

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 1021

SENATOR SCHIMEK: I believe so. Um-hum.

SENATOR BRASHEAR: All right. And I...everyone can read that for themselves. But I've also conferred, during the interval between our last colloquy and this one, with Mr. Daley in the Rotunda. And I'm repeating. It's hearsay for me. But he has indicated that the phrase "an official in the executive branch" is the narrower, smaller definition of the two terms "official in the executive branch", as opposed to the term "public official". And I'd direct your attention to 49-1443. And I am going to read this for the record. At 49-1443 of the Nebraska Revised Statutes, we provide, "Public official shall mean an official in the executive branch," so that's the terminology we're substituting in the amendment, now the committee amendment. But then it goes on. It's comma. So: Public official shall mean an official in the executive branch, an official in the legislative branch, or an elected or appointed official in the judicial branch of state government or a political subdivision thereof; any elected or appointed member of a school board; and an elected or appointed member of a governing body of a state institution of higher education. My reading, then, applying principles of statutory construction, is that the first phrase, "an official in the executive branch", does not include all those others which are subsequently listed in statute at 49-1443. Do you understand my concern?

SENATOR SCHIMEK: I do.

SENATOR BRASHEAR: And my assumption is and my conclusion is that if we want to cover all those other people, including an elected or appointed member of a governing board of a state institution of higher education, that then we would have to replace...either add the phrase "public official" or replace the phrase "official in the executive branch" with the definition of "public official". And I simply wanted to make it a matter of record as to where I was going and who we were endeavoring to cover, because I would think if we're going to be reporting, for instance, those...if those tickets which are provided to members of the body or members of the executive branch are going to be reported by an institution of higher education, then I think they also ought to be reported as to tickets given to the members of their governing boards. So with that, I would yield