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April 13, 2004 LB 625

e-mail from Alfonza Whitaker, executive director of the NEOC, dated March 23, 2004, sent to all of the state senators. I'm going to send that, and I'm going to do my part, and we will see how correct Senator Brown and people from that other department of government are when they acknowledge that passage of this bill will trigger a review of the law to see if the NEOC, under that law, is in substantial agreement, or equivalent, substantially equivalent--the law, that is--to HUD requirements. I think it is not. And again, for the record, the new language begins on page 2. In page...in line 25 on page 2, where the notice that must be given to a respondent contains information that is inaccurate, it does not reflect what the law makes available to a respondent. What the law makes available to a respondent is found on page 3 of the second Final Reading copy of LB 625. And it's found in lines 3 through 8 on page 3. And the critical language relates to the elimin...well, no, it's on page 4. My mistake. Page 4, in lines 3 through 7. And the line which contains the critical language in the existing law is, investigation and any final investigative report. The notice promises the respondent, on line 25, page 2, an investigation and any investigative report. Not "final," "any" investigative report. That deviates from the existing law. While you're amending the existing law, you deviate from the existing law. Then, on page 4, in lines 8 through 18 is the language that relates to the tester or a testing organization. And it expands considerably what is available. In line 13, copies of all information derived from an investigation, copies of all information derived from an investigation. That's in line 13. In addition to that, on line 14, copies of any final investigative report. Now, anybody who has read investigative reports will understand that "investigative report" is not necessarily the same as a final investigative report. And that is obvious when you're trying to get this additional information. When an investigation is going forward, this new language says that copies of all information derived from that investigation, copies,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...will be given to the one complained against, or the respondent. In addition to that, copies of any