

This Document can be made available  
in alternative formats upon request

State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 2455**

02/27/2014 Authored by Hilstrom

The bill was read for the first time and referred to the Committee on Judiciary Finance and Policy

04/04/2014 Adoption of Report: Amended and re-referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act  
1.2 relating to courts; modifying provisions for court reporters; amending Minnesota  
1.3 Statutes 2012, sections 486.01; 486.02; 486.05; 486.06; 486.10, subdivisions 2,  
1.4 3; proposing coding for new law in Minnesota Statutes, chapter 486; repealing  
1.5 Minnesota Statutes 2012, sections 484.72; 486.055.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 486.01, is amended to read:

1.8 **486.01 APPOINTMENT, DUTIES, BOND; SUBSTITUTES.**

1.9 Each judge, by duplicate orders filed with the court administrator and county auditor  
1.10 of the several counties of the judge's district, may appoint a competent stenographer as  
1.11 reporter of the court, to hold office during the judge's pleasure, and to act as the judge's  
1.12 secretary in all matters pertaining to official duties. ~~Such reporter shall give bond to the~~  
1.13 ~~state in the sum of \$2,000, to be approved by the appointing judge, conditioned for the~~  
1.14 ~~faithful and impartial discharge of all the reporter's duties, which bond, with the oath of~~  
1.15 ~~office, shall be filed with the court administrator in the county in which the judge resides.~~

1.16 Whenever the official reporter so appointed, because of sickness or physical  
1.17 disability, is temporarily unable to perform duties, the judge of the court affected may, if  
1.18 another official court reporter is not available, secure for the temporary period of disability  
1.19 of the official court reporter, another competent reporter to perform such duties for not  
1.20 to exceed 60 days in any calendar year. The substitute court reporter so appointed shall  
1.21 receive as salary an amount equal to the salary of the official court reporter for the period  
1.22 of time involved and shall also receive in addition thereto expenses and fees provided by  
1.23 sections 486.05 and 486.06. The salary of such substitute reporter shall be paid in the  
1.24 manner now provided by law for the payment of the salary of the official court reporter.

2.1 The substitute court reporter shall not be required to furnish bond, unless ordered by the  
2.2 judge to do so. The employment of and the compensation paid to such substitute reporter  
2.3 shall in no way affect or prejudice the employment of and the compensation paid to the  
2.4 official court reporter of said court.

2.5 Sec. 2. Minnesota Statutes 2012, section 486.02, is amended to read:

2.6 **486.02 STENOGRAPHIC OFFICIAL RECORD.**

2.7 ~~Except as provided in section 484.72, a competent stenographer~~ A court reporter  
2.8 who meets minimum qualifications promulgated by the Supreme Court, shall ~~make~~  
2.9 capture a complete ~~stenographic~~ record of all testimony given and all proceedings had  
2.10 before the judge upon the trial of issues of fact, with or without a jury, or before any  
2.11 referee appointed by such judge. In so doing the ~~stenographer~~ court reporter shall take  
2.12 ~~down or record~~ all questions in the exact language thereof, and all answers thereto  
2.13 precisely as given by the witness or by the sworn interpreter. The ~~stenographer~~ court  
2.14 reporter shall also ~~record,~~ capture a verbatim, record of all objections made, and the  
2.15 grounds thereof as stated by counsel, all rulings thereon, all exceptions taken, all motions,  
2.16 orders, and admissions made and the charge to the jury. When directed so to do by the  
2.17 judge, the ~~stenographer~~ court reporter shall ~~make~~ capture a like record of any other matter  
2.18 or proceeding, and shall read to, play back for, or transcribe for such judge or referee any  
2.19 record ~~made~~ captured by the ~~stenographer~~ court reporter, ~~or transcribe the same,~~ without  
2.20 charge, for any purpose in furtherance of justice.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to legal  
2.22 proceedings commencing on or after that date.

2.23 Sec. 3. **[486.025] ELECTRONIC RECORDING OF COURT PROCEEDINGS.**

2.24 Subdivision 1. **Authorization.** Electronic recording equipment may be used to  
2.25 record court proceedings. A court reporter shall operate and monitor electronic recording  
2.26 equipment. At the request of any party to any proceedings, the court may, in its discretion,  
2.27 require a competent stenographer who meets minimum qualifications promulgated by the  
2.28 Supreme Court to make a complete stenographic record of the proceedings.

2.29 Subd. 2. **Limitations on operation of electronic recording equipment.** Except as  
2.30 provided in subdivisions 4 and 5, a court reporter who meets minimum qualifications as  
2.31 promulgated by the Supreme Court shall make a complete official record of the following  
2.32 court proceedings:

2.33 (1) felony and gross misdemeanor offenses;

3.1 (2) district court jury trials; and

3.2 (3) contested district court trials and fact-finding hearings.

3.3 Subd. 3. **Malfunction of electronic recording.** If, when electronic recording  
3.4 equipment is used, a malfunction occurs in the recording process so that the recording is  
3.5 incomplete, the court may declare a mistrial if the malfunction is discovered during the  
3.6 trial. If the malfunction is discovered in the course of preparing a transcript after a verdict  
3.7 has been entered, the court may grant a new trial upon motion of any party.

3.8 Subd. 4. **Court reporter unavailability.** Subject to judicial district reassignment  
3.9 policies and collective bargaining agreements, if a court reporter is not available to  
3.10 capture the record of court proceedings, the court may use a person who meets minimum  
3.11 qualifications as promulgated by the state court administrator to operate electronic  
3.12 recording equipment.

3.13 Subd. 5. **Expedited child support process.** Hearings and proceedings conducted  
3.14 in the expedited child support process under section 484.702 may be reported by use of  
3.15 electronic recording equipment provided that the equipment meets the minimum standards  
3.16 promulgated by the state court administrator. Electronic recording equipment must be  
3.17 operated and monitored by a person who meets the minimum qualifications promulgated  
3.18 by the state court administrator.

3.19 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to legal  
3.20 proceedings commencing on or after that date.

3.21 Sec. 4. Minnesota Statutes 2012, section 486.05, is amended to read:

3.22 **486.05 DISTRICT COURT; REPORTERS' SALARIES AND EXPENSES.**

3.23 Subdivision 1. **Salaries.** The salary for each court reporter shall be set ~~annually~~  
3.24 ~~by the district administrator~~ biennially by agreement of the court reporter collective  
3.25 bargaining representative and state court administration within the range established under  
3.26 section 480.181 as provided in the judicial branch personnel rules.

3.27 Subd. 1a. **Expenses.** A court reporter, in addition to a salary, shall be paid necessary  
3.28 mileage, traveling, and hotel expenses incurred in the discharge of official duties while  
3.29 absent from the home chambers where the judge the reporter serves is assigned and any  
3.30 other expenses agreed to between the court reporter collective bargaining representative  
3.31 and state court administration. The expenses are to be paid by the state upon presentation  
3.32 of a verified itemized statement approved by the judge.

4.1 Sec. 5. Minnesota Statutes 2012, section 486.06, is amended to read:

4.2 **486.06 CHARGE FOR TRANSCRIPT.**

4.3 In addition to the salary set in section 486.05, the court reporter may charge for a  
4.4 transcript of a record ordered by any person other than the judge ~~50 cents per original~~  
4.5 ~~folio thereof and ten cents per folio for each manifold or other copy thereof when so~~  
4.6 ~~ordered that it can be made with the original transcript.~~ The chief judge of the judicial  
4.7 ~~district council~~ may by order establish new transcript fee ceilings ~~annually~~ biennially  
4.8 in odd numbered years.

4.9 A court reporter may impose a fee authorized under this section only if the transcript  
4.10 is delivered to the person who ordered it within a reasonable time after it was ordered.

4.11 Sec. 6. Minnesota Statutes 2012, section 486.10, subdivision 2, is amended to read:

4.12 Subd. 2. **Disclosure; court reporter requirements; objections.** (a) The existence  
4.13 of a contract or agreement for court reporting services must be disclosed as provided  
4.14 by this paragraph. Written notice of a contract or agreement must be (1) included in  
4.15 the notice of taking deposition or the notice of legal proceeding before commencement  
4.16 of a legal proceeding at which court reporting services are being provided. ~~Oral, and~~  
4.17 (2) disclosure of a contract or agreement the fee schedule must be made on part of the  
4.18 record by the court reporter at the commencement of the legal proceeding by the person  
4.19 providing the notice of the deposition.

4.20 (b) A freelance court reporter and court reporting firm:

4.21 (1) shall treat all parties to an action equally, providing comparable services and  
4.22 charging equal fees to all parties except that fees may be waived or reduced to low-income  
4.23 parties;

4.24 (2) may not act as an advocate for any party or act partially to any party to an  
4.25 action; and

4.26 (3) shall comply with all state and federal court rules that govern the activities  
4.27 of court reporters.

4.28 (c) An attorney shall state the reason for the objection to the provision of court  
4.29 reporting services by a freelance court reporter or court reporting firm and shall note  
4.30 the objection and the reason on the record.

4.31 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to legal  
4.32 proceedings commencing on or after that date.

4.33 Sec. 7. Minnesota Statutes 2012, section 486.10, subdivision 3, is amended to read:

5.1 Subd. 3. **Remedies.** Through objection by a party to the proceedings and upon  
5.2 the court's or presiding officer's learning determination of a violation of subdivision 2,  
5.3 paragraph (a), the court or presiding officer may: (1) declare that the record for which the  
5.4 court reporting services were provided is void and may order that the legal proceeding be  
5.5 reconducted; or (2) impose sanctions against the party violating subdivision 2, paragraph  
5.6 (a), including civil contempt of court, costs, and reasonable attorney fees resulting from  
5.7 the violation. If the legal proceedings are reconducted, the parties who violate violated  
5.8 subdivision 2, paragraph (a), are jointly and severally liable for costs associated with  
5.9 reconducting the legal proceeding and preparing the new record. Costs include, but are not  
5.10 limited to, attorney, witness, and freelance court reporter appearance and transcript fees.

5.11 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to legal  
5.12 proceedings commencing on or after that date.

5.13 Sec. 8. **REPEALER.**

5.14 Minnesota Statutes 2012, sections 484.72; and 486.055, are repealed.

**484.72 ELECTRONIC RECORDING OF COURT PROCEEDINGS.**

Subdivision 1. **Authorization.** Except as provided in subdivision 4, electronic recording equipment may be used to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings, the court may, in its discretion, require a competent stenographer who meets minimum qualifications promulgated by the Supreme Court, to make a complete stenographic record of the proceedings.

Subd. 2. **Appointment of operator, costs and payment.** The court shall have the authority to appoint a person or persons to operate and monitor electronic recording equipment. The person or persons may be paid on a salary basis, on a contract basis, or such other basis as the court deems appropriate.

Subd. 3. **Specification for electronic recording equipment; qualifications for operator.** For the purpose of this section the state court administrator shall promulgate specifications for acceptable electronic recording equipment used to record court proceedings and minimum qualifications for the persons who operate and monitor the equipment.

Subd. 4. **Limitations on use of electronic recording equipment.** A competent stenographer who meets minimum qualifications promulgated by the Supreme Court, shall make a complete stenographic record of the following court proceedings:

(1) Felony and gross misdemeanor offenses, except arraignments and first appearance in district court as specified in rule 8 of the Rules of Criminal Procedure.

(2) District court jury trials.

(3) Contested district court trials and fact-finding hearings. Where required by statute or court rule, electronic recording equipment may be used in addition to the services of a competent stenographer.

Subd. 5. **Malfunction of electronic recording.** If, when electronic recording equipment is used, a malfunction occurs in the recording process so that the recording is incomplete, the court may declare a mistrial if the malfunction is discovered during the trial. If the malfunction is discovered in the course of preparing a transcript after a verdict has been entered, the court may grant a new trial upon motion of any party.

Subd. 6. **Expedited child support process.** Notwithstanding subdivisions 1 and 4, hearings and proceedings conducted in the expedited child support process under section 484.702 may be reported by use of electronic recording equipment provided that the equipment meets the minimum standards promulgated by the state court administrator. Electronic recording equipment must be operated and monitored by a person who meets the minimum qualifications promulgated by the state court administrator.

**486.055 COURT REPORTER TRANSCRIPT FEE CHARGES; REPORTING REQUIREMENTS.**

Each court reporter who charges a fee for the preparation of transcripts shall by April 15 of each year file with the district administrator of the reporter's judicial district an accounting of gross receipts and net income from these receipts for the prior calendar year. The accounting report shall specify the amount received in payment for the sale of transcripts.