

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 1, 1999

LB 578

probable cause to believe that a violation has occurred, it must hold a hearing or enter into a settlement agreement. However, probable cause simply means that there is some evidence of a violation, it doesn't include a consideration of whether the evidence is available or admissible. These new provisions require the commission to stop the process rather than waste resources. With that, I would try to answer any questions that someone will have. I'm sure there will be some questions, so we'll leave it open for questions. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Janssen. Discussion on the advancement of LB 578? Senator Chambers, did you wish to be recognized?

SENATOR CHAMBERS: Yes. Am I recognized, Mr. President?

PRESIDENT MAURSTAD: Yes, Senator.

SENATOR CHAMBERS: Thank you. Senator Janssen, I want to ask you a question, and this will go to page 3. When we talk about the commission determines that there is insuffic...that there is sufficient evidence to reasonably believe that the person could be successfully prosecuted, why is that a determination for the commission to make, when that is the specific job of the county attorney? The county attorney is the one to determine whether or not a prosecution can be successful. So the question I'm asking you is, why does this bill give to the commission a duty that, under statute, is specifically given to the county attorney?

SENATOR JANSSEN: Well, Senator Chambers, not being of the legal profession, I am assuming, I'm assuming though that the matter in which they prosecute or look into a complaint now, if that means going to the county attorney, then possibly they do. But if it's a...if it is hearsay or frivolous accusation that's brought, they may dismiss it. Now if they have to check with the county attorney, I'm not sure. But in my estimation that's the way it was explained to me, that if someone...if it's hearsay, they...someone just called the commission and said, did you know that so-and-so is accepting money from someone else, or whatever it might be, or that they are doing this or that, and they offer no basis for that, then they can...they can pass over