

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 6, 1999

LB 331, 740

PRESIDENT MAURSTAD: The bill is passed. LB 331.

CLERK: Mr. President, Senator Landis would move to return the bill for specific amendment. (AM1540, Legislative Journal page 1755.)

PRESIDENT MAURSTAD: Senator Landis, you're recognized to open on your motion.

SENATOR LANDIS: Thank you, Mr. Lieutenant Governor. This is a motion that Senator Quandahl and I join in. This measure was the measure that gave the Workers' Compensation Court the power to deal with unfair claims practices. One of the things that we gave the court was the authority to make a fine, in the event they found somebody in violation of the law. Senator Quandahl asked for an Attorney General's Opinion. The Attorney General's Opinion came back saying that that function was much more an executive branch function than a judicial function, and that they questioned the constitutionality of that grant of authority. I'm offering this amendment to make...to strike the reference to that particular section of the act, to take away that provision, that authority that was being granted by LB 331 to the court in recognition of the Attorney General's Opinion. And I'd yield the rest of my time to Senator Quandahl, if he'd like to make any additional comments.

PRESIDENT MAURSTAD: Senator Quandahl.

SENATOR QUANDAHL: Thank you, Mr. President and Senator Landis, for bringing this motion. I rise in support of returning this to Select File, and I would urge the members of the body to actually take a...take a look at the Attorney General's Opinion that's contained in your...in your Journal. It starts on page 1690. And in particular, if you don't want to read the entire thing, I'd urge you to read the conclusion which is on page 1695. And I'd also, I guess just for the record, I'd state that I do realize that some members of the body may not hold the current Attorney General perhaps in the highest esteem. That being the case, the...I guess I'd ask you to look beyond that and look to the opinion itself, because the Office of the Attorney General is the office of the attorney for the state,