

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 307

FINAL READING

Introduced by Brasch, 16; Stinner, 48.

Read first time January 12, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to court fees; to amend sections 33-106,
- 2 33-106.03, 33-107.02, and 43-1906, Reissue Revised Statutes of
- 3 Nebraska; to provide for mediation, child abuse prevention, and
- 4 civil legal services fees in certain proceedings; to harmonize
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

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

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

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

25 (3) The fee for making a complete record of a case shall be taxed as
26 a part of the costs of the case. In all civil cases, except habeas corpus
27 cases in which a poverty affidavit is filed and approved by the court,
28 and for all other services, the docket fee or other fee shall be paid by
29 the party filing the case or requesting the service at the time the case
30 is filed or the service requested.

31 (4) For any other service which may be rendered or performed by the

1 clerk but which is not required in the discharge of his or her official
2 duties, the fee shall be the same as that of a notary public but in no
3 case less than one dollar.

4 Sec. 2. Section 33-106.03, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 33-106.03 In addition to the fees provided for in sections 33-106
7 and 33-123, the clerk of the court shall collect an additional fifty
8 seventy-five dollars as a mediation fee and twenty-five dollars as a
9 child abuse prevention fee for each complaint filed in docket fees for
10 dissolution of marriage marriages. The fees fee shall be remitted to the
11 State Treasurer who shall credit the child abuse prevention fee twenty-
12 five dollars to the Nebraska Child Abuse Prevention Fund and the
13 mediation fee fifty dollars to the Parenting Act Fund.

14 Sec. 3. Section 33-107.02, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 33-107.02 (1) A mediation docket fee of fifty sixty-five dollars and
17 a civil legal services fee of fifteen dollars shall be collected by the
18 clerk of the county court or the clerk of the district court for each
19 paternity determination or parental support proceeding under sections
20 43-1401 to 43-1418, for each proceeding complaint or action to modify a
21 decree of dissolution or annulment of marriage, and for each complaint or
22 action to modify a modification of an award of child support, or a
23 modification of child custody, parenting time, visitation, or other
24 access as defined in section 43-2922. Such fees shall be remitted to the
25 State Treasurer on forms prescribed by the State Treasurer within ten
26 days after the close of each month. The civil legal services fee Fifteen
27 dollars shall be credited to the Legal Aid and Services Fund, and the
28 mediation fee fifty dollars shall be credited to the Parenting Act Fund.

29 (2) Any proceeding filed by a county attorney or an authorized
30 attorney, as defined in section 43-1704, in a case in which services are
31 being provided under Title IV-D of the federal Social Security Act, as

1 amended, shall not be subject to the provisions of subsection (1) of this
2 section. In any such proceeding, a mediation fee of fifty dollars and a
3 civil legal services fee of fifteen dollars shall be collected by the
4 clerk of the county court or the clerk of the district court for any
5 pleading in such proceeding filed by any party, other than a county
6 attorney or authorized attorney, subsequent to the paternity filing if
7 such pleading is to modify an award of child support or to establish or
8 modify custody, parenting time, visitation, or other access as defined in
9 section 43-2922. Such fees shall be remitted to the State Treasurer on
10 forms prescribed by the State Treasurer within ten days after the close
11 of each month. The mediation fee shall be credited to the Parenting Act
12 Fund and the civil legal services fee shall be credited to the Legal Aid
13 and Services Fund.

14 (3) For purposes of this section, authorized attorney has the same
15 meaning as in section 43-1704.

16 Sec. 4. Section 43-1906, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 43-1906 (1) There is hereby established the Nebraska Child Abuse
19 Prevention Fund. The additional child abuse prevention ~~docket~~ fee as
20 provided in section 33-106.03, the additional charge for supplying a
21 certified copy of the record of any birth as provided in sections 71-612,
22 71-617.15, 71-627, and 71-628, and all amounts which may be received from
23 grants, gifts, bequests, the federal government, or other sources granted
24 or given for the purposes specified in sections 43-1901 to 43-1906 shall
25 be remitted to the State Treasurer for credit to the Nebraska Child Abuse
26 Prevention Fund. The fund shall be administered and disbursed by the
27 department.

28 (2) Any money in the fund available for investment shall be invested
29 by the state investment officer pursuant to the Nebraska Capital
30 Expansion Act and the Nebraska State Funds Investment Act.

31 (3) In any one fiscal year, no more than twenty percent of the

1 annually appropriated funds shall be disbursed to any one agency,
2 organization, or individual.

3 (4) Funds allocated from the fund shall only be used for purposes
4 authorized under sections 43-1901 to 43-1906 and shall not be used to
5 supplant any existing governmental program or service. No grants may be
6 made to any state department or agency.

7 Sec. 5. Original sections 33-106, 33-106.03, 33-107.02, and
8 43-1906, Reissue Revised Statutes of Nebraska, are repealed.