

January 7, 1976

SENATOR LUEDTKE: Mr. President, I move the adoption of the Committee amendments. Mr. President, the Committee amendments, members of the Legislature, the Committee amendments to this bill were brought in by two of the proponents, witnesses for the proponent of the bill which deals with disciplinary proceedings to be administered by the Department of Correctional Services and they were, in effect, some technical changes to clarify, if you will look at your bill book, you will see that the amendments themselves merely go into the changing of words to "adult" and the last one, which is more, #3 is more important, which says insert that they shall be allowed to call witnesses and present documentary evidence in defense when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals. That amendment goes a little bit beyond being merely technical, in this, that it involves procedures for inmates in the Penal Complex to bring their particular grievances to the attention of the powers that be. And in this particular case, this amendment says that they can have all these rights but if it would be unduly hazardous to institutional safety or correctional goals, then, of course, there could be a restriction. So it does put somewhat of a restriction on a more liberalized rule of handling this kind of procedure. But these particular amendments that you see in the Committee statement were agreed to by Mr. Vitek, the Director of Correctional Services, and Mr. Duchek, a local attorney, who handled the leading case before the United States Supreme Court, the case that the former Warden had filed against him called the Donaldson case in which it was held by the United States Supreme Court that certain standards had to be met in disciplinary proceedings at the Penal Complex or any penal institution. This created a landmark case for this kind of law throughout the United States. So I would say, that Mr. Vitek and Mr. Duchek got together on the amendments, brought them to the Committee, and the Committee unanimously adopted them. There was no opposition to the bill at all and there was no opposition to the amendments.

SPEAKER: Is there any other discussion? Are there any Committee amendments, Vince?

CLERK: That is what we are on.

SENATOR LUEDTKE: I moved the adoption, Mr. President.

SPEAKER: The motion is to adopt the Committee amendments. All in favor indicate by the usual sign. We need a machine vote. I am sorry. Have you all voted? The Clerk will record.

CLERK: 27 ayes, 0 nays.

SPEAKER: The Committee amendments are adopted. What will we do with the bill?

SENATOR LUEDTKE: Mr. President, I move that LB 275 as amended be advanced to E & R Initial. Just an additional word to tell you, to expand upon, I have already explained the nature of