

March 5, 1982

LB 716

do everything, of course, we have to delegate some of that. But nevertheless in this case I think that we should be interested. The problem I find, however, in following that philosophical position, and I am talking philosophically here to this point, is the practical problem, how are we going to follow all the different rules and regulations that need to be adopted in this state? We have enough difficulty as it is dealing with the six...seven hundred bills sometimes we have to deal with, let alone all the rules and regulations to implement them. One of the examples is in LB 716 where we take about...it looks to me about seven lines which is what were in the past evidently the rules that were followed in this case and find that that has turned into a 46-page bill, new language in LB 725. Now I don't understand this very much. I am no attorney and I am sure Senator Nichol can explain it better, but why it takes 46 pages in LB 725 to go through the rules of evidence that we are talking about, it seems awfully excessive, and everybody is talking about too many laws, too much new statutes and this is one example. So I would ask you to please examine both of these bills very carefully in the philosophical question and in the practical one of how this Legislature should react to the delegation of authority that we are talking about and in the fact that it takes so much language in order to explain what has so briefly been taken care of in the past.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I would like to rise in support of Senator Nichol's position on this conflict between these two bills and suggest that we follow the LB 716 approach towards developing discovery rules for our court system by letting the Nebraska Supreme Court develop the rules there. Now, in no realistic way are we giving up any authority because if there is anything about the rules as developed by the Nebraska Supreme Court that we are uncomfortable with, or lawyers or judges around the state are uncomfortable with and bring to our attention, as Senator Nichol points out, this body retains the jurisdiction or retains the authority to go in and change those rules in any respect. At the same time, I think by getting the workload off our desk and onto the Supreme Court's desk in the area of governing rules of discovery for the conduct of trials in the state, why we are really appropriately delegating to the Supreme Court something that is really within its line of business and it is really best over there and it will relieve us not only of the job of having to develop rules of discovery but the job of having to change