

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

January 23, 2004 LB 304

works for that entity is a peace officer under this bill. On page 5 it talks about, in subsection (1), "All other reasonable investigative means have been exhausted." No idea what that means. Okay, here's a...in Section 6, "When any peace officer is under investigation for an administrative matter, the peace officer shall be permitted to produce any relevant documents, witnesses, or other evidence to support his or her case and he or she may cross-examine any adverse witnesses during any grievance process or appeal involving disciplinary action." So during the investigation an individual is able to cross-examine? It...you know, it seems to me, how is this investigation even going to be conducted? It doesn't even make sense. This is kind of putting the cart before the horse. I don't think that an investigation is the proper forum to put on witnesses and allow people to produce documents. But again, maybe I'm not quite understanding it. And then in Section 7, sub (1), it says, "No document containing comments adverse to a peace officer shall be entered into his or her personnel file unless the peace officer has read and signed the document." Well, if there's something I don't want to be put in there, I just won't sign it.

SENATOR CUDABACK: One minute.

SENATOR BOURNE: Now, if you go on, there are some criteria that if the peace officer doesn't want to sign it, there's some criteria to allow the administrator or the employer to put it in there, notwithstanding the peace officer's objections. But I really have some trouble with this language. I don't think I'm going to support it. I'm going to ask Senator Brashear next time if he's willing, if the committee is willing to work on this and correct this drafting problem, and if they are, I'll vote to recommit to committee. If Senator Synowiecki can indicate to me somehow that he's going to improve this language, you know, I'll vote for anything that will make it better, but I don't intend to vote for it in the current form that it is. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. Senator Mossey, on the motion to recommit.