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LB 1240, 1285

Company B, will suffer irreparable injury; and (c) that the grant of relief to Company B will not substantially harm other parties to the proceeding. The court may also require the party requesting the stay of the order to post a bond in such amounts or conditions as the court may direct. Now this...this is really all about fairness and this is all about making orders effective and meaningful and that is why the committee saw fit to make this a part of LB 1285. It goes hand in hand, glove in hand with the authority of the commission to issue a fine where a fine is appropriate, because if the commission finds something is wrong, that there is a party who is acting in bad faith or acting "antirule", regulation, or anticompetitively or whatever and they enter an order, that order is extremely hollow, extremely meaningless if you can simply stop that order for one, two, or three years by filing an appeal. Why wouldn't you appeal? If you were profiting from the present situation, a business decision would be to appeal. So when this...when this idea came forward, we were very intrigued by making this a part of LB 1285, as more or less a package that I think fits very well. But the reason I divided the amendment was that, in all fairness, there were...I spoke to you of companies and entities this morning that appeared on LB 1285 that said, well, our name is in the "no" column here but we're really not opposed to LB 1285; we just want to make sure you put in language that makes sure that the commission can be fair about the fine and consider the circumstances and the gravity and all that, so we really don't have a problem with the concept of giving the fine authority. Some of those same entities, or companies, would say, we do not want LB 1240 or the concept in LB 1240, which is part of this amendment. Now I have not had the opportunity to be persuaded by a good, strong, logical argument as to why this part of the amendment is not good policy. I just haven't heard that argument and I am...I am anxiously awaiting to hear that argument on the floor of the Legislature because I won't have time, probably, in this opening to go into some other things. But suffice it to say that I think in other areas of the law, in other areas of decision making in state government, the law generally is that if an order is entered or a decision is made and that order or that decision is appealed from, that that order or decision generally...generally is in effect and stays in effect unless the person appealing it obtains an order staying the effect of that order, and gets that order from