

January 18, 1994 LB 414

SENATOR LANDIS: I rise to support the Beutler amendment. This should be a minimum of a norm that is common in most other legal situations and should apply in the contexts that the Beutler amendment applies to. I support it. I urge you to as well. I think it represents an end to back-door justice and tries to put these kinds of things on the record to permit even-handed access to both parties. That's the least we should be able to offer on these contexts and I support the amendment.

SPEAKER WITHEM: Thank you, Senator Landis. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker, members of the Legislature, Senator Beutler, if I could just ask you one question and sort of...I've had two or three members come to me and I would like to have just a short dialogue so those members can get maybe a two-minute version of what this amendment does. You have the situation where you may have a hearing before the Public Service Commission or it could be a rule and regulation hearing, it could be an adversarial hearing for penalties or investigatory hearing of some kind. That normally would be done in the open, that hearing where there would be input taken from people interested or concerned. What your amendment does is prohibit any of those interested parties from going to individual members or at a time or as a group even to try and influence or to try to present their case without the other side being present. So when Senator Landis and others have talked about back doors, that means not in open with the rest of the commission, similar to if you and I were in a lawsuit. In a courtroom with a judge, it's not permissible for me to go into the judge's chamber and try to argue and present my case to the judge without you being present. That's...when they talk about openness, that means both sides are there, you know what's going on or that there has been some waiver of that, some knowing, and is that the guts of what we're doing?

SENATOR BEUTLER: That's exactly it, Senator.

SENATOR KRISTENSEN: Thank you. With that, I'm comfortable with the amendment. I have no problem with it being put onto this bill. At some point in time, the bill does open up a number of sections and...but this is one that has been discussed and I would support the Beutler amendment. Thank you.

SPEAKER WITHEM: Thank you, Senator Kristensen. Anyone else on the Beutler amendment? Seeing no one, Senator Beutler, you are