

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 17
Final Reading

Introduced by Wightman, 36.

Read first time January 06, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to amend sections 25-1319, 25-1320,
2 25-1321, 25-2209, and 33-106, Reissue Revised Statutes of
3 Nebraska; to change and eliminate provisions relating to
4 the complete record of a case and court fees; to
5 harmonize provisions; to provide an operative date; to
6 repeal the original sections; and to outright repeal
7 sections 25-1323, 25-1324, and 25-1325, Reissue Revised
8 Statutes of Nebraska.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1319, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-1319 The clerk shall make a complete record of every
4 ~~cause, civil, criminal, and appeal case filed in the court as soon as~~
5 ~~it is finally determined. , unless such record, or some part thereof,~~
6 ~~is duly waived.~~

7 Sec. 2. Section 25-1320, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 25-1320 The clerk shall make up ~~such~~the complete record
10 ~~in each cause, required under section 25-1319~~ in the vacation next
11 after the term at which the same was determined, and the presiding
12 judge of such court shall, at its next term thereafter, subscribe the
13 same.

14 Sec. 3. Section 25-1321, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 25-1321 The complete record shall include the complaint,
17 the process, the return, the pleadings subsequent thereto, reports,
18 verdicts, orders, judgments, and all material acts and proceedings of
19 the court maintained in the state's electronic case management system
20 and either in paper form or on microfilm. All journal entries and all
21 such filings as are required to be entered in full in the ~~appearance~~
22 ~~dockets, register of actions~~ shall, by reference, be made a part of
23 the complete record for all purposes, including the taxing of fees
24 and costs. ~~, and need not be reentered in the making up of such~~
25 ~~record; but if the items of an account or the copies of a paper~~

1 ~~attached to the pleadings are voluminous, the court may order the~~
2 ~~record to be made by abbreviating the same, by inserting a pertinent~~
3 ~~description thereof, or by omitting them entirely.~~ Evidence
4 introduced at any proceeding is not part of the complete record of
5 the cause.

6 Sec. 4. Section 25-2209, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 25-2209 The clerk of the district court shall keep
9 records to be called the appearance docket, the trial docket, the
10 journal, the complete record, the execution docket, the fee book, the
11 general index, and the judgment record. Such records may be compiled,
12 filed, and maintained on a computer system. Effective not later than
13 October 1, 1992, provision for dockets and records of the district
14 courts shall be established by rule of the Supreme Court. The journal
15 ~~and complete record~~ may be compiled and filed on microfilm. The
16 recording of all instruments by the roll form of microfilm may be
17 substituted for the method of recording instruments in books. If this
18 method of recording instruments on microfilm is used, a security copy
19 on silver negative microfilm in roll form must be maintained and
20 filed off premises under safe conditions to insure the protection of
21 the records. The internal reference copies or work copies of the
22 instruments recorded on microfilm may be in any photographic form to
23 provide the necessary information as may be determined by the
24 official in charge, and shall meet the microfilm standards as
25 prescribed by the State Records Administrator.

1 Sec. 5. Section 33-106, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 33-106 (1) In addition to the judges retirement fund fee
4 provided in section 24-703 and the fee provided in section 33-106.03
5 and except as otherwise provided by law, the fees of the clerk of the
6 district court shall be as follows: There shall be a docket fee of
7 forty-two dollars for each civil and criminal case except (a) a case
8 commenced by filing a transcript of judgment as hereinafter provided,
9 (b) proceedings under the Nebraska Workers' Compensation Act and the
10 Employment Security Law, when provision is made for the fees that may
11 be charged, and (c) a criminal case appealed to the district court
12 from any court inferior thereto as hereinafter provided. There shall
13 be a docket fee of twenty-five dollars for each case commenced by
14 filing a transcript of judgment from another court in this state for
15 the purpose of obtaining a lien. There shall be a docket fee of
16 twenty-seven dollars for each criminal case appealed to the district
17 court from any court inferior thereto.

18 (2) In all cases, other than those appealed from an
19 inferior court or original filings which are within jurisdictional
20 limits of an inferior court and when a jury is demanded in district
21 court, the docket fee shall cover all fees of the clerk, except that
22 the clerk shall be paid for each copy or transcript ordered of any
23 pleading, record, or other paper and that the clerk shall be entitled
24 to a fee of fifteen dollars for making a complete record of a case.

25 (3) The fee for making a complete record of a case shall

1 be taxed as a part of the costs of the case., ~~except when expressly~~
2 ~~waived by the parties to the action. In a Title IV-D case, in a case~~
3 ~~filed pursuant to sections 25-2301 to 25-2310, or in a case filed by~~
4 ~~a county attorney, the fee for making a complete record of a case~~
5 ~~shall be waived.~~ In all civil cases, except habeas corpus cases in
6 which a poverty affidavit is filed and approved by the court, and for
7 all other services, the docket fee or other fee shall be paid by the
8 party filing the case or requesting the service at the time the case
9 is filed or the service requested.

10 (4) For any other service which may be rendered or
11 performed by the clerk but which is not required in the discharge of
12 his or her official duties, the fee shall be the same as that of a
13 notary public but in no case less than one dollar.

14 Sec. 6. This act becomes operative on January 1, 2012.

15 Sec. 7. Original sections 25-1319, 25-1320, 25-1321,
16 25-2209, and 33-106, Reissue Revised Statutes of Nebraska, are
17 repealed.

18 Sec. 8. The following sections are outright repealed:
19 Sections 25-1323, 25-1324, and 25-1325, Reissue Revised Statutes of
20 Nebraska.