

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB17

Hearing Date: Friday January 28, 2011
Committee On: Judiciary
Introducer: Wightman
One Liner: Change civil procedure complete court record provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Council, Coash, Harr, Larson, Lathrop, Lautenbaugh, McGill
Nay:
Absent:
Present Not Voting:

Proponents:

SEN. JOHN WIGHTMAN
JANET WIECHELMAN
BETH BAZYN FERRELL

Representing:

INTRODUCER
CLERK OF DISTRICT COURT ASSN
NACO

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 17 would amend current statute regarding the maintenance of case records. The bill would clarify that a complete record of every case must be made as soon as the case is finally determined by removing the waiver exception. The bill would provide that the complete record of a district court case may include scanned images or documents maintained in JUSTICE, the state's electronic case management system. Electronically retained documents would have to meet permanency standards and records retention schedules set by the State Records Administrator. Electronic records would have to be retained at least twenty years after the last action in the case. Once the record has been retained according to the schedule, the court clerk would have to maintain the security copy of the disks, tapes, indexes and other documents.

The bill would remove exceptions to the fee obligation for the complete record requirement, thus requiring the parties to pay for the costs associated with making and retaining the complete record. The bill would outright repeal statute sections providing exceptions to the complete record requirement.

The operative date of this bill would be January 1, 2012

Explanation of amendments:

Committee Amendment AM 159 would harmonize section 25-2209 with the provisions of the bill by striking a provision allowing the complete record to be compiled and filed on microfilm. The amendment would clarify that a complete record of a district court case would consist of scanned images and documents maintained in JUSTICE and either on

paper or microfilm. The amendment would remove language in the bill regarding the permanency standards for maintaining records on JUSTICE.

Brad Ashford, Chairperson