May 26, 2005   LB 645

SPEAKER BRASHEAR: I believe where I took exception on the
record was that they are not doing it lawfully, but that that
may be a matter of dispute.   But I'm...but I wanted to be clear
that what you're saying in terms of some people are doing things
that they will have to stop under the bill, that's true.   Where
you and I would disagree is whether they are doing those things
that they're going to have to stop under the bill lawfully or
illegally.

SENATOR CHAMBERS: So we are changing status quo with the
enactment of this bill.

SPEAKER BRASHEAR: We are changing status quo, and as it relates
to those people, they should not be doing what they're doing.
So in effect, if you prohibit somebody from doing that which
they aren't authorized to do, I don't think that's really an
adverse change to the status quo.

SENATOR CHAMBERS: But we don't need to put in law what already
is the law by saying this time we mean it. So I still think we
can get rid of all this stuff and just do the study. But here's
what I will ask, continuing along the line that I've been
pursuing.   If this bill is passed, whatever is going to be
prohibited by enactment of this bill, whatever it turns out to
be, cannot be engaged in again unless and until the Legislature,
by a positive enactment, would authorize it.   Is that true?

SPEAKER BRASHEAR: That is not true, Senator Chambers.

SENATOR CHAMBERS: Okay. So when...

SPEAKER BRASHEAR: The wholesale aspects fall under the word
"moratorium," which ends, I think it's, December 31 of 2007.
The moratorium ends and anybody who has legal authority to
proceed when that moratorium...to conduct a particular thing now
would have the opportunity to resume that right.

SENATOR CHAMBERS: Well, why allow them to resume it without any
enactment, any additional enactment, from the Legislature if
you're going to cut it off now? In other words, if it's being
done now and that's not a good thing, why will it cease to be