

February 10, 1992 LB 989

SENATOR WARNER: Senator Conway for the introduction of the committee amendments.

SENATOR CONWAY: Thank you, Mr. President, members. LB 989, which will be described by Senator Baack shortly, came about by virtue of the last two elections we've had where legislative seats were contested following the election and when we followed through with the various provisions that were established by the Executive Board. Over the years there have been some adjustments to statutes in such a way that there needed to be a cleanup and a codification, if you will, from things that were uncovered by virtue of just simply trying to administratively handle those contests. The committee, upon review, advanced, seven to zero, the advancement of the changes that are offered in LB 989, with one additional change, which is the committee amendment. And what that would do is clarify language relating to the taking of depositions. The current language could be read to mandate depositions, when, in fact, in some cases there may be no need. So it makes the taking of depositions optional, if, in fact, they are intended to be used to support the plaintiff or the defendant's situation. But it doesn't mandate taking them if, in fact, there is no reason to take the depositions. So it clarifies that particular language relative to the mandating of taking depositions.

SENATOR WARNER: Is there further discussion? If not, those in favor of adoption of the committee amendments vote aye, opposed nay. Have you all voted? Clerk, record.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SENATOR WARNER: Amendments are adopted. Senator Baack, to explain the bill.

SPEAKER BAACK: Yes, Mr. Chairman and colleagues, I will explain the bill. This bill was introduced by myself and Senators Warner, Schimek, and Chambers. Since we served on the subcommittee of the Executive Board to deal with the election contest last year in the Byars-Korslund race, we found a few things in the law that really needed some changing to clarify how we handle election contests. And we decided...And it really is important, I think, that we do this, this year, because we need to have this in place in case there is another election contest in the coming year. I'll just run through the