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FLOOR DEBATE

April 13, 2004 LB 625

was trying to resist our current statute. And so they asked--and actually it was broader than that, because they had been approached by the press, who wanted to get more information. So they requested an Attorney General's Opinion interpreting the Nebraska Fair Housing Act, those parts that talk about conciliation proceedings. And earlier you said that this doesn't have to do with conciliation proceedings, but it very much does have to do with conciliation proceedings. Conciliation proceedings, investigations, and restrictions on the use of information. Except as provided in subsection (4), nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under the Nebraska Fair Housing Act without the written consent of the persons concerned. And notwithstanding subsection (1) of this section, the commission shall make available to the aggrieved person and the respondent at any time, upon request, information derived from an investigation and any final investigative report relating to that investigation. You specifically requested the meaning of "make available" and the scope of the NEOC's responsibility to provide access to all NEOC housing file information. Furthermore, when a statutory term is question...is reasonably considered ambiguous, a court may examine the legislative history of the act in question in order to ascertain the intent of the Legislature. The language of the statute in question clearly states that the commission is to allow the respondent and the complainant access to information derived from the investigation. In reviewing the legislative history, we determine that our conclusion is supported by the floor debate of LB 825 in 1991. In referring to the amendment, Senator Chizek states, fourth, the committee amendment guarantees that the parties involved in a housing discrimination complaint can at any time have access to the information from the Equal Opportunity Commission's investigation of the complaint. As to your inquiry regarding "make available," the NEOC must decide the manner in which it will make the records available when they are requested. Any method of making the records available which provides parties access to the records, including but not limited to in-office file review, is legally sufficient under this provision. The specific method utilized is the decision of the Nebraska Equal Opportunity Commission. Clarification of this point is the reason that LB 625 came into