

March 19, 1980

LB 222

SENATOR VICKERS: Mr. Speaker and fellow members, I would like to ask Senator Fowler a question if I may. Yes, Senator Fowler, I just apologize if I don't understand this very well...I just got a copy of it. But in section 8 of request 2008 it basically tells me and I am going to ask you if I have this understood correctly, that if anybody dies by casualty in any form, if they die by a disease, or an injury, or toxic agent resulting from employment, then it is going to be up to the Chief Medical Examiner to determine whether or not it needs to be examined. Is that correct?

SENATOR FOWLER: Correct.

SENATOR VICKERS: Now, the County Attorneys asked for this examination or the County Attorneys consult, I think is the term used here in this section 8, with the Medical Examiner, but the decision as to whether this examination should take place rests with the agency that we would be creating under this act. That is also correct?

SENATOR FOWLER: That is correct.

SENATOR VICKERS: Okay, thank you, Senator Fowler. It bothers me just a little bit that we are leaving the sole discretion to an agency that we are creating to perpetuate their existence and to expand their need it seems to me over such deaths that are pretty broad. Since LB 222 came from the result of a very questionable death in my district, I have been interested in 222 but only to the extent that we are creating an agency that assists law enforcement officials in deaths that obviously should be examined. But we have here some terms that would seem to me open it up to practically every death in the State of Nebraska if it wanted to be construed in that manner. Senator Fowler, I would like to ask you another question. Would you be amenable to an amendment that would place the decision on the local County Attorneys as to whether or not the district... or the medical examinations should take place by the Medical Examiners Office?

SENATOR FOWLER: Senator Vickers, I would not. I would stress again that these amendments have been reviewed and accepted by the County Attorneys. I think the intent of this bill is to move towards a more professional and more modern system of investigation of deaths, and that County Attorneys although they are very well trained in law are not necessarily familiar with that many aspects of medical type problems and that in situations that we have looked at