

SENATOR BEUTLER: And that's the difference between what they couldn't do normally and what can be done in this bill, by this bill.

SENATOR HALL: Well but if they have the ability, if they have the broad authority to create the class, in other words, they could say that the class is the class of individuals that meets the requirements under the Nebraska Development Act. They have the broad authority to say that and they can go ahead and adopt a separate and distinct rate structure for those people who meet that class and allow the class to be open for purposes of anyone who meets that criteria would then receive those preferential rates. Why are we here passing this legislation? Why not let the local utility districts structure their own rate structure as opposed to making it state law?

SENATOR BEUTLER: Senator, under the statutes and under court cases, as I understand it, there is a long history with regard to the parameters that can be established for rate classes that are reasonable and nondiscriminatory and I think they have to be those two things. And the court is going to look at them and say, is this a reasonable category and is it nondiscriminatory in its application? And I think it's the feeling of the utilities, I know it's the feeling of the utilities, that they can't do that and make it apply to just one company, then that would be a sham. And in fact, what they are doing here is probably taking the more honest approach,...

SENATOR LINDSAY PRESIDING

SENATOR LINDSAY: One minute.

SENATOR BEUTLER: ..Senator, in simply saying what we want to do for purposes of economic development is to treat somebody differently and that there is a rational reason for that but it's necessary for the Legislature to articulate that reason and, therefore, they've come to us for this bill.

SENATOR HALL: But, Senator Beutler, in setting up the public power boards in the districts, by giving them that broad authority didn't the Legislature envision that these types of special classes could be created and in effect already do this?

SENATOR BEUTLER: I don't think so, Senator. I think that what has been envisioned by the, historically by the people of the