

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

March 14, 2005

LB 475

SENATOR CUDABACK: All...open for discussion. Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I would like to engage Senator Schimek in a short conversation about this bill, because I think the intent of this bill is important. This is the bill that has to do with the Public Counsel, the person in our legislative division that we sometimes call the Ombudsman, and it, the bill, was in response, I believe Senator Schimek indicated, to the reports coming out of the State Treasurer's Office with regard to some...what was happening in that office, in part. And the bill requires that the the Public Counsel prepares a certain notice of the rights and responsibilities of employees under the State Government Effectiveness Act, which is what we generally call the whistle-blower act, and to distribute that notice to each agency. And "agency" is defined not in the bill but in the statutes. Then it goes on to say that each agency shall post the notice in a conspicuous place, and the whole intent, I think, of this bill is to be sure that everybody knows that they are covered by the whistle-blower act and protected by the whistle-blower act. Those who are protected, however, are those who are part of an agency, and under the definition in the whistle-blower act an agency shall mean any agency, department, board, commission, or other governmental unit of the state of Nebraska acting or purporting to act by reason of the connection with the state of Nebraska, any other governmental unit of the state of Nebraska. So the question I wanted to ask you, Senator Schimek, with regard...and I might ask you generally about the whistle-blower act, but specifically about the extension of the whistle-blower act in the manner that you're describing, does this act...does it...does it cover the state constitutional officers: the Auditor, the State Treasurer? The State Treasurer, of course, was the office that was...that received information from a whistle-blower and it would be interesting to hear from you as to whether you think that whistle-blower was actually protected by this act. And the Attorney General's Office. I think the bill specifically excludes the Governor and his or her personal staff, so that's a statutory exemption. But does this act cover the constitutional offices, as we know them, of the state of Nebraska?