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March 22, 2000 LB 628

SENATOR CUDABACK: Thank you, Senator Brashear. We are now open for discussion on AM2923 to LB 628. Seeing no lights, Senator Brashear, did you wish to close? Senator Brashear waives closing. The question before the body is, shall AM2923 be adopted to LB 628? All in favor vote aye, opposed nay. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 26 yyes, 0 nays, Mr. President, on the adoption of Senator Brashear's amendment.

SENATOR CUDABACK: The Brashear amendment is adopted.

CLERK: I...

SENATOR CUDABACK: We are now open for discussion on advancement of LB 628 to E & R for engrossing. Senator Bruning, on advancement of the bill.

SENATOR BRUNING: Thank you, Mr. President, members of the Legislature. I rise in support of LB 628, and it's my intention at this point to create a bit of a legislative record on certain parts of the bill that could be subject to litigation at some point in the future. And, specifically, if you look on page 3 of the E & R amendment, in section (4), and this is Nebraska Revised Statutes 84-712, section (4), there is language that says: "Upon receipt of a request for access to or copies of a public record, the custodian of such record shall provide to the requester as soon as is practicable and without delay". And it's my intent, as one of the two cosponsors, that as soon as practicable and without delay certainly may mean a very long time. And by "a long time" I don't mean the way it feels in here when we are in the midst of a filibuster. I mean the way...the amount of time perhaps between the end of a legislative session and the next year--months, perhaps more, in the case of a very large request. Also in that same paragraph, there is the phrase "if the entire request cannot with reasonable good faith efforts be fulfilled within three business days" then the written explanation needs to be provided along with the earliest practicable date. My intention, as one of the cosponsors, as well, and for the legislative record is to mean that that amount of time again may be a very long time, meaning