

March 1, 1982

LB 335

you check in, please. Senator Landis, did you want to take call ins or did you want to have a roll call? For the benefit of those that were not in here we are voting on the Landis amendment to 335.

CLERK: Senator Hoagland voting yes. Senator Barrett voting yes. Senator Stoney voting yes.

SENATOR CLARK: We are voting on the amendment to LB 335 by Senator Landis.

CLERK: Senator Warner voting yes. Senator Duda voting yes. Senator Goodrich voting yes.

SENATOR CLARK: The Clerk will record.

CLERK: 26 ayes, 6 nays, Mr. President, on adoption of the Landis amendment.

SENATOR CLARK: The Landis amendment is adopted. Anything further on the bill?

CLERK: Mr. President, Senators DeCamp and Beutler would now move to indefinitely postpone the bill. That would lay it over unless Senator Marsh as introducer agrees to take it up at this time.

SENATOR CLARK: Senator DeCamp, on the motion to indefinitely postpone.

SENATOR DeCAMP: Mr. President, members of the Legislature, I really don't want to do this but I'm going to and I don't know whether it will be successful but I will tell you this. The bill as Senator Landis has written it now and as Senator Hoagland has voted for it and some of the lawyers, I guarantee you, it is unconstitutional, guaranteed, absolute and I can get the opinion. You don't even have to be half bright to understand the separation of powers and, Senator Haberman, that is the answer to your question. The separation of powers concept, the control the Supreme Court has over lawyer conduct, so on and so forth, that is the basis for the attorney-client privilege. The doctor privilege is simply a common law development. So that is the answer why we could compel doctors to provide information and why I put doctors in the bill. I felt if we were going to get information from anywhere it would come from the doctors. I repeat, the Landis amendment has eliminated the one source of getting any information which is the medical profession which would have access to it. Instead the Landis amendment says now we'll get our information from attorneys by specifically repudiating or eliminating their attorney-client privilege which you cannot do and by ordering the priests