

April 18, 1980

LB 790

SENATOR HABERMAN: Okay.

SENATOR DeCAMP: Mr. President...

SPEAKER MARVEL: Proceed, Senator DeCamp.

SENATOR DeCAMP: Mr. President, the bill was introduced and written by the county attorneys. It was written and rewritten over the previous six or eight months of the summer trying to come up with something that will make our county attorney system function more efficiently. Now let's understand what the county attorney system is. The county attorney system is your law enforcement system at the local level. Your entire system of laws that you pass here rides on the ability and knowledge and coordination of county attorneys to successfully enforce those laws. Senator Haberman has raised a bunch of, well I will call them "red herrings" because he has made one of the most fundamental mistakes that my good friend, Senator Haberman, has been making for two years. He reads a bill and forgets, he forgets that there are an entire set of statutes that go along with the balance of the laws in this state, and so he takes things completely out of context in a bill and forgets such things as the Administrative Procedures Act that is already in existence, that tells you how you have your good cause, your hearings, your this, your that, and he says, well, it doesn't spell it out there. Then he forgets such laws as the right of mandamus. He says, well, the Attorney General doesn't know whether he is supposed to do this in ten days or thirty days, or whatever. The Attorney General is given flexibility, but if he doesn't follow the law, if he doesn't enforce it, of course, you have a right of mandamus as one remedy, etcetera, etcetera, etcetera. What I am telling you very simply is the bill is relatively simple designed to make your county attorney system work better. The bill was written by the county attorneys in coordination, I think, with the Attorney General's office, as I recall. I would urge you to pass the bill and I would urge Senator Haberman, when he has some time this summer, to read the Administrative Procedures Act and some of the other laws. I withdraw mine too.

SPEAKER MARVEL: Senator Chambers, do you have...do you want to make a motion?

SENATOR CHAMBERS: Did he withdraw it?

SPEAKER MARVEL: Yes.