

SENATOR LANDIS: Is there a Journal page number that I can refer to?

CLERK: No, sir.

SENATOR LANDIS: This amendment is now being passed out and will be on your desk. It is simply the concept of the bill in one sentence that everyone has agreed to and it makes the bill clear in only one sentence. The idea of the bill is to return to the situation that we have always had which is that the Nebraska appeal tribunal is under the administrative authority of the Commissioner of Labor only. That is the way it has been administered for roughly thirty-five years and we return to that after a brief hiatus because of an administrative decision in the Department of Labor. This has been worked out with John Hanlon. This language is acceptable to John. Interested senators including Senators Lowell Johnson and Bill Barrett have been apprised of this and have to my knowledge no objection. If the amendment is now on your desk let me read it to you. Once you adopt this amendment this is the language of the bill. It says, "Recognizing that a clear separation of functions and the protection of fair and impartial hearings are fundamental to the integrity of the adjudicative process, administrative oversight of the appeal tribunal and its administrative law judges shall be the non-delegable function of the commissioner." And then there is some existing language. "The commissioner shall provide the appeal tribunal with proper facilities and assistants for the execution of their functions." The point is that all administrative authority vests with the commissioner and the commissioner can now name a chief administrative law judge for what functions he may wish that person to perform such as setting case loads, dictating who will handle which cases. However, all those functions are the commissioner's and he gives them only to the appeal tribunal itself, not to any intermediary administrative personnel. I move the adoption of the amendments and am prepared to answer questions if you would like. If you want to go through the committee amendments which were adopted and which appear on the white page, you will find this concept but simply stated in about eight times greater length and for that reason we simply substitute one sentence that says it all.

SPEAKER MARVEL: The motion is the adoption of the Landis amendment to LB 410. All those in favor of the motion vote aye, opposed vote no.

CLERK: 26 ayes, 0 nays on adoption of the Landis amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Kilgarin, do you want to move?