

LB 136. Members, please record your vote. The Chair is going to call for a machine vote here. Have you all voted? Have you all voted? The Clerk will record. Senator Beutler.

SENATOR BEUTLER: How many are absent?

PRESIDENT: Three are excused today.

SENATOR BEUTLER: Three are excused? Okay, a record vote.

PRESIDENT: A record vote has been requested.

CLERK: (Read record vote as found on page 431 of the Legislative Journal.) 20 ayes, 23 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: The motion fails. We're back to the motion to advance the bill. Where are we, Mr. Clerk, with the...? The motion is still debatable. Senators Beutler and Higgins have their lights on, and Hannibal. Do any of you wish to speak? Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, you know we seem to have a fact question before us in part and the fact question is whether this board is affected by politics or not. And it seems to me from the discussion today that whatever decision you make about that, whether that board is by its nature going to be affected by politics, whatever decision you make about that, you should leave the Board just the way it is. Because if you believe that the way it operates now it is not affected by politics, then having these experts in the Department of Insurance and the Department of Labor and DAS having them deal with it is what you want. That is what you want. It makes no sense to add political figures in on the process. If, on the other hand, you believe that it is by its nature to be affected by politics, then it should be politics that is coupled to accountability and that is what you have now because the Governor appoints all those people, the Governor is responsible if that is what you think is happening with that board and will always happen. So it seems to me whatever your view is, it would not be good policy to change things. And beyond that, let me just point out one more time, a unanimous vote of five on a tort claim is probably going to lead to a lot of unfair situations, a lot of unfair