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FLOOR DEBATE

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LB 1249

lists several options. Since that list is not exhaustive and the commission is given a standard list, discretion, in my opinion, I think there should be an investigation undertaken which would establish a record which is reviewable as to why the commission chose one of those remedial actions, several of them in combination, or none of them. If there is no process required once the violation is determined...let me back up. I see this as a two-tiered process. First, there's the determination that a violation occurred. The second relates to what the remedial action is. Right now, under the language in Senator Landis' bill, the commission makes a determination of what action is in the public interest. If you require that determination to be made after an investigation, and by investigation I'm envisioning a process that would look at the various options that are available, which option would indeed be in the public interest, and not just leave it to the commission to say, we have determined that this is the remedial action that ought to be taken. If you accept the two words that I'm trying to insert, which are "after an investigation," or maybe three words--I need to look at it--well, anyway, "after investigation," the two words, you will not hurt this bill. It would give some measure of structure to this decision-making process. Remember: the violation has occurred, the commission has determined that a violation has occurred. My amendment does not touch that. My amendment would come into play when the commission is determining on remedial action, and these two words would require investigation before that determination is made. So I think you ought to accept this amendment, and Mr. President, I will ask for a call of the house, and I will accept a machine vote.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: There's been a request for a call of the house. All in favor of the house going under call vote aye; those opposed vote nay. Please record, Mr. Clerk.

CLERK: 27 ayes, 1 nay to place the house under call, Mr. President.

SENATOR CUDABACK: The motion was successful. The house is