

in the opinion of the Attorney General our statute is unconstitutional. It is cited as being unconstitutional in a dissent, so we have an unconstitutional statute, and I think we would be able to enforce none of it, if the situation arose, as to any regulated activity under that section of the statute.

SENATOR SCHIMEK: Well, I...

SENATOR BRASHEAR: Until we correct it.

SENATOR SCHIMEK: I guess, I guess, I mean technically I think that you're right because we do have an election cycle next year, and so we need to get something in place by next year sometime, and I was just, I was just wondering if we...if we know for sure that we need to do everything that's in here, and if by waiting, if there might not be...there won't be any further court test by that time, will there? I mean we couldn't expect any further definition of this ruling, any by that time?

SENATOR BRASHEAR: I don't realistically believe so, based upon my experience. I will tell you that this is a very narrow...

SENATOR SCHIMEK: Yes.

SENATOR BRASHEAR: ...application of it, and I am not certain that this will be sufficient, but it is as narrow as we believed we could do it.

SENATOR SCHIMEK: Okay, thank you.

SENATOR BRASHEAR: And the reason I suddenly acted upon these two words "acting independently" is because I think it further tightens the exception.

SENATOR SCHIMEK: And I would agree, and I thank you for bringing the amendment. And as I say, it is going to be really hard to vote for it, but I'm going to. Thank you.

SPEAKER WITHEM: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker. How much time is remaining here?

SPEAKER WITHEM: You have 20 minutes left on the bill.