

February 26, 1979

LB 215, 316

SENATOR JOHNSON: Yes, Mr. President, members of this body, I ask unanimous consent of the Legislature to pass over LB 215. Now the reasons for my request are these, as I was reading LB 215 the other day, it dawned upon me that the bill might be unconstitutional because the bill would allow the Workmen's Compensation Court to order an employer to make payments to someone who has supplied medical services or other services to an injured workman without ever providing the payor of those services an opportunity for a hearing on the amount of monies to be paid out to the payor or on the allocation of monies to be paid to the payor and the like, and as a result of my thoughts, I wrote a letter to the Attorney General requesting an opinion on the constitutionality of LB 215. I have yet to receive a response from the Attorney General's Office. I did call the Attorney General's Office Friday. I spoke to Mr. John Thompson who is preparing a response. Based on my phone conversation with him, it was his opinion that the bill did raise serious constitutional questions. He felt he needed a little bit more time to run down existing practice in the Workmen's Compensation Court to be able to come up with a good opinion. I think in our wisdom we should pass this bill over until we do hear from the Attorney General as to its constitutionality, and I would respectfully request unanimous consent to that affect.

SPEAKER MARVEL: Will you to the best of your ability obtain an Attorney General's opinion so we can take it up tomorrow, either your amendments or...?

SENATOR JOHNSON: Yes, I will call Mr. Thompson again this afternoon to see where the opinion is.

SPEAKER MARVEL: Is there any objection? If not, so ordered. Now, I think, Mr. Clerk, the best thing for me to do now since we are ready to start on LB 316 and there are some in here who want to discuss the matter and I guess we need to bring the House under Call so we can bring all members here. We are on Final Reading still. When we move to LB 316, we are off of Call of the House. What other amendments on 316 do you have on the desk, Mr. Clerk?

CLERK: Mr. President, I have a series of amendments but first of all we have E & R amendments which we need to adopt.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I