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LB 348

SENATOR BOURNE: Okay, thank you, Mr. Wehrbein, Senator Wehrbein, for bringing that to my attention. I thought that Senator Brashear had mentioned that in the opening. Basically,...

SENATOR WEHRBEIN: He mentioned it, but I thought he didn't give much detail.

SENATOR BOURNE: Sure. It removes from the Secretary of State the duty to appoint persons to investigate malfeasance of a notary public. What was going on is that, in our statutes, there was a...basically, an outdated set of statutes that would allow a notary public to punish a witness if they refused to obey a summons to appear for a deposition. And this was a bill that was introduced by Senator Chambers. The language was archaic, and it simply...we just don't want to allow notary publics to...notaries public to punish someone if they fail to appear when ordered to do so, or requested to do so.

SENATOR WEHRBEIN: Is there an alternative to that, then?

SENATOR BOURNE: The court, on its own order, can institute a contempt proceeding against a witness who doesn't comply, but we felt it was more appropriate for the court to determine that, rather than an individual notary public.

SENATOR WEHRBEIN: So the authority is there. It lies in the court instead of the notary, then?

SENATOR BOURNE: The authority is there, and in our opinion, it's there in a more appropriate place; i.e., the court.

SENATOR WEHRBEIN: Thank you.

SENATOR BOURNE: Thank you for bringing that to our attention, Senator.

SENATOR CUDABACK: Thank you, Senator Wehrbein. Further discussion? Senator Synowiecki, followed by Senator Kopplin.

SENATOR SYNOWIECKI: Thank you, Senator Cudaback. I'd like to