



Hundredth Legislature - Second Session - 2008
Committee Statement
LB 606

Hearing Date: February 21, 2007
Committee On: Judiciary

Introducer(s): (Ashford)

Title: Provide for court referral to mediation or other alternative dispute resolution

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- | | | |
|---|---------------------|--|
| 7 | Yes | Sen. Ashford, Sen. Lathrop, Sen. Chambers, Sen. McDonald,
Sen. McGill, Sen. Pirsch, Sen. Pedersen |
| 0 | No | |
| 1 | Present, not voting | Sen. Schimek |
| | Absent | |
-

Proponents:

Sen. Ashford
 Tim Butz
 Larry Ruth
 Lorin Galvin

Representing:

Introducer
 Nebraska Justice Center
 Nebraska State Bar
 Citizen

Opponents:

Representing:

Neutral:

Debora Brownyard

Representing:

Nebraska Supreme Court

Summary of purpose and/or changes:

Legislative Bill 606 provides authority for Nebraska courts to refer civil cases to mediation and other forms of alternative dispute resolution (ADR). Once a case is referred to ADR, the parties may file a motion to object to the referral. Although the parties may be ordered to some form of ADR, any resulting agreement or resolution must be entered into voluntarily pursuant to the Nebraska State Constitution which provides “the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily.” Neb. Const. art. I, sec. 13 (1875); Amended 1996, Laws 1995, LR

1CA, sec. 1. If the order referring a case to ADR includes a date for the case to return to court, the date must be within 90 days after the date on which the order was signed.

LB 606 also provides that the Supreme Court may adopt rules of practice regarding the referral process.

Explanation of amendments, if any:

Committee Amendment 1884 replaces all provisions in the green copy of LB 606. Committee Amendment 1884 is a bill creating the Stem Cell Research Act which provides the following:

- Creates the Stem Cell Research Advisory Committee and describes its membership. The committee will have 6 members including: the deans of both Creighton University Medical Center and the University of Nebraska Medical Center. The other 4 members will be scientists from outside Nebraska who are conducting human stem cell research with funding from the National Institute of Health. The selection of the 4 scientists will begin with 3 nominations from the deans of both Creighton University Medical Center and the University of Nebraska Medical Center. The Chief Medical Officer of Nebraska will select and appoint 2 from each set of the 3 nominees. The appointments will be approved by the Legislature. The committee will meet at least twice a year and be reimbursed for expenses. Members not employed by the medical schools of Nebraska will receive a stipend for their service.
- The committee will set up and administer a grant process to fund nonembryonic stem cell research projects conducted by Nebraska institutions or researchers. The committee will report annually to the Legislature on the grant process and the projects being funded. After three years the committee will report on the progress of the projects funded under this act.
- Creates the Stem Cell Research Cash Fund. The money in the fund will be given to researchers or institutions conducting stem cell research in Nebraska. The money will be distributed on a dollar-for-dollar matching basis up to five hundred thousand dollars per fiscal year. State funds will match funds received by the researchers or institutions from other sources. No one institution may receive more than 70 % of the funds available for distribution under this section on an annual basis. Up to 3% of the money in the fund will be available to the Division of Public Health of the Department of Health and Human Services to cover administrative costs, including stipends and reimbursements.
- No state facilities or state money shall be used to destroy human embryos for the purpose of research. No state facilities or state money shall be used to create a human embryo by somatic cell nuclear transfer.
- Five hundred thousand dollars of the settlement payments received by the state from tobacco-related litigation will be credited to the Stem Cell Research Cash Fund annually for three years.
- Repeals the current Nebraska Tobacco Settlement Trust Fund statute.
- Emergency clause.

Senator Brad Ashford, Chairperson