

SENATOR HALL: Thank you, Mr. President, and members, the amendment that is before you is found on page 1445 of the Journal. It is one that I spoke to on General File when we talked about this bill. As you remember, LB 856 deals with the whistle-blower act. It is...it changes the bill in its green copy form that was advanced out of committee, changes the reporting requirements for purposes of the public counsel or the ombudsman's report on this issue of a whistle-blower act, and that's when an employee basically brings to the attention of the Legislature, if you will, through the public counsel, and then it was a report that was sent to the Legislature, and then the Exec Board of the Legislature had to deal with it prior to its release. We finally dealt with one of these issues that came about just in this past six to eight months. What happened is, is that, as I stated on General File, there was a report that was given to us by the ombudsman but it was not able to be released because of the way in which we were required to deal with it, we being the Exec Board, but yet there was information given to the press on the issue and then ultimately we released the report. The bill, in its green copy, changed that reporting issue. It does not use the Exec Board of the Legislature anymore, it just leaves the discretion with the public counsel for purposes of releasing that report. The only time it won't be released is if there's a feeling on the part of the public counsel that somehow releasing the report might hamper an ongoing investigation. What this amendment deals with is another aspect of the act and it puts in place a statute of limitations for purposes of the issue of retaliation. And I mentioned this on General File so people were made aware of the fact that this issue was going to come up. As you can tell, it was printed in the Journal on March 30th. I wanted to make sure that folks understood and I just briefly again reminded Senator Landis of that because he was the author of the act when it was passed years back. What the amendment does is it says that for purposes of the whistle-blower act there's a two-year statute of limitations. In other words, after two years at the point of which the clock runs and the clock runs from the time that the whistle is blown, if you will, for purposes of retaliation, and that means the supervisor taking some action against the employee who blew the whistle, demoting them, transferring them, releasing them, firing them. There's a presumption at that point in time that the purpose behind that is not retaliation for some action that took place two years prior. In other words, there's got to be a point in time at which the supervisor can act and, in essence, act without the threat of retaliation