

March 1, 1982

LB 335, 267

CLERK: 25 ayes, 10 nays on the motion to indefinitely postpone the bill, Mr. President.

SENATOR CLARK: LB 335 is indefinitely postponed. We will now go to LB 267.

CLERK: Mr. President, with respect to LB 267, there are E & R amendments pending, Mr. President.

SENATOR CLARK: Senator Kilgarin, E & R amendments on 267.

SENATOR KILGARIN: I move the E & R amendments on LB 267.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. They are adopted.

CLERK: Mr. President, Senator Richard Peterson will now move to amend the bill. The amendment is found on page 496 of the Journal.

SENATOR CLARK: Senator Peterson.

SENATOR R. PETERSON: Yes, Mr. Speaker and fellow colleagues, this amendment would put back in extraordinary circumstances. The reason for adding the wording "extraordinary circumstances" is to provide the maximum amount of confidentiality to such proceedings thus encouraging participation while still not hampering the legal process. Many existing confidentiality laws contain similar wording. One example is the Section 71-2048 on hospital utilization review committees. An example of an extraordinary circumstance would be if a witness were to die and the only way to get the information to serve the ends of justice would be to subpoena peer review records. All information presented at peer review hearings in all but the rarest case would still be available to attorneys through normal discovery procedures. The purpose of making these words confidential is to encourage professionals to participate in these voluntary peer review programs. Many of these programs are conducted very informally and they are not meant to be courts of law but they do effectively settle disputes that might otherwise help clog the court dockets. We should do what we can to encourage the smooth operation of such voluntary systems. The trial attorneys and the dentists are in agreement on this and even helped...the attorneys helped draft this so I ask for its adoption.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Senator Peterson, I do have a couple of questions of you if you would just give me a little bit