

April 27, 1979

LB 86

the nature of the individuals and their interests involved and usually the lack of their inability to go to an attorney and pay the costs of the writ of mandamus but I also added the value of this election of remedies is because open records are a state interest. If individuals cannot go to recordkeepers for public records, if public records are being kept from rightful inspection, then all of our ability to draw government to full scrutiny and inspection is called into question and I have no qualms in authorizing the Attorney General to go to court on behalf of an individual if the Attorney General has decided that that is an open record, that the record holder has wrongfully withheld the record from an individual. I think that is a sufficient state interest so that we should authorize this kind of an election of remedies. It is permissive language. There is nothing that forces the individual to use this method. The individual can go directly to the court if they wish without going through this fifteen day process as outlined on page 618 and 619, if you will, but open records are a matter of state interest and we have to see that recordkeeping is open to individuals, and as part of our governmental oversight, this remedy was offered by myself to the Government, Military Affairs Committee and it was accepted by the committee and I hope by the Legislature as a whole. I do want to acknowledge to the body that I have offered an amendment to the committee amendment to take out some superfluous language. There is a misspelled word and there is one paragraph of language that is superfluous that should be taken out and the Clerk has that amendment on the desk, and prior to voting on the committee amendments, I wish to move for the adoption of my amendment to the committee amendments which is on the Clerk's desk.

SPEAKER MARVEL: The motion is first of all the adoption of the committee amendments to LB 86.

SENATOR LANDIS: Mr. Speaker.

SPEAKER MARVEL: Yes.

SENATOR LANDIS: There is on the Clerk's desk an amendment to the committee amendments which I just explained at the very end of my (interruption).

SPEAKER MARVEL: As I understood, you were also explaining committee amendments?

SENATOR LANDIS: That is true. That is true.