interested, of course, in inconsistencies and as I made the comment I hadn't received clamor for LB 14 but we saw fit to pass that bill, you say that you haven't seen any clamor for the passage of this bill. I can get you names, I can get you over a dozen names or two dozen names from people in your district that support this legislation but, of course, if you choose not to listen to them that is your prerogative. I think it is interesting that we are going to with the passage of this amendment that we are going to say that in certain areas of this state people are entitled to due process but in other areas they are not because that is what the bill provides for. The bill says that if you have a dispute on a bill, if you have a dispute on a bill, that you can go before a clerk and try and get and have a conference, and if you still can't get it resolved, then you go before a hearing officer. Now, Senator Nichol, utilities are human. They make mistakes in Omaha. They make mistakes in Scottsbluff. You know, they are not perfect any place and there isn't any premium, there isn't any monopoly on making mistakes in the eastern part of the state, in Lincoln and Omaha. They make mistakes in your area, too. I know that you would have us believe that doesn't happen but it does. Now Supreme Court decision, Craft versus Memphis, said that individuals who have public power are entitled to certain due process and I had your staff, Senator Nichol, prepare that report for you and show it to you. Now you chose not to accept that but I want the body to understand that, and if you would ask the legal counsel for the committee, if you would ask the legal counsel for the committee that Senator Nichol chairs, he would tell you that what the Craft versus Memphis case decided was that individuals were allowed