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March 8, 2006 LB 1115

AM2405.

SENATOR CUDABACK: Senator Cunningham.

CLERK: He wants to withdraw, Mr. President.

SENATOR CUDABACK: They are withdrawn.

CLERK: Mr. President, Senator Hudkins has AM2430. I have a note, Senator, you want to withdraw AM2430.

SENATOR CUDABACK: It is withdrawn.

CLERK: Mr. President, Senator Hudkins would move to amend with AM2597. (Legislative Journal page 922.)

SENATOR CUDABACK: Senator Hudkins, you're recognized to open on AM2597 to LB 1115.

SENATOR HUDKINS: Thank you, Mr. President and members of the body. Need to give you a little background before I explain the amendment. Well, maybe I'll start with the amendment, then I'll give you the background in the middle. This amendment is to make it clear that once an administrative appeal is initiated and the agency record, as defined in the statutes, is beginning to be compiled, that the record shall be maintained by the agency and made available for inspection and copying for the parties. What brought this to head was that there was a Retirement Systems hearing. The court reporter was there, made a transcript, assembled all of the evidence, paper exhibits and so forth, and then one of the attorneys asked for that record and it was given to him. It was the thinking that this information should have remained with the agency involved, but of course with the interested parties being able to get copies. So that's what this amendment does, is that it is simply to clarify what most practicing attorneys would believe to be already true--that the record is held by the agency conducting the hearing. Like I said, their hearing was done. The record ended up in the hands of the attorney, and when the hearing officer requested that the record be returned, the attorney who had the original record refused to do so. Like I said, we