

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

March 8, 2006

LB 1115

SENATOR BOURNE: Well, I...that doesn't illustrate to me that there's a problem. Did he give it back or did he not?

SENATOR HUDKINS: No, he did not give it back.

SENATOR BOURNE: He would not return it? Okay. Now let me ask you this, and I'm not...I don't know that I'm opposed to this. I'm just trying to get a sense of what's happening. As I understand it, did the attorney that presented himself in front of this agency, he hired his own court reporter to do this?

SENATOR HUDKINS: Yes, the court reporter was paid for by them.

SENATOR BOURNE: Okay. So...and, again, as I understand it, these hearings are simply recorded, kind of like our hearings are here in the Legislature, and then...but this attorney wanted a copy...he wanted a more...I don't want to say a more accurate record, but he wanted documentation that...of what transpired during the hearing, so this attorney hired a court reporter, paid for it out of his own pocket, and had that court reporter present him- or herself to the hearing and then transcribe the hearing. Is that accurate?

SENATOR HUDKINS: Yes, sort of, kind of.

SENATOR BOURNE: Okay. And so then what we're...so would this language then require this attorney to turn over to the agency something that he or she paid for?

SENATOR HUDKINS: It could, but in this case the court reporter made the record, had the transcript of the hearing, had all of the paperwork involved and it is the agency's feeling that the original official record should stay with the agency. Now, can the attorney in this case request a copy? Of course, but the original official record should stay with the agency.

SENATOR BOURNE: I don't disagree with that at all. Now what is the current practice today? I mean can attorneys present themselves and make copies of the record and then that becomes their property if they pay for the copying costs? The current status of the law, is that the case?