

supported whistle-blower legislation in the past. I do have some concerns about the way this particular proposition is structured. I guess, once again, I am in my customary position of probably not having done enough reading and background work on the bill. But they are coming along, and they are here, and I would like to ask the questions I guess. Senator Landis, if I may. First of all, as I understand the first part of the bill it provides that when a written allegation of wrongdoing comes from an employee, then the public counsel or official has the obligation to conduct a preliminary investigation. Am I correct so far?

SENATOR LANDIS: Yes, that is true, although it is a question of may. The last time we wrote it it was "may conduct" a preliminary investigation, I believe.

SENATOR BEUTLER: Okay, on page 3, line 21, it says "shall conduct a preliminary investigation." Is that modified elsewhere in the bill?

SENATOR LANDIS: If it isn't, it should be. That can be, by the way, since there is no definition of preliminary investigation, that can be the official's decision at that moment that there isn't sufficient grounds to proceed. But you are right, it does say "shall" and that is the way it is structured in the bill right now. You are right.

SENATOR BEUTLER: Okay. Would you have any objection to changing that to "may"?

SENATOR LANDIS: No, I would not. I'd be happy to do it on Select File.

SENATOR BEUTLER: Okay. Secondly, with regard to the public counsel, the use of the public counsel office should have some additional concern for us, I guess, because it is a part of the Legislature. And for the Executive Board, of course, it is part of what is administered by the Legislative Counsel. After a preliminary investigation is conducted, if they go to the public counsel, for example, and a preliminary investigation is conducted, then if the public counsel decides that reasonable grounds exist to support the allegation, then the public counsel becomes involved in a full-fledged formal investigation. Is that correct?