

March 5, 1982

LB 716

in LB 725. Additionally, LB 716 was introduced by the Judiciary Committee at the request of the Bar Association which would repeal all of the statutory revisions of discovery and allow the court to set such rules by rule of court. The Judiciary Committee felt that while we had absolutely no reservations about the changes which were to be made within the rules themselves, the fact that the Legislature would be abrogating some of its oversight authority over the making of these rules was sufficient reason in itself to bring both of these approaches to the floor of the Legislature. Once again, LB 716 would allow the Supreme Court to promulgate such rules of discovery by rules of the court, and LB 725 embodies those rules approved by the Bar Association House of Delegates in their entirety. The Judiciary Committee has designated LB 716 as one of its priorities. LB 725 was not designated as a priority bill but it has been advanced to General File and could be easily amended to 716. We would ask you at this time to advance LB 716. Prior to Select File debate, I would ask that each of you review LB 725. If any of you feel strong enough that the Legislature should maintain this rule making authority, please advise me prior to the Select File debate on 716, and we could amend 716 with the provisions of LB 725. With that, I would ask you to advance LB 716.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker and members of the Legislature, Senator Nichol I think has outlined for us a very interesting philosophical question we all have to deal with as members of the Legislature, and that is, how much do we delegate in terms of authority to agencies or other elements of state government including the Supreme Court? And I am very pleased that the committee took the time to provide us with two choices as I understand it, LB 716 and LB 725. Personally, I have always taken the position that this Legislature should have the responsibility and take that responsibility of setting into a law as much detail and guidance for the implementation of the law as possible. That is to say, I would not support then LB 716 which basically delegates to the Supreme Court the authority to set rules and regulations...excuse me, rules of discovery for the court rule. That is not to say that I wouldn't support LB 725 which would develop in the statutes exactly the sort of rules of procedure that are called for. But if we are presented with that philosophical choice, I would say the peoples' representatives in this Legislature should have the oversight authority in the questions of rules and regulations as much as possible. I think we can't