

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

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, 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 either in paper form or on the state's
20 electronic case management system. All journal entries and all such
21 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. Documents retained
4 on the state's electronic case management system shall meet the
5 permanency standards prescribed by the State Records Administrator.
6 Documents retained on the state's electronic case management system
7 shall meet the greater of the records retention schedules as
8 prescribed by the State Records Administrator, or not less than
9 twenty years after the last action, including appeal and satisfaction
10 of judgments, if any. When the complete record becomes a nonpermanent
11 record, the clerk shall maintain the security copy of the disks,
12 tapes, indexes, and other documents. Evidence introduced at any
13 proceeding is not part of the complete record of the cause.

14 Sec. 4. Section 33-106, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 33-106 (1) In addition to the judges retirement fund fee
17 provided in section 24-703 and the fee provided in section 33-106.03
18 and except as otherwise provided by law, the fees of the clerk of the
19 district court shall be as follows: There shall be a docket fee of
20 forty-two dollars for each civil and criminal case except (a) a case
21 commenced by filing a transcript of judgment as hereinafter provided,
22 (b) proceedings under the Nebraska Workers' Compensation Act and the
23 Employment Security Law, when provision is made for the fees that may
24 be charged, and (c) a criminal case appealed to the district court
25 from any court inferior thereto as hereinafter provided. There shall

1 be a docket fee of twenty-five dollars for each case commenced by
2 filing a transcript of judgment from another court in this state for
3 the purpose of obtaining a lien. There shall be a docket fee of
4 twenty-seven dollars for each criminal case appealed to the district
5 court from any court inferior thereto.

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

13 (3) The fee for making a complete record of a case shall
14 be taxed as a part of the costs of the case., except when expressly
~~15 waived by the parties to the action. In a Title IV-D case, in a case~~
~~16 filed pursuant to sections 25-2301 to 25-2310, or in a case filed by~~
~~17 a county attorney, the fee for making a complete record of a case~~
~~18 shall be waived.~~ In all civil cases, except habeas corpus cases in
19 which a poverty affidavit is filed and approved by the court, and for
20 all other services, the docket fee or other fee shall be paid by the
21 party filing the case or requesting the service at the time the case
22 is filed or the service requested.

23 (4) For any other service which may be rendered or
24 performed by the clerk but which is not required in the discharge of
25 his or her official duties, the fee shall be the same as that of a

1 notary public but in no case less than one dollar.

2 Sec. 5. This act becomes operative on January 1, 2012.

3 Sec. 6. Original sections 25-1319, 25-1320, 25-1321, and
4 33-106, Reissue Revised Statutes of Nebraska, are repealed.

5 Sec. 7. The following sections are outright repealed:
6 Sections 25-1323, 25-1324, and 25-1325, Reissue Revised Statutes of
7 Nebraska.