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LB 921

SENATOR BRASHEAR: Yes, sir.

SENATOR CHAMBERS: Is that a similar type of insertion for clarification or smooth flow of the language?

SENATOR BRASHEAR: Yes, Senator Chambers, it is.

SENATOR CHAMBERS: I'm going to put on my light again.

SENATOR CUDABACK: Are you through Senator Chambers on your original time?

SENATOR CHAMBERS: Yes.

SENATOR CUDABACK: I'll recognize you to speak again.

SENATOR CHAMBERS: Thank you. Senator Brashear, you're not the only one whose bill I'm going to look at closely, but this one I really do want to be sure of because it is technical and in the past I'm aware...and you were not the only one, by the way, involved in the passage of that other bill. There genuinely was a "we" instead of just "thee".

SENATOR BRASHEAR: Absolutely.

SENATOR CHAMBERS: I want to be sure that with what we're doing now we're saying what we mean and not making any errors. The new language that the committee amendment would add would go to page 13, lines 27 and 28, and continue to the top of page 14. We're going to...here's the language that currently would be added in the green copy: "for newly discovered material evidence which could not have been discovered with reasonable diligence (i) before trial or (ii) in time to move for a new trial". That would be stricken and instead we would insert this language: "for newly discovered material evidence which could neither have been discovered with reasonable diligence before trial nor have been discovered with reasonable diligence in time to move for a new trial". Why is it necessary to put that language in to make that change?

SENATOR BRASHEAR: We are, Senator Chambers, correcting a drafting error. It...the "either/or" should have been