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Transcriber's Office

Judiciary Committee
January 28, 2011

[LB15 LB17 LB302 LB398 LB452]

The Committee on Judiciary met at 1:30 p.m. on Friday, January 28, 2011, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB15, LB17, LB302, LB452, and LB398. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Colby Coash; Brenda Council; Burke Harr; Tyson Larson; Scott Lautenbaugh; and Amanda McGill. Senators absent: None.

SENATOR ASHFORD: Good afternoon, Senator Wightman, and you are here to introduce two bills, LB15 and LB17. So let's start with LB15.

SENATOR WIGHTMAN: Okay. It's the one I have in front of me so that will be more...thank you, Chairman Ashford, members of the Judiciary Committee. For the record, I am John Wightman, spelled J-o-h-n W-i-g-h-t-m-a-n, and I represent District 36. LB15 is a very straightforward bill. It clarifies existing law that district court judgments may be enforced by garnishments across county lines without transcribing the judgment and paying a transcription judgment filing fee in the county where the personal property or wages are located. County courts already have the clear authority to issue garnishments across county lines under legislation passed in 2009 and particularly LB332, which was amended into LB35 by AM836. So that was done in 2009. A concern was raised by the Nebraska Land Title Association that LB15 may create a lien on real property across county lines without the filing of a judgment in other counties. Unless the judgment is filed in the county where the property is located, the title insurance company, the buyer, and possibly a lender would not know that a lien existed under current review requirements. I am offering for the committee's review AM161, which would be an amendment to LB15, to harmonize the language of LB15 with the provisions of Section 25-1303, 2008 Revised Statutes. The amendment, AM161, requires a judgment to be filed in the county where the property is located in order for the judgment to become a lien upon the real property. This amendment, AM161, will satisfy the concerns that were raised. I would urge the committee to advance LB15 with AM161 attached as a committee amendment. If you have any questions, I will try to answer them now or a representative of the district court clerks will follow me to testify. Thank you. [LB15]

SENATOR ASHFORD: Thanks, Senator Wightman. And we did the county court bill that's similar to this last year, correct? [LB15]

SENATOR WIGHTMAN: In 2009. [LB15]

SENATOR ASHFORD: Or 2009. Maybe you said that. I'm sorry. Any questions of John? Okay. Thanks. I see the other one is not... [LB15]

SENATOR WIGHTMAN: But we do have testifiers on this so you might want to... [LB15]

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SENATOR ASHFORD: Why don't we do LB15 separately and then we'll go to LB17. [LB15]

SENATOR WIGHTMAN: Okay. Thank you. [LB15]

SENATOR ASHFORD: Proponents on LB15. [LB15]

JANET WIECHELMAN: (Exhibit 1) Good afternoon, Senator Ashford and Judiciary Committee members. My name is Janet Wiechelman, W-i-e-c-h-e-l-m-a-n. I am the elected clerk of district court from Cedar County and also the legislative liaison for the Clerks of District Court Association. I am here in support of LB15. This bill was brought on behalf of the Clerks of District Court Association. In 2009, LB35 was passed which allowed the clerks of the county court to issue a garnishment, attachment or other aid to execution directed to any county. Since the passage of that legislation, the clerks of the district court have received affidavits and praecipe for summons in garnishments from judgment creditors and attorneys requesting that we also issue a garnishment under the understanding we also have the authority to issue garnishments across county lines. This will provide less confusion for the judgment creditors and the attorney regarding the authority of the county court and district court in issuing garnishments. With the passage of this legislation, a judgment creditor who has a judgment in Cedar County, for example, finds that a debtor has personal property or is employed by an employer in another county. The judgment creditor would then need to...would not need to transcribe the judgment to that county in order to garnish. The clerk of district court would issue a garnishment for that personal property or wages in that county. However, with that amendment that Senator Wightman is offering, there is clarification that if real property is found in another county they would still need to transcribe that judgment to that county in order for a lien to be provided on that property. The clerks of district court know that this may cause a small decrease in the amount of transcribed judgments, as judgment creditors will not have to transcribe a judgment to issue a garnishment in that county. However, in order to provide for unity between the court system offices, we request that you advance LB15 to General File. I am willing to answer any questions you may have. Thank you for your time. [LB15]

SENATOR ASHFORD: Any questions for Janet? Seeing none, I think it's pretty straightforward. [LB15]

JANET WIECHELMAN: Thank you. [LB15]

SENATOR ASHFORD: Yeah. Next testifier. Welcome back. [LB15]

BETH BAZYN FERRELL: Good afternoon. Thank you. Good afternoon, Chairman Ashford and members of the committee. For the record, my name is Beth Bazyn,

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B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm appearing on behalf of the Nebraska Association of County Officials in support of this bill. We'd like to thank Senator Wightman for introducing this on our behalf. As you've heard, this bill is really intended to eliminate some of the confusion that can come about from not being sure whether a transcribed judgment can be filed in district court. Be happy to try to answer questions. [LB15]

SENATOR ASHFORD: This one seems to be soaking in. Thanks. Next proponent. Yes, Bill. [LB15]

BILL MUELLER: Mr. Chairman, members of the committee, my name is Bill Mueller, M-u-e-l-l-e-r. I appear here today on behalf of the Nebraska State Bar Association in support of LB15, and we do support the amendment that Senator Wightman offered you that would address the issue of how you get a lien on real estate in another county. And pursuant to his amendment, the answer would be if you want a lien on real estate in another county, you have to transfer the judgment so it would be of record. And with that amendment, we do support this. [LB15]

SENATOR ASHFORD: Thanks, Bill Any questions of Bill? Last night I forgot to thank Katie for her great work on truancy, so your job is to thank her on my behalf. [LB15]

BILL MUELLER: I will thank her. She'll be here later today. [LB15]

SENATOR ASHFORD: All right, I'll thank her then. Thanks, Bill. [LB15]

BILL MUELLER: Thank you. [LB15]

SENATOR LATHROP: Bill, you better tell her to get here because this is going fast. [LB15]

SENATOR ASHFORD: Yeah. Yeah, get her over here. [LB15]

SENATOR LAUTENBAUGH: Yeah, there's not much later today. (Laughter) [LB15]

SENATOR ASHFORD: There's not. There's not much later to later today. [LB15]

BILL MUELLER: It is Friday afternoon, isn't it? Thank you. [LB15]

SENATOR ASHFORD: Well, it's more that Senator Wightman is always concise. That's the reason we're going quickly. Senator Wightman, please. Or, I'm sorry, opponents, is there opponents to this? Neutral? Senator Wightman. [LB15]

SENATOR WIGHTMAN: I'll waive. [LB15]

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SENATOR ASHFORD: Waives closing. So LB17. [LB15]

SENATOR WIGHTMAN: Thank you once again. Good afternoon, Chairman Ashford, members of the Judiciary Committee. For the record, I will say and spell my name again, John Wightman, J-o-h-n W-i-g-h-t-m-a-n, and so far as I know I still represent District 36. LB17 is a relatively simple bill that addresses two rather detailed issues, however: (1) LB17 updates a law on how documents filed in the district court are maintained after the court case is concluded, and (2) LB17 eliminates the ability of the parties to waive the fee assessed for the work of the clerk of the district court to compile and store the record of the court case. This is somewhat of a detailed area of the law and some of the details required additional work. This work has been done. I would offer for the committee's consideration an amendment to LB17 that is the product and the work of the representatives of the district court clerks, the Court Administrator's Office, and the State Records Administrator. I assume the amendment has been passed out to you at this point. It is AM159. AM159 does the following. A new section is added to LB17 by AM159 to amend Section 25-2209 of the Nebraska Revised Statutes. This is a technical change. In AM159, page 1, on line 11, the words "and complete record" are stricken. The new language found on page 2, line 19 and 20, provides the complete record may be maintained either in paper form or on the state's electronic case management system. The stricken language in 25-2209 is inconsistent with the new language and must be removed. The stricken language provides that complete records may be compiled and maintained only on microfilm, so it broadens that method of storage. If you have LB17 in front of you, the second change adds "microfilm" to the options available for maintaining a complete record. AM159 makes this change to LB17 on page 2, line 19. The easy way to explain this change is to read the sentence as amended. Then as amended, the sentence found on LB17, page 2, lines 16 through 20, will read as follows: "The complete record shall include the complaint, the process, the return, the pleadings subsequent thereto, reports, verdicts, orders, judgments, and all material acts and proceedings of the court maintained in the state's electronic case management system in either paper or microfilm." The third change strikes the new matter found on page 3, lines 3 through 12. I'm advised by the Court Administrator's Office and the Record Management Office are of the opinion that the new language is not needed and prefer that the requirements for a court record not be placed in law but be governed by laws and regulations under current statutory authority and record retention requirements. So we're removing the language from the statute or the bill in the amendment so that that could be more easily handled under the rules and regulations. As introduced, LB17 requires the parties to the lawsuit to pay for the work of the clerk of the district court to prepare and retain the complete record. This provision is unchanged by AM159. Current law requires that the clerk of the district court compile a complete record of every case filed or appealed in the district court as soon as it is finally determined. Current law allows the parties to the case to weigh the obligation to pay for the preparation and retention of the record of the case. LB17 removes the ability of the parties to waive the complete record. I would urge the committee to advance

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LB17 with AM159 as a committee amendment. If you have any questions, I will answer them now or a representative of the district court clerks will be following me to testify and can probably get into the more detailed questions that you might have. [LB17]

SENATOR ASHFORD: Thank you, John. Any questions of John? Seeing none. [LB17]

SENATOR WIGHTMAN: Thank you. [LB17]

SENATOR ASHFORD: Thanks. Janet. [LB17]

JANET WIECHELMAN: (Exhibit 2) Good afternoon, Senator Ashford and committee members again. My name is Janet Wiechelman, W-i-e-c-h-e-l-m-a-n. I'm the clerk of the district court for Cedar County and also legislative liaison for the Clerks of District Court Association. I am here in support of LB17. This bill was brought on behalf of the Clerks of District Court Association. The issue of the required complete record has been brought to this committee in past legislation. However, we believe now that we have a bill that fits the needs of the State Bar Association, the Court Administrator's Office, and the State Records Administrator. For those of you who do not know what a complete record is in district court, let me explain this record that was required. The complete record would consist of the complaint, the process, the return, the pleadings subsequent thereto, reports, verdicts, orders, judgments, and all material acts and proceedings of the court. Essentially what this means is that the complete record is a separate record of the physical court file but is a mirror of the physical court file. In the clerks of district court offices you will find large, red, bound books which have the complete records. In the early years, the clerk of the district court would actually write each pleading into the physical large bound book. As the typewriters came, we then started typing each pleading into a large red book. As the photocopy became available, we then started photocopying each of the pleadings into a red book. With the advance of the court system into the electronic era, the clerks are now scanning the filed pleadings onto the state's electronic management system. It is our intent that the complete record now be the scanned images on JUSTICE and then either on paper or microfilm, subject, of course, to the retention schedule through the Records Management Division. Douglas County is now in the conversion process onto the JUSTICE system, and that would mean that 91 of the 93 county district court clerks' offices are providing access of those scanned images as a complete record. For your information, I have provided a statistical worksheet that shows the amount of cases that the complete record was waived and a complete record was prepared. This would encompass the cases disposed from January 1, 2009, to September 3, 2010. As you can see, there already is a general consensus that the complete record must be prepared. When a civil appeal case is filed in the district court, the party filing the action pays the filing fee and the complete record fee of \$15 is included in the filing fee. In other cases, the court may order a party to pay the costs of the action, and the complete record fee would be included in that cost. The language of LB17 would remove the language that the

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complete record may be waived. This will allow the counties to retain the \$15 complete record fee, which will help offset the costs of the counties in providing the scanning equipment. We request that the committee advance LB17 to General File with the amendment offered by Senator Wightman. I'm willing to answer any questions you may have. Thank you for your time. [LB17]

SENATOR ASHFORD: Thanks. Seems sort of ingenious really. [LB17]

JANET WIECHELMAN: Thank you very much. [LB17]

SENATOR ASHFORD: What...well, never mind. Thanks. I got it. Next. Is that what it says? [LB17]

BETH BAZYN FERRELL: Good afternoon, Chairman Ashford, members of the committee. For the record, my name is Beth Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l, appearing for the Nebraska Association of County Officials in support of the bill. Again, we'd like to thank Senator Wightman for introducing this bill on our behalf. As you've heard, it really does two things. It changes the records retention process to reflect what's available on the electronic case management system operated by the state, and it also eliminates the ability to waive the complete record fee. We see this not only in the technical aspects that we've talked about but as sort of a response, as well, to the challenge that came from the Governor in his State of the State Address and the challenge that came from the Revenue Committee when there was discussion the last two days about bills that would eliminate state aid to counties. This bill would provide for efficiencies, as was suggested in both of those discussions, and it would also allow a bit more revenue stream for counties to help offset the costs of scanning. With that, I would be happy to answer questions. [LB17]

SENATOR ASHFORD: Thanks, Beth. Any questions? Great. Thanks. Any other proponents? Any opponents? Neutral? Senator Wightman. Thank you. Guess I'm next. [LB17]

SENATOR MCGILL: We love Senator Wightman here. (Laugh) [LB17]

SENATOR ASHFORD: We really do like you coming, Senator Wightman. Good afternoon. My name is Brad Ashford. I represent Legislative District 20 and I'm here to introduce LB302. Very briefly, the LR542 process that we've been through and many other bills over the years have at least led me to the conclusion that I believe we should ask the Supreme Court finally to come up with a plan to restructure and reorganize the court system in the state of Nebraska. We have, fortunately, to this point in time in our judicial history, we have really many individuals who have worked in the court system for many, many years who have the expertise to address the issues of reorganization and restructuring as they relate to the new technology. Not so new in some places, but

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certainly the technology that has come into our state judicial system, the changes in demographics in our state, the importance clearly as we mention in this committee on an everyday basis the necessity that the courts be open to all the citizens of the state no matter where they live and that there be a equal access to justice and to the court system. So I'm going to turn this over to my colleagues who have...are in the court system, the Bar Association, others. And I would say this: This is a serious, very, very serious effort I think by this committee to really get at this issue. And taking bills one at a time or one-off solutions just don't seem to be the right way to handle the issue, in my view. And it seems to me that we have two years to do something really significant and meaningful for the citizens of our state. So with that, I would appreciate you listening to LB302. [LB302]

SENATOR LATHROP: Thank you, Senator Ashford. Are there any questions? You were crystal-clear. Thank you, Mr. Chairman. [LB302]

PATRICK McDERMOTT: Good afternoon, members of the committee. My name is Patrick McDermott, M-c-D-e-r-m-o-t-t. I'm a county judge from the 5th Judicial District, with chambers in Schuyler, Nebraska. I am the chairman of the Supreme Court's Process Reengineering Committee that has begun this process. The National Center for State Courts selected Nebraska as one of five states that they offered to work with at looking at how to move a state from what I always call a horse-and-buggy judiciary forward to a twenty-first century judiciary. We've been engaged in that process for about six months, and we're trying to take an approach among our group that's called what-if analysis. Rather than being presumptuous and go to the Supreme Court saying this is what we should do or tell you this is what we should do, we're taking concepts and we're saying: What if we do this, what are the likely outcomes? For example, what if we hear more cases by audiovisual media? What are the positive outcomes? What are the negative outcomes? We try to identify those and then report those to the Supreme Court and, in turn, will be reported to you. I really thank Senator Ashford for introducing this bill because this is the first time that I recall a legislative recognition of the judicial branch's duty to manage itself through its Supreme Court. When we reported this action to the consultants at the national center, they were elated. This was the first in their experience of a Legislature coming through with that kind of support. We look upon this as an offer of great partnership between two branches of government, and we have an opportunity I think here to do something really important for the people, and there's absolutely no reason why Nebraska can't be the model state that other states follow in this process. Thank you. I would entertain any questions that you might have. [LB302]

SENATOR ASHFORD: Any questions of Pat? What I would just add is thanks for the recognition, Pat, but this really is this...and not to correct you in any way, but this committee is...my name is on the bill but this is...this committee is absolutely, and has been for years, committed to trying to get to where we are today. So you have I think the attention of every member, and so thanks, and thanks for all your work for all the

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years and your leadership. [LB302]

PATRICK McDERMOTT: Good news is, Senator, I'll be back on each one of these bills, I'm sure. Thank you. [LB302]

SENATOR ASHFORD: Wow! (Laugh) [LB302]

ROBERT BARTLE: Mr. Chairman, I'm back again, as I promised yesterday, and thank you for the opportunity to speak to you again. I'm Bob Bartle. I serve as the president of the 6,000 members of the Nebraska State Bar Association. And I think consistent with what I told you the last couple of days, we continue to work with the court. We work with the Chief Justice and the various judges of the court, as well as the entire constituency of the Bar Association, and we're proud to continue on with that. We support the concept that you're looking for to deal with the difficult choice of limited resources as well as the fundamental need to deliver justice efficiently, fairly, and comprehensively. In that regard, I would be remiss if I didn't note that there are obviously lawyers I represent trial lawyers and judges alike who are concerned about the concept, "if it ain't broke don't necessarily fix it." I mean there are fundamental aspects of the delivery of justice and the cost of providing a sound legal defense and the cost of access to the courts, whether you live in McCook or Minden as well as in the metropolitan areas. So that is a concern, but we support the concept. The four prongs that we want to work with the Unicameral on and this committee are the core values that we believe fundamental to any justice system: accessibility to the system of justice for all citizens for civil as well as criminal matters; accountability, we recognize that we have to hold courts accountable as we hold all agencies of government accountable; fairness, that's fundamental that we have fairness in the system; and then efficiency, we recognize efficiency as part and parcel to process. Somewhat akin to what we discussed yesterday, our concern remains that we recognize a coequal branch of government and we don't drift away from the obligation of the citizenry to support that in our general funds but at the same time recognize some of the needs that we have right away, such as yesterday's conversation on court filing fees. With that, I'm here, along with Elizabeth Neeley of the Bar Association. If you have any questions, we're here to answer them. [LB302]

SENATOR ASHFORD: Any questions of Bob? Thanks, Bob. [LB302]

ROBERT BARTLE: Thank you, Senator. [LB302]

SENATOR ASHFORD: Janice. [LB302]

JANICE WALKER: (Exhibit 4) Senator Ashford, members of the committee, my name is Janice Walker. I am the State Court Administrator and I am not here to present testimony to you. I'm here because on Wednesday, when we talked about LB251, you said, "Would you come back on Friday and bring us some information about these

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courts?" And these courts that you were referring to... [LB302]

SENATOR ASHFORD: Oh. [LB302]

SENATOR MCGILL: Oh yes. Yes, I have it hanging in my office. [LB302]

JANICE WALKER: ...there you are, that famous map again. So you asked... [LB302]

SENATOR ASHFORD: Did you bring the map, I hope? (Laughter) [LB302]

JANICE WALKER: I did. It's...Senator Ashford, it is in your packet. [LB302]

SENATOR ASHFORD: Thank you. [LB302]

JANICE WALKER: You're welcome. [LB302]

SENATOR ASHFORD: Because this will add to my collection of these maps which I have. [LB302]

SENATOR MCGILL: Yes. Yes, I literally am now hanging them on my wall in my office and wallpapering the office with them. (Laugh) [LB302]

JANICE WALKER: All right. Now you said, Senator McGill, these county courts that you... [LB302]

SENATOR ASHFORD: Oh, just for the record, we're not talking about LB302. We're talking about... [LB302]

JANICE WALKER: Well, it fits in with LB302 actually. [LB302]

SENATOR ASHFORD: Okay. All right. [LB302]

JANICE WALKER: It does. I mean I'm saying this now... [LB302]

SENATOR ASHFORD: Okay. [LB302]

JANICE WALKER: ...because this is really where it fits today. [LB302]

SENATOR ASHFORD: All right. [LB302]

JANICE WALKER: But you made the request as part of Senator Council's LB251 conversation. [LB302]

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SENATOR ASHFORD: All right. [LB302]

JANICE WALKER: Senator McGill said these courts that you are looking at with 800 or less filings, what do they have... [LB302]

SENATOR ASHFORD: Let me just...time-out for one second. Just time-out for one second. [LB302]

JANICE WALKER: Yeah. [LB302]

SENATOR ASHFORD: And this is fine and let's do it, but I think what we...at least what I was trying to say, probably not very well, is as we think about LB302 and some of the things that you're going to come back to us with,... [LB302]

JANICE WALKER: Right. [LB302]

SENATOR ASHFORD: ...we'll include a review of all of these matters. [LB302]

JANICE WALKER: Right. That's...I agree. [LB302]

SENATOR ASHFORD: We don't expect you today to come and solve the map issue. [LB302]

JANICE WALKER: No, no, no. [LB302]

SENATOR ASHFORD: Okay. [LB302]

JANICE WALKER: This is not. This is information for you... [LB302]

SENATOR ASHFORD: Okay. [LB302]

JANICE WALKER: ...so you have it as part of your discussions on not only LB302,... [LB302]

SENATOR ASHFORD: Okay. Okay. [LB302]

JANICE WALKER: ...but LB251. [LB302]

SENATOR ASHFORD: Okay. [LB302]

JANICE WALKER: Okay. So, Senator McGill, this is the question you asked about what kinds of filings are found in these county courts of under 800 new filings a year. [LB302]

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SENATOR MCGILL: Uh-huh. [LB302]

JANICE WALKER: So at the top of the list there you have Pawnee County. They have 512 total filings in 2009, and you can see that 215 of those were traffic, and it goes on across in the different case types. And that's pretty standard for all of these county courts that a large percentage of the filings in courts are traffic cases. So that was Senator McGill's question. [LB302]

SENATOR MCGILL: Thank you. [LB302]

JANICE WALKER: Senator Ashford, you wanted to know how our technology is affecting our ability to use staff more efficiently, and so we've just outlined in these two pages some of the things... [LB302]

SENATOR ASHFORD: Okay. [LB302]

JANICE WALKER: ...that we are using technology for: some numbers on electronic filings, our estimate on how much staff time we are saving. And I would say that when we use technology in the county courts, and even the district courts, our aim is to make the work easier and more efficient for employees. We have employees in small rural courts, some of them that are on this list who are, because of our statewide automation system, are able to do case processing for courts across the state. We can use technology for that. So I've given you some information on that, as well I've talked about how we're using technology for training and education and how we are using webcams and other technology for interpreter services. And then you also asked, Senators, "How many courts do you have where you have one person who works in more than one court?" So I have given you a list of that as well, and that all relates not only to LB251 but your conversations here with this bill as well, I believe. [LB302]

SENATOR ASHFORD: Okay. [LB302]

SENATOR MCGILL: Thank you very much. I appreciate all of this. [LB302]

SENATOR ASHFORD: And this is a great start. [LB302]

SENATOR MCGILL: It's exactly what I was looking for. [LB302]

SENATOR ASHFORD: And the...and of course the staff hours for district court e-filings are difficult to determine because they are not your employees, correct? [LB302]

JANICE WALKER: They're not our employees. And frankly, electronic filing has not advanced in the district courts as quickly as it has in the county courts because of what you heard the other day from the gentleman who has a collection agency. He's able to

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bulk file his 80 or 100 filings, whatever he's doing that day, and they'll be sent to county courts all around the state. That's a different kind of case than the civil case that is usually filed in a district court. So it's just a different kind of world and a different kind of processing. [LB302]

SENATOR ASHFORD: Okay. This is good. Any questions of Janice? What's your opinion on LB302? [LB302]

JANICE WALKER: I am in favor of LB302, Senator Ashford. Thanks for bringing it and thanks to the committee for giving us this opportunity, because we have, as Judge McDermott said, been looking at our system and we want to continue to do that. [LB302]

SENATOR ASHFORD: And this is a...I think we think it's a big deal and okay. [LB302]

JANICE WALKER: I think it's a big deal, yes. [LB302]

SENATOR ASHFORD: Okay. Thanks, Janice. [LB302]

JANICE WALKER: Yes. [LB302]

SENATOR ASHFORD: Any other proponents? Janet. [LB302]

JANET WIECHELMAN: One last time. Good afternoon, Senators. My name is Janet Wiechelman, W-i-e-c-h-e-l-m-a-n. I am the clerk of district court for Cedar County and also the legislative liaison for the Clerks of District Court Association. I am here in support of LB302. The Clerks of District Court Association understands the financial restraint that has been placed on the Nebraska Supreme Court in the Court Administrator's Office. We also recognize that the current court structure is not reflective of the twenty-first century, as there are many technology uses available to the court system. However, as elected county officials, we are only (inaudible) in the judicial system where we still are elected and our employee salaries are paid by the county. We believe that the personal direct services provided by the court system be continued to the general public and be made available to the rural counties as well as the urban counties. We are hopeful that this would be included in the discussion by the committee. Although this legislative bill does not designate who shall be on the committee for this plan, we request that the committee would involve a committee of clerks of district courts and clerk magistrates. Our association welcomes the opportunity to be involved in this discussion for the implementation of a plan for an efficient, high-functioning court system. Larry Dix, who is the executive director of the Nebraska Association of County Officials, has indicated his assistance to this committee. We ask that LB302 be advanced to General File and that a committee of judges, clerks of districts courts and clerk magistrates, and other representatives as may be needed, begin the process to

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present this plan to the committee by January 1, 2012. Thank you for your time. [LB302]

SENATOR ASHFORD: Thanks, Janet. Any questions of Janet? Seeing none, next proponent. Joe. [LB302]

JOE KOHOUT: Mr. Chairman, members of the Judiciary Committee, Joe Kohout, K-o-h-o-u-t, appearing today on behalf of the Nebraska County Court Association. We support this legislation. Obviously, anything that gives time to the AOC to examine courts and to look at this structure statewide, we support. And we'd, obviously, as we said the other day on Senator Council's bill, we're happy to be part of that process. So with that, any other questions? [LB302]

SENATOR ASHFORD: Thanks, Joe. [LB302]

JOE KOHOUT: Thank you. [LB302]

SENATOR ASHFORD: Next proponent. Chief. [LB302]

BILL MUELLER: Senator Ashford, members of the committee, my name is Bill Mueller, M-u-e-l-l-e-r. I appear here today on behalf of the Nebraska District Court Judges Association. Senator Ashford, I know that you received a letter or should receive a letter soon from Judge Zastera, who is the president of the association. He's written you and he's written the Chief pledging the district judges' participation in this process. And the association does look forward to being active in this and we support LB302. [LB302]

SENATOR ASHFORD: Thanks, Bill. [LB302]

BILL MUELLER: Thank you. [LB302]

SENATOR ASHFORD: Any questions of Bill? Seeing none, thanks. [LB302]

BILL MUELLER: Thanks. [LB302]

SENATOR ASHFORD: Chief. [LB302]

MIKE HEAVICAN: Thank you, Mr. Chairman and Senators. I'm Mike Heavican, the Chief Justice of the Supreme Court. And this is kind of redundant because of what everybody else has said, particularly like Janice Walker said, but I'm just here to make it clear that we are supportive, very supportive of this bill, and I'm glad to see virtually all of the other components of the court are also. And I would take questions from anybody. [LB302]

SENATOR ASHFORD: Thank you very much. Thanks for coming down... [LB302]

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MIKE HEAVICAN: Okay. Thank you. [LB302]

SENATOR ASHFORD: ...or over, down. [LB302]

MIKE HEAVICAN: So much I enjoy about coming down. [LB302]

SENATOR ASHFORD: Yes, I know. This has to be one of the less stressful occasions probably. Any other proponent? Opponents? Neutral? [LB302]

BETH BAZYN FERRELL: Good afternoon, Chairman Ashford, members of the committee. For the record, my name is Beth Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l, appearing here in a neutral capacity simply because our board took a position of watching this bill and following along with whatever legislation might come of it. But as Ms. Wiechelman said, we would be happy to be involved in whatever way we could. [LB302]

SENATOR ASHFORD: Thanks, Beth. Thank you. Any questions? Seeing none, thanks. Any other neutral testifiers? All right, I'll waive closing. (See also Exhibit 3) We'll go to LB452. [LB302]

SENATOR LATHROP: Welcome, Senator Ashford. [LB302]

SENATOR ASHFORD: Thank you, Mr. Vice Chair. Members of the Judiciary Committee, my name is Brad Ashford, representing Legislative District 20, and I'm here to introduce LB452 on behalf of the Nebraska Supreme Court. LB452 would establish a procedure for intercepting the income tax refunds and lottery prizes in excess of \$500 of those who owe debt of at least \$25 to the Nebraska court system for court costs, fines, fees, or other sums ordered by the court. The collection system would be implemented in cooperation with the Department of Revenue, the Department of Administrative Services, and the State Court Administrator. Apparently there is a fiscal note of over \$100,000 on this bill for administering this thing, so hopefully we'll have some comment on that. I don't quite understand why there is a fiscal note. I understand there's a cost but I guess it would seem to me that some of those costs would be paid for out of the...well, we'll see what everybody has to say, but there is a fiscal note on the bill. [LB452]

SENATOR MCGILL: Don't sound too enthusiastic (laugh) I'm thinking. [LB452]

SENATOR LATHROP: That's amazing that there's a fiscal note. [LB452]

SENATOR MCGILL: Yeah. [LB452]

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SENATOR LATHROP: How many lottery winners can there be? [LB452]

SENATOR MCGILL: It's crazy. [LB452]

SENATOR ASHFORD: It just seems like a large fiscal note and... [LB452]

SENATOR LATHROP: They want to reprogram a computer. All they got to do is, before they give somebody their lottery proceeds, look their name up. [LB452]

SENATOR ASHFORD: Yeah. Right, I was thinking I would maybe get in that business when I leave the Legislature. (Laughter) [LB452]

SENATOR LATHROP: Wow. Okay. Well, we'll work on that fiscal note. [LB452]

SENATOR ASHFORD: All right. Thank you, Mr. Vice Chair. [LB452]

SENATOR LATHROP: Thanks, Senator Ashford. [LB452]

SENATOR MCGILL: Yeah, that's crazy. [LB452]

SENATOR LATHROP: Are there people here in support of or testifiers here in support of Senator Ashford's bill, LB452? Janice. [LB452]

JANICE WALKER: Senator Lathrop, thank you, members of the committee, and thanks to Senator Ashford for introducing LB452, which is intended to give the Nebraska court system an additional tool for collection of court-ordered debt. Currently, there is a Nebraska law that permits setoffs or intercepts of state income tax refunds or, in some cases, lottery winnings to cover debts that a person may owe for child support, debts owed to the Department of Labor or Department of Motor Vehicles. So the language of LB452 is modeled after those statutory schemes already in place. There are at least 16 other states, as well as the federal government, that are using similar tax refund tax setoffs to collect unpaid costs and fees for the courts and state agencies. So the idea proposed here is not new at all, like so many ideas that are proposed. There is pending, in both the Senate and the House, bills that would allow the U.S. Department of Treasury to intercept federal tax funds and we in the state courts have been watching that legislation for a number of years, waiting for it to move. As you might expect, it's not altogether clear how much money such a tax refund and lottery setoff would recover for the courts, but we believe that the courts should be as proactive as possible in the current financial environment and have as many tools as possible to recover money that's been ordered by the court. I believe I spoke with legal counsel about an amendment to delay the effective date of this legislation. That would give us time to do the necessary programming in our court system computer and as well to work out necessary details with the Department of Revenue and Department of Administrative

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Services. We had suggested January 2012 as a possible date for that. Thank you very much. [LB452]

SENATOR ASHFORD: Questions of Janice? I guess we will wonder further about the fiscal note. [LB452]

JANICE WALKER: I'm sorry, I can't... [LB452]

SENATOR ASHFORD: Yeah. We'll just keep wondering and then eventually we'll... [LB452]

JANICE WALKER: I can't shed any light on that. [LB452]

SENATOR LATHROP: Does the Department of Revenue intercept now? [LB452]

JANICE WALKER: Yes, they do. [LB452]

SENATOR LATHROP: So if somebody owes back child support, they can intercept a tax refund. [LB452]

JANICE WALKER: That's my understanding. [LB452]

SENATOR LATHROP: So is this really about lottery money, or is this about fines and unpaid fees to the court system? What are we doing different other than the lottery? [LB452]

JANICE WALKER: Well, the lottery intercept is already in place also, so I... [LB452]

SENATOR ASHFORD: That's why I'm trying to understand where the... [LB452]

SENATOR LATHROP: Okay. What are we doing that's costing us? [LB452]

SENATOR LAUTENBAUGH: It's just not for fines and fees. [LB452]

SENATOR ASHFORD: Right. [LB452]

SENATOR LAUTENBAUGH: ...or court costs yet. [LB452]

SENATOR ASHFORD: Right. [LB452]

SENATOR LAUTENBAUGH: It's intercept for other debts, not court costs. [LB452]

SENATOR ASHFORD: Right. [LB452]

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SENATOR LAUTENBAUGH: That doesn't explain the fiscal note. I'm just trying to explain what we're doing. [LB452]

SENATOR ASHFORD: Right. [LB452]

SENATOR LATHROP: Yeah. Okay. Well, do you think we're going to recover \$114,000 with this program? [LB452]

SENATOR ASHFORD: Janice? [LB452]

JANICE WALKER: I don't have any idea. (Laughter) [LB452]

SENATOR LATHROP: Before we spend the \$114,000, are we going to recover, what are we going to get, a couple grand a year out of this? [LB452]

JANICE WALKER: I have...I really cannot say how much we're going to get out of this. [LB452]

SENATOR LATHROP: Okay. [LB452]

JANICE WALKER: I can't predict that. [LB452]

SENATOR LATHROP: That might be a good question for us to answer before we commit the money. [LB452]

JANICE WALKER: Uh-huh. [LB452]

SENATOR LATHROP: Okay. Thanks, Janice. [LB452]

JANICE WALKER: You're welcome. [LB452]

SENATOR ASHFORD: Next proponent? Okay. Any opponents? Any opponents? Neutral? I'll waive closing. Senator Lathrop, LB398. Okay, LB398. [LB452]

SENATOR LATHROP: Well, I told you I needed to be out of here by 4:15, and so I've got two hours on this bill, I think. [LB398]

SENATOR ASHFORD: So everybody relax, right? [LB398]

SENATOR LATHROP: Relax. Settle in. My name is Steve Lathrop, L-a-t-h-r-o-p. I'm the state senator from District 12 in Omaha and Ralston. I'm here today to introduce LB398 and I'm doing this at the request of the Secretary of State to kind of clean up our statute

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on notary publics. The bill is pretty simple. It does these things. One, it allows the election commissioners to administer oaths and affirmations using the county seal; it modifies notary public application requirements; provides for additional disqualifications for notary public; and allows the Secretary of State to adopt rules and regulations related to notary public statutes. Colleen Byelick from the Secretary of State's Office will testify after me to provide additional details on changes and answers to any questions that you may have on the bill. It's also my understanding that representatives from the Nebraska Court Reporters Association, people I generally care for, will testify and share their concerns regarding the proposed language on residency of the notary public. I've shared an amendment with our legal counsel that would resolve this concern but will leave it up to the committee on how best to deal with that. And I'll answer any questions you have. [LB398]

SENATOR ASHFORD: Any questions of Senator Lathrop? Seeing none. [LB398]

SENATOR LATHROP: Okay. [LB398]

SENATOR ASHFORD: Okay. Proponents? [LB398]

COLLEEN BYELICK: (Exhibit 5) For the record, my name is Colleen Byelick. It's C-o-l-l-e-e-n B-y-e-l-i-c-k. I am the general counsel for the Secretary of State's Office. On behalf of Secretary Gale, we'd like to thank Senator Lathrop for introducing this bill on our behalf. We have about 29,000 notary publics in the state of Nebraska, and although sometimes what they do is sort of administrative work, it is very important. And we have just kind of created a list of things that clarifies their responsibilities and duties and clarifies some procedures within our office, and I'll kind of go through a few of them, and then if anybody has any questions I'll be happy to answer anything I can. As Senator Lathrop said, this would allow election commissioners to administer oaths and affirmations. This changes the application requirements for a notary with regard to someone that has a misdemeanor criminal conviction regarding a fraud or dishonesty, typically a petty theft type offense, and it would allow them to obtain a notary commission after five years. Currently, there's no time frame, so we have professionals that actually have maybe a real estate license or an attorney license and cannot become a notary because of a petty theft that maybe happened 20 years ago. So we'd like to put a time frame on that limitation. With regard to the residency requirement, there is a provision that would allow someone that has a regular place of work or business in the state to obtain a notary although they may not live in Nebraska, and what that's getting at is someone that maybe works at a bank in Omaha but technically resides in Council Bluffs. At this point, they are not allowed to obtain a Nebraska notary. And we have heard from different banking and legal and real estate professionals that they would like to be able to have those people obtain notaries for work purposes. It removes some outdated petition language that was left over from when notaries had to obtain 25 petition signatures to become a notary. It provides that a notary is disqualified

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from notarizing a document that they have a beneficial or financial interest in or one that they're named in, and there are some exceptions for attorneys and real estate professionals that are notarizing documents for their clients. It also provides that a notary is disqualified from notarizing a document if they can't understand the attestation clause used or the notarial certificate used, and our concern primarily is when the document is in a foreign language and a notary is being asked to read and interpret a foreign language. It also removes broad language regarding the duties of a notary. And if you have a chance to look at that section, the duties as currently drafted are extremely broad and talk about that a notary can do things that they can do in other countries, in other states. And sometimes in other countries notaries are actually attorneys, so we'd like to just clarify. And then it also clarifies some hearing procedures. And I see my time is up but I will answer any questions that you may have. [LB398]

SENATOR ASHFORD: Okay, any questions? Yes, Senator Lathrop. [LB398]

SENATOR LATHROP: I hate to do this. I know it's kind of...we're on Friday, but is there...I don't know how to ask this question delicately so I'm just going to be kind of blunt about it, and it's my own bill and I probably should have known this before now. But there is in...I'm familiar with the fact that a notary in Mexico has a different connotation than a notary in Nebraska. Would that be true? [LB398]

COLLEEN BYELICK: That's true. That's true. [LB398]

SENATOR LATHROP: And I've also seen where some people will put a notary seal or a notary sign out in like in south Omaha on South 24 Street and then try to do lawyer functions, right? Have you...has the Secretary of State given any thought to trying to address how to do with that so that we're not misleading people who immigrated to this country but don't know the difference? [LB398]

COLLEEN BYELICK: There are...yeah. Sure. There are actually provisions actually currently in statute that address that topic with regard to notario publico, and you're right that in some Spanish-speaking countries that is the equivalent of an attorney and so someone coming here may not understand what that means. But there are some provisions about how they can advertise and things like that, but so there are some limitations already in statute and there's also some provisions currently in statute that a notary cannot give legal advice. [LB398]

SENATOR LATHROP: Okay. [LB398]

COLLEEN BYELICK: So there are some... [LB398]

SENATOR LATHROP: Okay. Good. Thanks. [LB398]

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SENATOR ASHFORD: Great question. Thanks. Any other questions? All right, seeing none, thanks for your work on this bill. [LB398]

COLLEEN BYELICK: Yeah. Thank you. [LB398]

SENATOR ASHFORD: Next proponent. [LB398]

SUE DeVETTER: (Exhibit 6) Good afternoon, Senators. My name is Sue DeVetter, D-e-V-e-t-t-e-r. I'm here in my individual capacity. I'm a court reporter and I'm a proponent of Senator Lathrop's proposed LB398. Specifically as the proposed language relates to Section 64-101, which is adding the proposed subsection (8) which reads, "No person shall be appointed a notary public unless he or she resides or has a regular place of work or business in this state." And I'm in favor of adding this language to the notary law because of the effect it would have on the profession of court reporting in Nebraska as it pertains to taking depositions. I know the majority of this commission are attorneys, but I'll say that by definition a deposition is the process of taking the witness's sworn testimony out of court. The Nebraska Supreme Court Rules set out that a person before whom a deposition may be taken is...Section 6-328(a) states that the depositions may be taken before a notary public and then as well as other certain court employees, but for nearly all depositions a person must be a notary in order to report depositions in Nebraska, and that's done by people who are generally called the freelance court reporters. Nebraska Revised Statute 64-107 says that a notary public is authorized and empowered within the state, one, to administer oaths and, two, to take depositions, and then it continues on with additional language that Senator Lathrop has addressed that I won't address in my remarks. But this brings me back to the proposed change in the law that I am interested in. Currently, it's understood that a court reporter must reside within the state of Nebraska to take depositions within Nebraska. I think that's fundamentally unfair, unnecessary, and flat-out wrong, and it's a restraint on the ability of a nonresident to do business in Nebraska. We live in a global marketplace for business of all kinds. One can be an attorney, a banker, an insurance agent, a realtor, a doctor, cosmetologist, a police officer, almost any professional service you can name and you can earn a living in Nebraska even if you live outside the borders, but you cannot make your living by taking a deposition if you live on the wrong side of the river, and I do and let me tell you who I am. I am an official court reporter for the United States District Court for the District of Nebraska. I work in Omaha. For 30 years, I've been a Nebraska court reporter, some of the years freelancing, some in the state courts, and now in the federal courts. I've attained the highest degrees that are available. The certification is through the National Court Reporters Association, so that I have the qualifications. And I am currently involved in our federal Court Reporters Advisory Group, and also I've been a past-president of our state association. All my 30 years have been in the Nebraska Omaha community, but I work in federal court for two judges who are about 85 years old. My job security isn't real secure right now, and if I have to go out and start making my living by doing depositions, right now I cannot do it. Right now, anyone in Nebraska

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who is a high school dropout could grab a tape recorder, their digital recorder, they could take a pen and pencil and they could go out and take a deposition, but I've got the certifications, 30 years of experience and all my connections with the Omaha legal community, and I can't because I live in Iowa. Nebraska...resident Nebraska court reporters have the means available by which they can work in any state on our borders, and I think it's disingenuous for those reporters to then say that a nonresident reporter should not be allowed to work in Nebraska. [LB398]

SENATOR ASHFORD: Sue, I think we've got your point. Do we have any questions of Sue? [LB398]

SENATOR LATHROP: If I can ask just one, Mr. Chair. [LB398]

SENATOR ASHFORD: Yes. [LB398]

SENATOR LATHROP: Sue, thanks for being here. I appreciate your concern. I've tried to take depositions over in Iowa and those lawyers over there tell me I've got to bring an Iowa court reporter with me. [LB398]

SUE DeVETTER: Well, they just have to be Iowa certified, but anybody can be Iowa certified. They have the licensure. So you have the Omaha...well, any reporter, including Nebraska reporters, who can go and get licensed in Iowa and therefore take their depositions, and that's my whole point is there's no means, because the depositions are set by Nebraska Supreme Court, the notary laws are revised statutes... [LB398]

SENATOR LATHROP: Okay. Okay. [LB398]

SUE DeVETTER: ...but I can't take a deposition. [LB398]

SENATOR LATHROP: Got it. Thanks. I think we're probably going to hear two sides to this story but... [LB398]

SUE DeVETTER: I know you are. But, you know, it's a matter of where you work and where you live, and when your place of business is...shouldn't be, you know, thrown out by virtue of which side of the river you live on. [LB398]

SENATOR LATHROP: Okay. Thanks, Sue. [LB398]

SENATOR ASHFORD: All right. Thanks, Sue. [LB398]

SUE DeVETTER: Thank you. [LB398]

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SENATOR LATHROP: Good to see you. [LB398]

SENATOR ASHFORD: How many...seems like we have...maybe have two sides. How many testifiers do we have? Okay. Do we have any other proponents? Okay. [LB398]

RICHARD HEDRICK: I'm Richard Hedrick, H-e-d-r-i-c-k, and I have a few questions about this or maybe one. Why do we need a location, business location, for a notary? I had a friend that he was a notary. He didn't have any business location. And I'm not sure why we need to know what's in the...sounded to me like they're expecting the notary to know what's in the paper. I've never had a notary read anything I've had notarized. It's not their business to know whether it's factual or not. They're supposed to find out if the person writing the...or signing the paper is the person that is the person to write it or that's signing it. Whether he wrote the paper doesn't make any difference to the notary. Thank you. [LB398]

SENATOR ASHFORD: Okay. Thank you. Thanks for coming in. Any other proponents? [LB398]

KORBY GILBERTSON: Good afternoon, Chairman Ashford, members of the committee. For the record, my name is Korby Gilbertson, it's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n. I'm appearing today as a registered lobbyist on behalf of the Nebraska Realtors Association in support of LB398. We would like to thank Senator Lathrop for involving us in the process of developing this legislation and the chance to review it. And the legislation committee of the Realtors Association did unanimously vote to approve and support this legislation. So thank you. I'd be happy to try to answer any questions. [LB398]

SENATOR ASHFORD: Any questions of Korby? Seeing none, thanks. [LB398]

KORBY GILBERTSON: Thank you. [LB398]

SENATOR ASHFORD: Any opponents, those who are against the bill? Is there somebody against the bill? Okay. [LB398]

JILL ALBRACHT: Good afternoon. My name is Jill Albracht, it's A-l-b-r-a-c-h-t. I am president of the Nebraska Court Reporters Association. I come before you today in opposition to certain language in LB398, specifically 64-101(8) found on page 3 of the bill which states, "No person shall be appointed a notary public unless he or she resides or has a regular place of work or business in this state." The portion of the sentence "or has a regular place of work or business" is what concerns Nebraska court reporters. Currently, Nebraska does not have a certification requirement for court reporters as other states do. In order for court reporters to give an oath before a deposition or a hearing in this state, we have to be a Nebraska notary public. If the statute is changed

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to add the language "or has a regular place of work or business in this state," we feel that will open the door for huge court reporting firms across the country, who are already trying to take our work with nationwide contracting, to set up shop through a P.O. box or what they're now calling a cyberoffice and take away business from true Nebraskans who are already hurting for business as it is. Out-of-state firms and reporters being allowed to administer oaths and take deposition and hearing work in Nebraska would result in a huge loss of tax revenue for the state of Nebraska in that these people and/or businesses will not pay income tax to our state because they are nonresidents. Also of concern: What constitutes a regular place of work or business in this state? Could someone from another state claim they have a business here, set up a P.O. box or a phantom address, and get a notary in the state of Nebraska? How would the Secretary of State's Office regulate this? At the present time, the notary statutes and official notary public handbook differ in the language regarding residents. The current statute has no wording regarding residency while the handbook states, under Section 1 definitions, a notary...the notary must be a resident of the state of Nebraska, although that section of the handbook seems to coincide with Section 64-112 of the statutes which state, "Every notary public removing from the State of Nebraska shall notify the Secretary of State of such removal. Such a removal shall terminate the term of his office." While I agree that the statute and handbook should be aligned, I respectfully request that the wording "or has a regular place of work or business" be taken out of the proposed language. Thank you. [LB398]

SENATOR ASHFORD: Any questions? Do you see Sue's point though? She's worked here and... [LB398]

JILL ALBRACHT: You know... [LB398]

SENATOR ASHFORD: ...how do we address that problem or issue? [LB398]

JILL ALBRACHT: I'm not as concerned about Sue in Council Bluffs as I am these other big companies coming here. [LB398]

SENATOR ASHFORD: Right. No, I think that's a very big...I see that concern. I just wonder what you...Sue's case seems someone who's worked here 30 years or whatever and works with Nebraska judges and...I'm not..I'm just... [LB398]

JILL ALBRACHT: While I sympathize with Sue, you know,... [LB398]

SENATOR ASHFORD: Yeah. [LB398]

JILL ALBRACHT: ...at the same time while we can go to Iowa and take a deposition if we pass their test, I know they can't come here and take a deposition... [LB398]

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SENATOR ASHFORD: Right. [LB398]

JILL ALBRACHT: ...because they can't be a notary. [LB398]

SENATOR ASHFORD: Right. [LB398]

JILL ALBRACHT: I am not an Iowa court reporter. I have not taken that test. [LB398]

SENATOR ASHFORD: Okay. [LB398]

JILL ALBRACHT: I would not take jobs from them just like I don't want them to take jobs from us. [LB398]

SENATOR ASHFORD: No, not just you necessarily but I mean you could. And this is not a criticism at all of your testimony. I'm just trying to sort it out. I mean you could go to Iowa if you wished. [LB398]

JILL ALBRACHT: No, I have to take a test. Well, I could if I pass their test and took it, right, I could... [LB398]

SENATOR ASHFORD: Right. Right. [LB398]

JILL ALBRACHT: ...as I could in other states with certifications too. I got my first certification in Texas and that is where I lived. [LB398]

SENATOR ASHFORD: Okay. [LB398]

JILL ALBRACHT: And that is the same rule for them. You have to be a Texas CSR in order to take depositions in Texas, so... [LB398]

SENATOR ASHFORD: It's funny. I mean I'm wondering if there shouldn't be some kind of national remedy here where some... [LB398]

SENATOR LATHROP: I think the problem here is, and you're expressing it, which is the national firms or the people that are brokering... [LB398]

SENATOR ASHFORD: Right. Right. [LB398]

SENATOR LATHROP: ...court reporter services... [LB398]

JILL ALBRACHT: Right. [LB398]

SENATOR LATHROP: ...charging cut-rate prices and then the cost of the copy to the

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guy who didn't choose them is very high. That's another practice that's becoming more prevalent and also a concern. [LB398]

SENATOR ASHFORD: Yeah, I mean I think it's a... [LB398]

SENATOR LATHROP: I didn't see this coming with the bill, I'll tell you, but I appreciate Sue's concerns. She's a wonderful court reporter and I've known her for a million years. And I also appreciate... [LB398]

SENATOR ASHFORD: Yeah. [LB398]

SENATOR LATHROP: ...the direction and the Nebraska Court Reporters and I don't know what the solution is. But I'm not interested in the big firms that are going to start doing this by videoconference or something. So I guess before it moves, maybe I can try to work something...work through something with the court reporters. [LB398]

SENATOR ASHFORD: Well, I mean I think...I think that's, yeah, that's a good point, Steve. I mean... [LB398]

JILL ALBRACHT: I think the solution would be to have a certification for Nebraska. Then if Iowa reporters wanted to take the Nebraska certification, they could come here and... [LB398]

SENATOR ASHFORD: Why don't we have that? [LB398]

SENATOR LATHROP: Is the Iowa certification by statute or is that by court rule? [LB398]

JILL ALBRACHT: I would have to check on that and get back with you on how that is. [LB398]

SENATOR LATHROP: Maybe you could and then we can look at that. Because I appreciate good court report...very good court reporter and...but at the same time I understand your concern from the big boys that are... [LB398]

SENATOR ASHFORD: Yeah, and I... [LB398]

JILL ALBRACHT: Then we could do away with the whole notary issue and just have our certification and we could not bother you anymore regarding it. (Laugh) [LB398]

SENATOR ASHFORD: I think what we're really saying or what I'm...I know I'm sure Steve is saying, I'm saying is we want both of you to be successful, you know, because you're both doing a great job for the citizens of the state of Nebraska. So how...is

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there...and you have a trust relationship obviously. People trust you and it's more than you're just a notary or court reporter. It's because they trust that you're going to be there, do a good job, all the things that are important about being a court reporter. It's a critical part of the system, and so, gosh, there's got to be a way. All right. [LB398]

JILL ALBRACHT: Thank you very much. [LB398]

SENATOR ASHFORD: We'll figure it out. If you guys can figure it out before we figure it out, let us know. Okay? Any other testifiers on this bill at all? Neutral? Okay, Senator Lathrop. [LB398]

SENATOR LATHROP: I'll waive. [LB398]

SENATOR ASHFORD: Great. [LB398]