

May 14, 1979

LB 86

SENATOR MURPHY: Mr. President, in awareness and realization of the shortness of time and the discussion this could provoke, I withdraw that motion.

PRESIDENT: All right. The motion is withdrawn. Thank you, Senator Murphy. We will then proceed with LB 86, a motion to return. Mr. Clerk, will you read the motion.

CLERK: Mr. President, Senator Landis moves to return LB 86 to Select File for a specific amendment. (Read Landis amendment found on page 2088 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, if you will remember on Friday afternoon when we gathered I spoke about this language with respect to LB 86 and the objections that I had to it. Now I did not raise a formal amendment at that time and I am doing so now. The exact language word for word which I move to strike is "and preliminary personal opinions about administrative options as to policy or implementation of policy expressed in internal communications". This language goes into the section of the bill that exempts from the operation of the public records law those communications based as work product by the attorney-client relationship. Normally the attorney-client relationship is governed by Section 27-503 and that applies to individuals, corporations, any place where the attorney-client relationship adheres. In those situations there is no reason to suspect that that statute is unsatisfactory to meet the needs of either a corporation or a public body. It is serving the private individual at this point and there is no reason to extend to a public body those privileges and rights which the individual does not have. Now if this does not adhere to the attorney-client relationship but is designed to meet other kinds of communication I would argue that it is not an issue that was brought up at the public hearing on this bill. I was on the committee that heard this bill, the Government and Military Affairs Committee, and at that time this provision was not a part of the bill subject to public scrutiny nor was the case made at the public hearing, nor was the case made in our deliberations on the matter, therefore, since it does contain ambiguous language, since the case has not been made and since there is no need shown that this has to be enacted this year I would suggest we drop off the language this year and if there is a need that subsequently shows itself and it can be demonstrated that we can add to it next