

May 1, 1979

LB 444

SENATOR MURPHY: Senator Landis, this issue of hearing officers, who will designate them and what will their qualifications be?

SENATOR LANDIS: As you probably read the language, Senator Murphy, there is not an acute description of this provision. The purpose of it is to grant to the court what it is now exercising and that is the inherent authority to do this. There is not a provision for the qualifications of a hearing officer. In the past this job has been delegated to the Clerk of the Court. For example, it is my understanding that in the past the attorneys that have been retained by the court helping them in their day to day operations have performed this function and I would anticipate that that would be the case on a continuing basis.

SENATOR MURPHY: Should we on Select File inject a minimal qualification?

SENATOR LANDIS: That I don't think would be at all dilatorius to the bill and I think the committee would be approving of that kind of an amendment.

SENATOR MURPHY: I will then expect the committee counsel to prepare that definition and offer it on Select.

SPEAKER MARVEL: Senator Maresh, have you completed your explanation of the committee amendments.

SENATOR MARESH: Mr. Speaker, I believe Senator DeCamp has an amendment to the committee amendment.

SPEAKER MARVEL: Are you through? Are you through with your basic amendments?

SENATOR MARESH: Yes.

SPEAKER MARVEL: Senator DeCamp, do you want to?

SENATOR DeCAMP: Yes, I don't want to take a lot of time because I wanted to get his bill moved but this is an important amendment and I think should go on. Up until three weeks ago the court had the implied power or everybody thought, including the court, that they had the right not only to say there was a wrong but then to order the remedy for the wrong. So for example, the fireman gets fired and he goes to court and says, you know, I got shafted. Now here is the reasons I got shafted, blah, blah, blah, blah, and the court says, by golly, you are right, you did, fellow,