

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

March 14, 2005 LB 475

which said that the Legislature had authority to deal with the personnel policies of the constitutional officers. It's not necessarily saying that we would, but it would empower us to do so at a future point in time if the constitutional amendment was passed. But I wanted to bring it up at this point because this very basic whistle-blower act, which I think we all believe is a good thing and a good thing if it applies to any government agency, there is an open question as to whether everything we're doing here, when push came to shove, could be made applicable...

SENATOR CUDABACK: Time.

SENATOR BEUTLER: ...to the constitutional offices.

SENATOR CUDABACK: You may continue, Senator Beutler, and this will be your third time.

SENATOR BEUTLER: So I'm hoping that you will identify the relevancy, through this bill, in part, the relevancy of doing something broader in terms of dealing with the constitutional officers and their personnel policies. I mean, the reason that a bill on the constitution was put in, in this regard, was because it was unclear whether we could deal with personnel actions or personnel policies of the constitutional offices. Well, here's the whistle-blower act, which does, in effect, affect what they can do with their personnel policies. It does...it does limit them. It prohibits them, for example, from punishing a whistle-blower through a grievance or through a...or through administrative action if it's applicable to them. And I think we want that to happen, and I think we want some other things to happen. I think everybody would agree that every constitutional officer ought to have some grievance procedures, for example. Some of them don't. Some of them just enacted some, but didn't have them. And beyond that, even if they have them today, when the next constitutional officer comes in, they can do away with all the personal...personnel policies of the prior constitutional officer. Can you imagine the chaos in state government if the Governor...every new Governor could come in and change all the different personnel policies of government willy-nilly? Well, the constitutional officers can do that, at least under...at least under current law. So I'm going to stop