

SENATOR BEUTLER: So why can't the particular person who's complaining to the Secretary of State, if this is going to operate in fact on a complaint basis, why can't that person simply go directly to the Attorney General and to ask for an investigation?

SENATOR DIERKS: Because I think the bill requires that it go the other way.

SENATOR BEUTLER: But, no, but right now under the law, a person can go to the Attorney General or the district attorney and require an investigation. Is that not...on the basis of a particular complaint. I mean I guess what I'm trying to get to, are we going to require all this reporting to a person who has no basis for making a decision when all along if somebody wants to complain they can complain to their local district attorney or the Attorney General and both of those entities already have authority to do an investigation?

SENATOR DIERKS: I think that the idea is that the Secretary of State has the information on the corporate filing and that he should be the one that has to make a decision whether the complaint should go on to the Attorney General's Office, based on the information on the corporate filings.

SENATOR BEUTLER: Well, but the problem is he's not going to know whether there should have been a corporate filing or not, because in most cases, his information...the only information that he has within his own office will not give him that information. I mean the only way he's going to know is by complaint and that's whether or not he believes the person who is complaining.

SENATOR DIERKS: Well, you mean whether there's been corporate papers filed or not.

SENATOR BEUTLER: Well, that should have been filed or not, right.

SENATOR DIERKS: But maybe they were not filed.

SENATOR BEUTLER: Well, he can know that they're not filed, but that doesn't tell him whether they should have been filed or