

LEGISLATIVE BILL 301

Approved by the Governor March 05, 2015

Introduced by Chambers, 11.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska; to change provisions relating to format and distribution of court opinions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 24-107, Reissue Revised Statutes of Nebraska, is amended to read:

24-107 The written opinions of any court of impeachment shall be reported in the volume of the Nebraska Reports issued after the adjournments of such court. In the alternative or in addition to print format, such opinions may be published in electronic format in the manner and under such title designated by the Supreme Court.

Sec. 2. Section 24-209, Reissue Revised Statutes of Nebraska, is amended to read:

24-209 (1) Unless otherwise directed by the Supreme Court, one copy in print format ~~One copy~~ of the Nebraska Reports and one copy in print format of the Nebraska Appellate Reports shall be furnished by the Supreme Court to each judge of the Supreme Court, Court of Appeals, Nebraska Workers' Compensation Court, and district, separate juvenile, and county courts, to each county law library, and to each state library, and two copies of such reports shall be furnished to the Legislative Council. The State Court Administrator shall be furnished as many additional copies in print format as he or she deems necessary for the operation of the Court of Appeals and the Supreme Court.

(2) Unless otherwise directed by the Supreme Court, one copy in print format ~~One advance copy~~ of the opinions of the Nebraska Supreme Court in pamphlet form, known as the Nebraska Advance Sheets, and one copy in print format ~~advance copy~~ of the opinions of the Nebraska Court of Appeals in pamphlet form, known as the Decisions of the Nebraska Court of Appeals, shall be furnished to each judge of the Supreme Court, Court of Appeals, Nebraska Workers' Compensation Court, and district, separate juvenile, and county courts, as many ~~advance~~ copies as may be requested by the members of the Legislature shall be furnished to the Clerk of the Legislature, and the State Court Administrator shall be furnished as many ~~advance~~ copies as he or she deems necessary for the operation of the Court of Appeals and the Supreme Court.

(3) The balance of the Nebraska Reports, Nebraska Appellate Reports, Nebraska Advance Sheets, and Decisions of the Nebraska Court of Appeals shall be sold as called for at such price and in such format as shall be prescribed by the Supreme Court. ~~The Supreme Court shall also prescribe the price for microform copies of the reports.~~ The money received from such sales shall be paid into the Supreme Court Reports Cash Fund which is hereby created.

(4) Upon request from any office or entity entitled to free copies of the Nebraska Reports, the Nebraska Appellate Reports, the Nebraska Advance Sheets, or the Decisions of the Nebraska Court of Appeals, the court may stop sending the publications to such office or entity until the request is withdrawn.

(5) If it is determined by the Supreme Court, pursuant to subsection (2) of section 24-212, that publication of the opinions of the Supreme Court and the Court of Appeals shall be in electronic format, as an alternative to or in addition to print format, the distribution or sale of such print or electronic opinions for purposes of this section shall be directed by the Supreme Court.

Sec. 3. Section 24-212, Reissue Revised Statutes of Nebraska, is amended to read:

24-212 (1) Except as provided in subsection (2) of this section, it ~~It~~ shall be the duty of the Reporter of the Supreme Court and Court of Appeals to prepare the opinions of the courts for publication in advance pamphlet form as fast as they are delivered to him or her, and when sufficient material is accumulated to form a volume of not less than nine hundred pages, he or she shall cause the same to be printed and bound in a permanent manner. The reporter shall also determine, based on the number of current subscribers and the provisions of section 24-209, the number of copies in print format ~~to be printed~~ for each publication of advance pamphlets and bound volumes. Payments for such publications shall be made from the Supreme Court Reports Cash Fund. The copyright of each volume shall be entered by the reporter for the benefit of the state, and all papers relating thereto shall be filed and recorded in the office of the Secretary of State. The titles of the volumes shall be the Nebraska Reports and the Nebraska Appellate Reports which with the number of the volume shall be printed on the back of each volume, and the reports of every case should ~~must~~ show the name of the judge writing the opinion, the names of the judges concurring therein, and the names of the judges, if any, dissenting from the opinion. The reporter shall also edit and arrange for publication in the statutes of Nebraska, at such times as the Revisor of Statutes may request, annotations of the decisions of the Supreme Court of

Nebraska and ~~the~~ the decisions of the Court of Appeals designated for permanent publication, ~~and the decisions of the federal courts~~ and transmit them to the Revisor of Statutes. ~~With the approval of the Supreme Court, the reporter may arrange for microform reproduction of the published reports.~~

(2) In the alternative or in addition to subsection (1) of this section, the opinions of the Supreme Court and Court of Appeals may be published in electronic format in the manner and under such title designated by the Supreme Court.

Sec. 4. Section 85-176, Reissue Revised Statutes of Nebraska, is amended to read:

85-176 The following publications of the State of Nebraska shall, as they are from time to time issued, be delivered by the respective officer having custody thereof to the library of the College of Law of the University of Nebraska:

(1) The opinions of the Nebraska Supreme Court and Court of Appeals in either print or electronic format, or both, as determined by the Supreme Court;

(2) Five (1) Fifteen copies of the Nebraska Reports, fifteen copies of the Nebraska Appellate Reports, five copies of the Opinions of the Attorney General, five copies of the Blue Book, and two copies each of the reports and recommendations of the Judicial Council and of the reports and recommendations of the Legislative Council;

(3) 2) Copies of the session laws and the journal of the Legislature as provided in section 49-506;

(4) 3) One copy each of the annual and biennial reports of the state officers who are required by law to make an annual or biennial report; and

(5) 4) Statutes issued by the Supreme Court shall be requisitioned by the librarian of the College of Law, allowing ten copies for the library of the College of Law, five copies for the Legal Aid Bureau and the editors and staff of the Nebraska Law Review, one copy each for every full-time member of the law faculty, and no more than fifteen copies for the university libraries, nonlaw faculty, and administrative officers of the university combined.

Sec. 5. Section 85-177, Reissue Revised Statutes of Nebraska, is amended to read:

85-177 In order to enable the library of the College of Law to augment its collections, the librarian of the College of Law of the University of Nebraska is authorized to requisition from the respective officer having custody thereof up to one hundred copies of the following state publications: Nebraska Reports, Nebraska Appellate Reports, Legislative Journals, Session Laws, replacement volumes and supplements to the Revised Statutes, and Opinions of the Attorney General. The copies of the Legislative Journals and Session Laws may be provided in print or electronic format as the Secretary of State determines, upon recommendation by the Clerk of the Legislature and approval of the Executive Board of the Legislative Council. The opinions of the Supreme Court and the Court of Appeals may be provided in either print or electronic format, or both, as determined by the Supreme Court.

Sec. 6. Original sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska, are repealed.