

February 15, 1974

SENATOR CARPENTER: It allows that plus it gives him other expenses that he is not now receiving.

SENATOR FELLMAN: Would that mean that a court reporter then.....

(End of Belt #9)

(Begin Belt #10)

who is a reporter for a district judge at the Douglas County Courthouse in Omaha whose residence is in the city of Elkhorn in rural Douglas County would be able to collect mileage from his home in Elkhorn to the City of Omaha?

SENATOR CARPENTER: That would be my understanding, plus he could also collect legitimate expenses upon the approval of the court.

SENATOR FELLMAN: I think that would bring a gross inequity to one court reporter who lives within the city limits at 130th and Dodge, say, who would have to pay for his own transportation to and from the courthouse every morning and another reporter would live 5 miles west of there out of the city and he would be able to collect mileage.

SENATOR CARPENTER: Well, wouldn't you trust the court under which he works to do the right and practical thing?

SENATOR FELLMAN: I would trust the court but if the statutes would authorize payment, it would seem to me that the man in Elkhorn would have a pretty good case to collect that extra mileage.

PRESIDENT: Senator Luedtke. Stand by just a minute.

SENATOR LUEDTKE: I think the amendment, Senator Fellman, again says salaries and actual and necessary expenses shall be paid which was just Senator Kime's bill. It would have to be required by the judge, in other words, those unusual situations where they're living in another town is because of the makeup of the judicial district. Not just because on their own live outside of the.....

SENATOR FELLMAN: Well, I could see where that would apply in say Valentine but in Sarpy County, for instance, that judicial district includes Sarpy County and Cass County and Otoe County, too. One of the judges commutes from Otoe County, from Nebraska City, to the court in Papillion.

SENATOR LUEDTKE: And he gets paid.

SENATOR FELLMAN: She gets paid. But now the court reporter would normally be expected to get himself to work at his own expense. But here a court reporter could live in Nebraska City and drive to Papillion rather than doing what other court reporters have always done and move to the location of the courthouse.

SENATOR LUEDTKE: That was the reason for the Kime bill.

SENATOR FELLMAN: Well, I think this presents an inequity in the other direction too.

SENATOR CARPENTER: Do you know of anything, Senator, which doesn't in some degree bring that about? This is not unusual.

SENATOR FELLMAN: Maybe there should be language where it would put some discretionary authority in the Supreme Court or the district judge to allow for the differences in the geography of the state.

SENATOR CARPENTER: That's what I think this amendment does.