

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 492

Introduced by Morfeld, 46.

Read first time January 20, 2015

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to register of deeds document recording fees;
2 to amend sections 25-2154, 33-109, 52-1004, and 77-3903, Revised
3 Statutes Cumulative Supplement, 2014; to allow additional uses of
4 fees charged by the register of deeds office for preservation and
5 maintenance of records; to harmonize provisions; to change fees; and
6 to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2154, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 25-2154 In all cases of foreclosure of mortgages in the several
4 counties in the state, it shall be the duty of the clerk of the district
5 court, on the satisfaction or payment of the amount of the decree, to
6 forward to the register of deeds a certificate setting forth the names of
7 parties, plaintiff and defendant, descriptions of the premises mentioned
8 in the decree, and the book and page where the mortgage foreclosed is
9 recorded. For such certificate the clerk of the district court shall
10 collect, ~~until January 1, 2018,~~ the fee required pursuant to subdivision
11 (1)(a) of section 33-109 for recording the certificate ~~or, on and after~~
12 ~~January 1, 2018,~~ a fee of three dollars. Such amount shall be taxed as
13 part of the costs in the case, and such sum shall be paid to the register
14 of deeds as the fee for recording the certificate.

15 Sec. 2. Section 33-109, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 33-109 (1)(a) ~~This subdivision applies until January 1, 2018.~~ The
18 register of deeds and the county clerk shall receive for recording a
19 deed, mortgage, or release, recording and indexing of a will, recording
20 and indexing of a decree in a testate estate, recording proof of
21 publication, or recording any other instrument, a fee of ten dollars for
22 the first page and six dollars for each additional page.

23 (b) Two dollars and fifty cents of the ten-dollar fee for recording
24 the first page and fifty cents of the six-dollar fee for recording each
25 additional page;

26 (i) ~~Shall~~ shall be used exclusively for the purposes of preserving
27 and maintaining public records of the office of the register of deeds and
28 for modernization and technology needs relating to such records; ~~and -~~
29 ~~The funds allocated under this subdivision shall not be substituted for~~
30 ~~other allocations of county general funds to the register of deeds for~~
31 ~~the purposes enumerated in this subdivision.~~

1 (ii) Shall be used for purposes of preserving and maintaining public
2 records of a register of deeds office that has been consolidated with
3 another county office pursuant to section 22-417 and for modernization
4 and technology needs relating to such records.

5 (c) The funds allocated under this section shall not be substituted
6 for other allocations of county general funds to the register of deeds
7 office or any other county office receiving such funds for the purposes
8 enumerated in this subsection.

9 ~~(b) This subdivision applies on and after January 1, 2018. The~~
10 ~~register of deeds and the county clerk shall receive for recording a~~
11 ~~deed, mortgage, or release, recording and indexing of a will, recording~~
12 ~~and indexing of a decree in a testate estate, recording proof of~~
13 ~~publication, or recording any other instrument, a fee of five dollars per~~
14 ~~page. For entering each instrument presented for record in the numerical~~
15 ~~index, the clerk or register of deeds shall receive the sum of fifty~~
16 ~~cents for each lot and each single block without lots in platted areas~~
17 ~~and fifty cents for each section in unplatted areas to be paid in advance~~
18 ~~by the person offering the instrument for record.~~

19 (2) The cost for a certified copy of any instrument filed or
20 recorded in the office of county clerk or register of deeds shall be one
21 dollar and fifty cents per page.

22 Sec. 3. Section 52-1004, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 52-1004 (1)(a) ~~This subdivision applies until January 1, 2018. The~~
25 uniform fee, payable to the Secretary of State, for presenting for filing
26 and indexing and for filing and indexing each notice of lien or
27 certificate or notice affecting the lien pursuant to the Uniform Federal
28 Lien Registration Act shall be two times the fee required for recording
29 instruments with the register of deeds as provided in subdivision (1)(a)
30 of section 33-109. There shall be no fee for the filing of a termination
31 statement. The uniform fee for each county more than one designated

1 pursuant to subsection (1) of section 52-1001 shall be the fee required
2 for recording instruments with the register of deeds as provided in
3 subdivision (1)(a) of section 33-109. The Secretary of State shall
4 deposit each fee received pursuant to this subdivision in the Uniform
5 Commercial Code Cash Fund. Of the fees received and deposited pursuant to
6 this subdivision, the Secretary of State shall remit the fee required for
7 recording instruments with the register of deeds as provided in
8 subdivision (1)(a) of section 33-109 to the register of deeds of a county
9 for each designation of such county in a filing pursuant to subsection
10 (1) of section 52-1001.

11 ~~(b) This subdivision applies on and after January 1, 2018. The~~
12 ~~uniform fee, payable to the Secretary of State, for presenting for filing~~
13 ~~and indexing and for filing and indexing each notice of lien or~~
14 ~~certificate or notice affecting the lien pursuant to the Uniform Federal~~
15 ~~Lien Registration Act shall be six dollars. There shall be no fee for the~~
16 ~~filing of a termination statement. The uniform fee for each county more~~
17 ~~than one designated pursuant to subsection (1) of section 52-1001 shall~~
18 ~~be three dollars. The Secretary of State shall deposit each fee received~~
19 ~~pursuant to this subdivision in the Uniform Commercial Code Cash Fund. Of~~
20 ~~the fees received and deposited pursuant to this subdivision, the~~
21 ~~Secretary of State shall remit three dollars to the register of deeds of~~
22 ~~a county for each designation of such county in a filing pursuant to~~
23 ~~subsection (1) of section 52-1001.~~

24 (2) The Secretary of State shall bill the district directors of
25 internal revenue or other appropriate federal officials on a monthly
26 basis for fees for documents presented or filed by them.

27 Sec. 4. Section 77-3903, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 77-3903 (1)(a) A notice of lien provided for in the Uniform State
30 Tax Lien Registration and Enforcement Act upon real property shall be
31 presented in the office of the Secretary of State. Such notice of lien

1 shall be transmitted by the Secretary of State to and filed in the office
2 of the register of deeds by the register of deeds of the county or
3 counties in which the real property subject to the lien is situated as
4 designated in the notice of lien. The register of deeds shall enter the
5 notice in the alphabetical state tax lien index, showing on one line the
6 name and residence of the person liable named in such notice, the last
7 four digits of the social security number or the federal tax
8 identification number of such person, the Tax Commissioner's or
9 Commissioner of Labor's serial number of such notice, the date and hour
10 of filing, and the amount due. Such presentments to the Secretary of
11 State may be made by direct input to the Secretary of State's data base
12 or by other electronic means. All such notices of lien shall be retained
13 in numerical order in a file designated state tax lien notices, except
14 that in offices filing by the roll form of microfilm pursuant to section
15 23-1517.01, the original notices need not be retained. A lien subject to
16 this subsection shall be effective upon real property when filed by the
17 register of deeds as provided in this subsection.

18 (b) A notice of lien provided for in the Uniform State Tax Lien
19 Registration and Enforcement Act upon personal property shall be filed in
20 the office of the Secretary of State. The Secretary of State shall enter
21 the notice in the state's central tax lien index, showing on one line the
22 name and residence of the person liable named in such notice, the last
23 four digits of the social security number or the federal tax
24 identification number of such person, the Tax Commissioner's or
25 Commissioner of Labor's serial number of such notice, the date and hour
26 of filing, and the amount due. Such filings with the Secretary of State
27 may be filed by direct input to the Secretary of State's data base or by
28 other electronic means. All such notices of lien shall be retained in
29 numerical order in a file designated state tax lien notices.

30 ~~(2)(a) This subdivision applies until January 1, 2018.~~ The uniform
31 fee, payable to the Secretary of State, for presenting for filing,

1 releasing, continuing, or subordinating or for filing, releasing,
2 continuing, or subordinating each tax lien pursuant to the Uniform State
3 Tax Lien Registration and Enforcement Act shall be two times the fee
4 required for recording instruments with the register of deeds as provided
5 in subdivision (1)(a) of section 33-109. There shall be no fee for the
6 filing of a termination statement. The uniform fee for each county more
7 than one designated pursuant to subdivision (1)(a) of this section shall
8 be the fee required for recording instruments with the register of deeds
9 as provided in subdivision (1)(a) of section 33-109. The Secretary of
10 State shall deposit each fee received pursuant to this subdivision in the
11 Uniform Commercial Code Cash Fund. Of the fees received and deposited
12 pursuant to this subdivision, the Secretary of State shall remit the fee
13 required for recording instruments with the register of deeds as provided
14 in subdivision (1)(a) of section 33-109 to the register of deeds of a
15 county for each designation of such county in a filing pursuant to
16 subdivision (1)(a) of this section.

17 ~~(b) This subdivision applies on and after January 1, 2018. The~~
18 ~~uniform fee, payable to the Secretary of State, for presenting for~~
19 ~~filing, releasing, continuing, or subordinating or for filing, releasing,~~
20 ~~continuing, or subordinating each tax lien pursuant to the Uniform State~~
21 ~~Tax Lien Registration and Enforcement Act shall be six dollars. There~~
22 ~~shall be no fee for the filing of a termination statement. The uniform~~
23 ~~fee for each county more than one designated pursuant to subdivision (1)~~
24 ~~(a) of this section shall be three dollars. The Secretary of State shall~~
25 ~~deposit each fee received pursuant to this subdivision in the Uniform~~
26 ~~Commercial Code Cash Fund. Of the fees received and deposited pursuant to~~
27 ~~this subdivision, the Secretary of State shall remit three dollars to the~~
28 ~~register of deeds of a county for each designation of such county in a~~
29 ~~filing pursuant to subdivision (1)(a) of this section.~~

30 (3) The Secretary of State shall bill the Tax Commissioner or
31 Commissioner of Labor on a monthly basis for fees for documents presented

1 to or filed with the Secretary of State. No payment of any fee shall be
2 required at the time of presenting or filing any such lien document.

3 Sec. 5. Original sections 25-2154, 33-109, 52-1004, and 77-3903,
4 Revised Statutes Cumulative Supplement, 2014, are repealed.