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LB 645

SPEAKER BRASHEAR: Absolutely, under the premise that public policy is made here and we don't have to punt every question to a court and abide by a court decision, but rather we have the right to decide.

SENATOR CHAMBERS: So those entities who are going to be cut off from doing what they may be doing now, what they're actually doing now, or which they may be able to do now without this bill, they are going to be hindered by the enactment of this bill as the amendment would make it operate. Isn't that true?

SPEAKER BRASHEAR: They would also have the opportunity for access to the courts if they think they've got any rights in order to have standing, number one; and number two, they will benefit from the study because the way the study is put together I think we have to make public...we can't make public policy in a vacuum, but we have to assume, given the great representation that has been achieved in the study, that everybody will get a seat at the table and a voice.

SENATOR CHAMBERS: But here's my question. There are entities or interests which are going to be prevented,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...by the enactment of this bill, from doing things they can do without this bill being enacted. Isn't that true?

SPEAKER BRASHEAR: I cannot concede, Senator Chambers, in the abstract, the point that somebody is going to have to stop doing that which they can. They will have to stop doing that which they are, and it's arguably illegal that they are doing it. But they would have to stop it if anybody enforced it.

SENATOR CHAMBERS: So this is not a hold harmless. It is going to affect things that are happening right now and stop them from happening.

SPEAKER BRASHEAR: It is going to affect things happening right