

March 5, 1982

LB 716

CLERK: 716, Senator, all right. Yes, Mr. President, 716 is a bill offered by Judiciary. (Read title.) The bill was read on January 8th. It was referred to the Judiciary. It was advanced to General File, Mr. President. There are committee amendments pending on 716 by the Judiciary Committee.

SENATOR NICHOL: Mr. President, first I think we should probably refer to the committee amendment which is simply adding a repealer clause and I would ask that we adopt the committee amendment, then I will go on with the bill.

SPEAKER MARVEL: The motion is the adoption of the committee amendment. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The motion carried. The committee amendment is adopted.

SENATOR NICHOL: Thank you, Mr. President, I appreciate your allowing me to do this. It would not be possible to discuss LB 716 without discussing LB 725 as they both deal with a somewhat different approach to the same subject matter. The Judiciary Committee frequently works closely with the Nebraska Supreme Court Committee on practice and procedure. This committee brings to us their work product which results from their ongoing revision of procedural rules in the courts of our state. Most frequently the work they bring us is purely technical in nature as was with last year's appeals revision and represents many months of painstaking debate and drafting. This year's revision deals with the rules of discovery. Very simply, the rules of discovery are those procedures which litigants use to find out about the other side of the lawsuit. Discovery rules govern such things as the taking of depositions which are statements under oath and written interrogatories, written questions propounded to the other party under oath. Many states in the federal system do not completely spell out these types of procedural rules in statute. They allow the Supreme Court of their state to set the boundaries of these rules by rule of court, frequently with the provision that the court shall propose no rule in direct conflict with the statute. This year the committee received the work product of the Supreme Court Drafting Committee and held interim study hearings on them throughout the state. This work product itself, the statutory changes themselves are represented