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LB 578

PRESIDENT MAURSTAD: Are you recogni...are you...Senator Chambers.

SENATOR JANSSEN: Senator Chambers, did you...were you following what I was saying?

SENATOR CHAMBERS: Yes.

SENATOR JANSSEN: They already have the power to do...to hold the hearing.

SENATOR CHAMBERS: Senator Janssen, I said that. We know that they hold the hearing.

SENATOR JANSSEN: All right.

SENATOR CHAMBERS: But what this bill does is go a step further and says, if they determine there is a violation, then they make the decision as to whether they think it can be successfully prosecuted.

SENATOR JANSSEN: All right. Prosecuted is the word that you're...you have a problem with?

SENATOR CHAMBERS: I'm saying that is not a responsibility of this commission. They just make a determination whether there has been a violation. If the violation has been found...

SENATOR JANSSEN: Then it goes onto court.

SENATOR CHAMBERS: ...certain instances allow them to impose some little fine. In other instances, they turn it over to the county attorney. What this bill is saying is that the commission substitutes its judgment for that of the county attorney. And I say the commission is not created for that purpose. I think it would be unconstitutional to give them a duty assigned specifically to the county attorney.

SENATOR JANSSEN: I believe you're right, Senator Chambers. And, if that prosecution was...if they had...did not have the right to prosecute, if that was taken out of there, would that