

January 10, 1980

SENATOR BEUTLER: I think I understood the question. Let me respond and if I didn't reframe it for me. You can hold... perhaps we are playing with semantics a little bit here, you can do one of two things, you can call a session at which the press could be present and you can call a session at which the press cannot be present. If it is the one where the press can be present, that is an executive session, and that is what you would call for, an executive session. Otherwise you would call for a closed session which is possible with a vote of the majority of the members of the committee. What are extraordinary circumstances when we...you can call the closed session when there are extraordinary circumstances. What circumstances are extraordinary we talked about a lot but we felt that it was better to leave it to the chairman and the committee to decide what those circumstances were because there were so many situations that it just became impossible to try to define it. To give you one example of my opinion of what would be an extraordinary circumstance though, during the interim this year we had a 119 committee study having to do with the Nebraska Public Power District in which several members of the committee wanted to inquire into the reasons for the delay in the Gerald Gentleman plant, but NPPD has pending thirty million dollars worth of claims and we could only inquire into the reasons for the delay by...if we did that we would be endangering their position on the claims, and therefore it didn't seem expedient to the committee to inquire publicly into the reasons for the delay, but that would be a situation in my opinion where you might want to close a session and inquire privately for the information of the Legislature as to the cause of certain subjects.

SENATOR NICHOL: Thank you. May I just say that as executive session started several years ago in various entities of government they were closed to the press, they were for the purpose of dealing with sensitive issues such as people's character and so forth, and at that time no news media were allowed to be there. Well, gradually through our openness the news media is allowed to be there and is allowed to be in our executive sessions. Now what you are proposing is another strata of executive session, I guess, whereby you have an extreme or extraordinary situation strata of executive session where the news media may not come. I think that we are facing a problem here as to what extraordinary circumstances are, and if we are going to use that terminology I certainly think we ought to say what it is, simply because you are dealing with NPPD or the books doesn't mean the news media shouldn't be there, I don't think. I don't think that is an extraordinary situation, but if we are going to use that, and Senator Beutler, you are an attorney, you know that