

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 260

Introduced by Wayne, 13.

Read first time January 10, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to the courts; to amend sections 24-209,
2 24-211, 24-212, 24-1109, 49-506, 49-617, and 49-702, Reissue Revised
3 Statutes of Nebraska, and section 85-177, Revised Statutes
4 Cumulative Supplement, 2022; to designate the Nebraska Appellate
5 Courts Online Library as the repository for published judicial
6 opinions of the Nebraska Supreme Court and the Nebraska Court of
7 Appeals; to provide for sale of extra circulating copies of printed
8 volumes of court decisions; to provide duties for the Reporter of
9 Decisions; to harmonize provisions; and to repeal the original
10 sections.

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

1 Section 1. Section 24-209, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 24-209 (1) The Nebraska Appellate Courts Online Library shall be the
4 repository for the published judicial opinions of the Supreme Court and
5 the Court of Appeals which have been designated for permanent
6 publication. All previous official bound and printed volumes of the
7 appellate courts' opinions shall be made available on the Nebraska
8 Appellate Courts Online Library. Other distribution of such electronic
9 opinions shall be as directed by ~~Unless otherwise directed by the Supreme~~
10 ~~Court, one copy in print format of the Nebraska Reports and one copy in~~
11 ~~print format of the Nebraska Appellate Reports shall be furnished by the~~
12 ~~Supreme Court to each judge of the Supreme Court, Court of Appeals,~~
13 ~~Nebraska Workers' Compensation Court, and district, separate juvenile,~~
14 ~~and county courts, to each county law library, and to each state library,~~
15 ~~and two copies of such reports shall be furnished to the Legislative~~
16 ~~Council. The State Court Administrator shall be furnished as many~~
17 ~~additional copies in print format as he or she deems necessary for the~~
18 ~~operation of the Court of Appeals and the Supreme Court.~~

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

31 (2) As directed by the Supreme Court, extra circulating copies of

1 ~~previously printed volumes or issues~~ (3) ~~The balance of the Nebraska~~
2 ~~Reports, Nebraska Appellate Reports, Nebraska Advance Sheets, and~~
3 ~~Decisions of the Nebraska Court of Appeals~~ may ~~shall~~ be sold as called
4 ~~for at such price and in such format as shall be~~ prescribed by the
5 Supreme Court. The money received from such sales shall be paid into the
6 Supreme Court Reports Cash Fund which is hereby created.

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

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

18 Sec. 2. Section 24-211, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 24-211 (1) The Clerk of the Supreme Court shall keep his or her
21 office at the State Capitol, be the custodian of the seal of the court,
22 perform the duties devolving upon him or her by law, and be subject to
23 the orders of the court. The Clerk of the Supreme Court shall receive an
24 annual salary to be fixed by the Supreme Court.

25 (2) The Reporter of Decisions ~~the Supreme Court and Court of Appeals~~
26 shall keep his or her office at the State Capitol, perform the duties
27 devolving upon him or her by law, and be subject to the orders of the
28 court. The Reporter of Decisions ~~the Supreme Court and Court of Appeals~~
29 shall receive an annual salary to be fixed by the Supreme Court.

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

1 24-212 (1) ~~The Except as provided in subsection (2) of this section,~~
2 ~~it shall be the duty of the Reporter of Decisions shall the Supreme Court~~
3 ~~and Court of Appeals to prepare the opinions designated for permanent~~
4 ~~publication from the Supreme Court and Court of Appeals of the courts for~~
5 ~~publication in the Nebraska Appellate Courts Online Library advance~~
6 ~~pamphlet form as soon as feasible. Such opinions fast as they are~~
7 ~~delivered to him or her, and when sufficient material is accumulated to~~
8 ~~form a volume of not less than nine hundred pages, he or she shall cause~~
9 ~~the same to be printed and bound in a permanent manner. The reporter~~
10 ~~shall also determine, based on the number of current subscribers and the~~
11 ~~provisions of section 24-209, the number of copies in print format for~~
12 ~~each publication of advance pamphlets and bound volumes. Payments for~~
13 ~~such publications shall be made from the Supreme Court Reports Cash Fund.~~
14 ~~The copyright of each volume shall be entered by the reporter for the~~
15 ~~benefit of the state, and all papers relating thereto shall be filed and~~
16 ~~recorded in the office of the Secretary of State. The titles of the~~
17 ~~volumes shall be the Nebraska Reports and the Nebraska Appellate Reports~~
18 ~~which with the number of the volume shall be printed on the back of each~~
19 ~~volume, and the reports of every case should show the name of the judge~~
20 ~~writing the opinion, the names of the judges concurring therein, and the~~
21 ~~names of the judges, if any, dissenting from the opinion.~~

22 (2) ~~At The reporter shall also edit and arrange for publication in~~
23 ~~the statutes of Nebraska, at such times as the Revisor of Statutes may~~
24 ~~request, the Reporter shall also edit and arrange for publication or~~
25 ~~electronic release in the statutes of Nebraska, annotations of the~~
26 ~~decisions of the Supreme Court of Nebraska and the decisions of the Court~~
27 ~~of Appeals designated for permanent publication and transmit them to the~~
28 ~~Revisor of Statutes.~~

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

1 ~~designated by the Supreme Court.~~

2 Sec. 4. Section 24-1109, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 24-1109 The Clerk of the Supreme Court shall serve as the clerk of
5 the Court of Appeals. The Reporter of Decisions ~~the Supreme Court and~~
6 ~~Court of Appeals~~ shall serve as the reporter of the Court of Appeals. The
7 State Court Administrator shall provide facilities, supplies, equipment,
8 and support staff needed by the Court of Appeals. All expenses of the
9 Court of Appeals shall be included in the budget of the Supreme Court.
10 The Supreme Court shall adopt and promulgate rules to implement sections
11 24-1101 to 24-1109.

12 Sec. 5. Section 49-506, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 49-506 After the Secretary of State has made the distribution
15 provided by section 49-503, he or she shall deliver additional copies of
16 the session laws and the journal of the Legislature pursuant to this
17 section in print or electronic format as he or she determines, upon
18 recommendation by the Clerk of the Legislature and approval of the
19 Executive Board of the Legislative Council.

20 One copy of the session laws shall be delivered to the Lieutenant
21 Governor, the State Treasurer, the Auditor of Public Accounts, the
22 Reporter of Decisions ~~the Supreme Court and Court of Appeals~~, the State
23 Court Administrator, the State Fire Marshal, the Department of
24 Administrative Services, the Department of Agriculture, the Department of
25 Banking and Finance, the State Department of Education, the Department of
26 Environment and Energy, the Department of Insurance, the Department of
27 Labor, the Department of Motor Vehicles, the Department of Revenue, the
28 Department of Transportation, the Department of Veterans' Affairs, the
29 Department of Natural Resources, the Military Department, the Nebraska
30 State Patrol, the Nebraska Commission on Law Enforcement and Criminal
31 Justice, each of the Nebraska state colleges, the Game and Parks

1 Commission, the Nebraska Library Commission, the Nebraska Liquor Control
2 Commission, the Nebraska Accountability and Disclosure Commission, the
3 Public Service Commission, the State Real Estate Commission, the Nebraska
4 State Historical Society, the Public Employees Retirement Board, the Risk
5 Manager, the Legislative Fiscal Analyst, the Public Counsel, the materiel
6 division of the Department of Administrative Services, the State Records
7 Administrator, the budget division of the Department of Administrative
8 Services, the Tax Equalization and Review Commission, the inmate library
9 at all state penal and correctional institutions, the Commission on
10 Public Advocacy, and the Library of Congress; two copies to the Governor,
11 the Secretary of State, the Nebraska Workers' Compensation Court, the
12 Commission of Industrial Relations, and the Coordinating Commission for
13 Postsecondary Education, one of which shall be for use by the community
14 colleges; three copies to the Department of Health and Human Services;
15 four copies to the Nebraska Publications Clearinghouse; five copies to
16 the Attorney General; nine copies to the Revisor of Statutes; sixteen
17 copies to the Supreme Court and the Legislative Council; and thirty-five
18 copies to the University of Nebraska College of Law.

19 One copy of the journal of the Legislature shall be delivered to the
20 Governor, the Lieutenant Governor, the State Treasurer, the Auditor of
21 Public Accounts, the Reporter of Decisions ~~the Supreme Court and Court of~~
22 ~~Appeals~~, the State Court Administrator, the Nebraska State Historical
23 Society, the Legislative Fiscal Analyst, the Tax Equalization and Review
24 Commission, the Commission on Public Advocacy, and the Library of
25 Congress; two copies to the Secretary of State, the Commission of
26 Industrial Relations, and the Nebraska Workers' Compensation Court; four
27 copies to the Nebraska Publications Clearinghouse; five copies to the
28 Attorney General and the Revisor of Statutes; eight copies to the Clerk
29 of the Legislature; thirteen copies to the Supreme Court and the
30 Legislative Council; and thirty-five copies to the University of Nebraska
31 College of Law. The remaining copies shall be delivered to the State

1 Librarian who shall use the same, so far as required for exchange
2 purposes, in building up the State Library and in the manner specified in
3 sections 49-507 to 49-509.

4 Sec. 6. Section 49-617, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 49-617 The Revisor of Statutes shall cause the statutes to be
7 printed. The printer shall deliver all completed copies to the Supreme
8 Court. These copies shall be held and disposed of by the court as
9 follows: Sixty copies to the State Library to exchange for statutes of
10 other states; five copies to the State Library to keep for daily use; not
11 to exceed twenty-five copies to the Legislative Council for bill drafting
12 and related services to the Legislature and executive state officers; as
13 many copies to the Attorney General as he or she has attorneys on his or
14 her staff; as many copies to the Commission on Public Advocacy as it has
15 attorneys on its staff; up to sixteen copies to the State Court
16 Administrator; thirteen copies to the Tax Commissioner; eight copies to
17 the Nebraska Publications Clearinghouse; six copies to the Public Service
18 Commission; four copies to the Secretary of State; three copies to the
19 Tax Equalization and Review Commission; four copies to the Clerk of the
20 Legislature for use in his or her office and three copies to be
21 maintained in the legislative chamber, one copy on each side of the
22 chamber and one copy at the desk of the Clerk of the Legislature, under
23 control of the sergeant at arms; three copies to the Department of Health
24 and Human Services; two copies each to the Governor of the state, the
25 Chief Justice and each judge of the Supreme Court, each judge of the
26 Court of Appeals, the Clerk of the Supreme Court, the Reporter of
27 Decisions ~~the Supreme Court and Court of Appeals~~, the Commissioner of
28 Labor, the Auditor of Public Accounts, and the Revisor of Statutes; one
29 copy each to the Secretary of State of the United States, each Indian
30 tribal court located in the State of Nebraska, the library of the Supreme
31 Court of the United States, the Adjutant General, the Air National Guard,

1 the Commissioner of Education, the State Treasurer, the Board of
2 Educational Lands and Funds, the Director of Agriculture, the Director of
3 Administrative Services, the Director of Economic Development, the
4 director of the Nebraska Public Employees Retirement Systems, the
5 Director-State Engineer, the Director of Banking and Finance, the
6 Director of Insurance, the Director of Motor Vehicles, the Director of
7 Veterans' Affairs, the Director of Natural Resources, the Director of
8 Correctional Services, the Nebraska Emergency Operating Center, each
9 judge of the Nebraska Workers' Compensation Court, each commissioner of
10 the Commission of Industrial Relations, the Nebraska Liquor Control
11 Commission, the State Real Estate Commission, the secretary of the Game
12 and Parks Commission, the Board of Pardons, each state institution under
13 the Department of Health and Human Services, each state institution under
14 the State Department of Education, the State Surveyor, the Nebraska State
15 Patrol, the materiel division of the Department of Administrative
16 Services, the personnel division of the Department of Administrative
17 Services, the Nebraska Motor Vehicle Industry Licensing Board, the Board
18 of Trustees of the Nebraska State Colleges, each of the Nebraska state
19 colleges, each district judge of the State of Nebraska, each judge of the
20 county court, each judge of a separate juvenile court, the Lieutenant
21 Governor, each United States Senator from Nebraska, each United States
22 Representative from Nebraska, each clerk of the district court for the
23 use of the district court, the clerk of the Nebraska Workers'
24 Compensation Court, each clerk of the county court, each county attorney,
25 each county public defender, each county law library, and the inmate
26 library at all state penal and correctional institutions, and each member
27 of the Legislature shall be entitled to two complete sets, and two
28 complete sets of such volumes as are necessary to update previously
29 issued volumes, but each member of the Legislature and each judge of any
30 court referred to in this section shall be entitled, on request, to an
31 additional complete set. Copies of the statutes distributed without

1 charge, as listed in this section, shall be the property of the state or
2 governmental subdivision of the state and not the personal property of
3 the particular person receiving a copy. Distribution of statutes to the
4 library of the College of Law of the University of Nebraska shall be as
5 provided in sections 85-176 and 85-177.

6 Sec. 7. Section 49-702, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 49-702 It shall be the duty of the Revisor of Statutes:

9 (1) To consult with and assist the Legislative Council prior to each
10 regular session of the Legislature in the preparation of the report of
11 the Legislative Council as to defects in the Constitution of Nebraska and
12 laws of Nebraska and to draft in the form of bills proposed legislation
13 to carry out the recommendations contained in the report;

14 (2) To prepare for submission to the Legislature, from time to time,
15 when recommended by the Legislative Council in its report as to defects
16 in the Constitution of Nebraska and laws of Nebraska, a rewriting and
17 revision, chapter by chapter, in simplified style and phraseology, of the
18 various chapters of the statutes of Nebraska;

19 (3) To publish annotations of the decisions of the Supreme Court of
20 Nebraska, the Court of Appeals, and the federal courts as received from
21 the Reporter of Decisions ~~the Supreme Court and Court of Appeals~~; and

22 (4) To prepare, arrange, and correlate for publication, at the end
23 of each legislative session, the laws enacted during the session and to
24 arrange and correlate for publication replacements of the permanent
25 volumes of the statutes.

26 Sec. 8. Section 85-177, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 85-177 In order to enable the library of the College of Law to
29 augment its collections, the librarian of the College of Law of the
30 University of Nebraska is authorized to requisition from the respective
31 officer having custody thereof up to one hundred copies of the following

1 state publications: ~~Nebraska Reports, Nebraska Appellate Reports,~~
2 Legislative Journals, Session Laws, replacement volumes and supplements
3 to the Revised Statutes, and Opinions of the Attorney General. The copies
4 of the Legislative Journals and Session Laws may be provided in print or
5 electronic format as the Secretary of State determines, upon
6 recommendation by the Clerk of the Legislature and approval of the
7 Executive Board of the Legislative Council. ~~The opinions of the Supreme~~
8 ~~Court and the Court of Appeals may be provided in either print or~~
9 ~~electronic format, or both, as determined by the Supreme Court.~~

10 Sec. 9. Original sections 24-209, 24-211, 24-212, 24-1109, 49-506,
11 49-617, and 49-702, Reissue Revised Statutes of Nebraska, and section
12 85-177, Revised Statutes Cumulative Supplement, 2022, are repealed.