

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 2, 1999 LB 64

because the witness isn't available or, for example, if you have someone who is an expert and has written a textbook that contains all the information you want, you obviously...maybe the author is dead, or some reason, every case can't have that come in. There are certain cases where you would want to have statements made that are recognized as being given as truthful, and that those are exceptions to hearsay. They could be admissible and used to help prove the case that you've got. The thing that concerns me, and every time we tinker with the rules of evidence, every one of us have had a case out there that if we could just have gotten this piece of evidence in, it might have helped our case. And so sometimes if we can't get it in, or we know we've got that problem, we'd like to change the law, and that's the issue that I just want to make sure this morning we aren't affecting the outcome. Senator Hilgert, you talked about a pending case, is there any case out there that you know of that they want to file that it would be helpful to that case if...in other words, if they can get the law changed, the case is going to get filed and off it would go? Do you have any knowledge of that.

SENATOR COORDSEN: Senator Hilgert.

SENATOR HILGERT: No, I do not have any knowledge of any case, whatsoever, regarding the need for this bill. And thank you for listening to me, because I did say pending.

SPEAKER KRISTENSEN: No, you did and...

SENATOR HILGERT: Yeah, and I don't have anyone...I don't know anyone who is planning to file one of an incident that has happened specifically where this could be used, I have no knowledge of any of that.

SPEAKER KRISTENSEN: And the people who are sponsoring and proposing the change, you've posed that question to them and you believe their truth and veracity that there is not some case out here that what we are really doing is helping one particular plaintiff in one particular case?

SENATOR HILGERT: I believe they are truthful. I did pose that question. They've informed me that there is no particular case.