

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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LB 1285

requests a stay of that order, which they have a right to do, and they can request that from the court of appeals, the Supreme Court or the commission itself. And the criteria for some considerations on whether they should be granted a stay are set forth in this amendment. Now, having said that, if the body would see fit to adopt this amendment and if the body eventually advances the bill, I very much am wanting to work with or am willing to work with Senator Kristensen or Senator Chambers and any other senator. Senator Matzke expressed some questions and they are good questions, and I would work with him as well in trying to look off the floor at whether or not there are some refinements needed in the conditions for a stay or the implementation of the stay, because it's not my objective to give anyone an advantage, big, small or medium-sized, with respect to this amendment. This amendment is intended to make it as fair as we can for both parties, the party that happens to be the winner and the party that happens to be the loser. I'll remind you right now it appears to be grossly unfair to the winning party when the order that they've received granting their relief is simply thrown out and held up in the air by the other party administratively filing an appeal. Just by paying their appeal fee, walking into the court of appeals and appealing the decision, all of the work that the party that won the case went to is...goes up in smoke and is held in abeyance until that court of appeals decides something a couple of years later. Now that's not fair. We will work to make this bill as fair as we can. If we do nothing to change it, I submit to you it's much fairer than the current process. And the little guy or the big guy, big company, little company could be on either side of this decision. It doesn't cut, in my opinion, in favor of any company or against any company. So with that, I would certainly ask for your support in adopting this portion of the amendment. Thank you.

**PRESIDENT MAURSTAD:** Thank you, Senator Bromm. The question is the adoption of FA302 to LB 1285. Those in favor vote aye, those opposed nay. Voting on FA302 to LB 1285. Mr. Clerk, please record.

**ASSISTANT CLERK:** 25 ayes, 1 nay on the adoption of the second portion of the committee amendment, Mr. President.