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March 24, 2000 LB 628, 968

SENATOR CUDABACK: Thank you, Senator Coordsen. (Visitors introduced.) Senator Wehrbein, on the Wickersham amendment.

SENATOR WEHRBEIN: Thank you, Mr. President, members of the body. Senator Wickersham, I have some questions for you and I admit it's a tad off of this particular...I support your amendment here, but you've got...I think we all got this e-mail this morning from Dorothy Roth, Cuming County Assessor, that speaks to, in her words, overwhelming request for information concerning TERC. Did you not see it?

SENATOR WICKERSHAM: Well, I may have it, but I haven't seen it.

SENATOR WEHRBEIN: Okay. Well, it has to do with LB 628 and the demand for information under LB 628, but the request from this attorney is: pursuant to the documents that I received from TERC, I would like to you to provide me, the documents are supposed to be disclosed to me. And it goes on. It looks like to me it's overwhelming...overwhelming amount of material to be requested from the Cuming County Assessor in this case. And I...I was wondering where we're heading with the TERC if...I saw and you've got it...you...I mean, on page 17 of your amendment you've got that the commission shall be bound by the rules of evidence applicable in district court in any formal hearing held by the commission. That's new language. I notice that's in your amendment. I thought it might be appropriate to ask about this. Are we really setting up on...this is a layman speaking, but are we really setting up another court system, in a way, with TERC...with the requests that attorneys can demand from county assessors? I think the workload can be tremendous if we're really headed that way, and I'd like to have some comments along that line.

SENATOR WICKERSHAM: Okay. The provision that you're talking about really starts on page 16 and, if you look on page 16, you'll see that the language already exists. It says: any party to a formal hearing before the commission, from which a decision may be appealed to the court of this state, may request the commission be bound by the rules of evidence applicable to the district court by delivering to the commission at least three days prior to the holding of the hearing a written request. All we're doing is, in that provision, clarifying the language a