February 16, 2005   LB 150

SENATOR CUDABACK: Thank you, Senator Stuthman and Senator
Kremer. Senator Beutler, on AM0218.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature.
Senator Kremer, if I could just have a little exchange with   you
and...

SENATOR CUDABACK: Senator Kremer.

SENATOR BEUTLER: ...learn more about the bill.

SENATOR KREMER: Sure.

SENATOR BEUTLER: I, too, am...don't know any reason why I
shouldn't be 100 percent in favor of the general bill. I wanted
to inquire about certain aspects of it, though. Because this is
similar, in terms of it having a very unusual structure, to
something like the State Fair Board, or...it's an unusual kind
of relationship that we're setting up here, in the sense that
it's not a straight agency operation that is going about its
business under the general principles that we generally apply to
state agencies. So I wanted to explore several things with you,
if I could. First of all, it appears to say that...and tries to
set up this system whereby it goes into operation at such time
as fees are no longer allowed to be charged by the national
organization, as I understand it.   And I wanted to ask you a
little bit more about the litigation, and whether we've covered
all possibilities, to the extent possible.   In the sense
that...are we at the stage of litigation where there will be a
final, absolute decision? Or might there be a situation where a
fee is temporarily enjoined, for example, but then may be
allowed by a later or higher court decision? I just don't know
where the litigation is. But the language of the bill seems to
be fairly definite.   If the fee is once terminated, this kicks
in. Just tell me there's no possibility that the fee would be
reinstated at the federal level at a later point in time, and
we'd have a duplication, or something like that.

SENATOR KREMER: Okay. The point that the litigation is now is
in the United States Supreme Court. Now, if there's a higher
court than that, then...