

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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February 11, 1999 LB 514

to the bill. At this time, I have no further amendments pending, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. For...to begin discussion on the advancement of LB 514, the Chair recognizes Senator Bromm.

SENATOR BROMM: Thank you very much, Mr. President. I think the Clerk brought us up to date on where we're at following yesterday. We are back on the bill. There are no amendments filed to the best of our knowledge at this point, and as the body will recall, yesterday in our...yesterday in our proposed amendment that was adopted, we did strike Section 2 dealing with the executive staff sessions. So I would expect that the body might want to focus and talk a little bit this morning about the other sections of the bill, which really are the crux of the issue; the first issue being the issue of ex parte communications. I want to elaborate on that just a bit this morning. The essence of Section 1 of the bill is that with respect to a contested case that comes before the commission that a commissioner or a member of the staff or an agent of the commission will not be permitted during the pendency of this contested case and before a decision has been rendered to have ex parte communications with any party having an interest in the outcome. Now a question has been asked by a couple of our colleagues off the floor, what ex parte really means, and I think the best example of that that I can give relates to the experience in the judicial system. Certainly if a judge has a case pending before him and he has the parties in court, for him to go into chambers or when the case is not before him to discuss with one party in the case, or one of the attorneys who is involved with the case without the presence of the other party or the other attorney is not permitted, is not permitted. And this would be the same situation with regard to the commission. If they have a case pending between US West and Great Plains Telephone Company, while that case is pending and before a decision has been made, the commissioners and their staff, their attorneys, if they have an expert that is working with them to help understand the problem, they will not be able to discuss the case with representatives of either of those parties, US West or Great Plains, until that case is concluded, without the presence of the other party as well. Now they could