

E AND R AMENDMENTS TO LB 17

Introduced by Larson, 40, Chairperson Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

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

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

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

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

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

18 25-1321 The complete record shall include the complaint,
19 the process, the return, the pleadings subsequent thereto, reports,
20 verdicts, orders, judgments, and all material acts and proceedings
21 of the court maintained in the state's electronic case management
22 system and either in paper form or on microfilm. All journal
23 entries and all such filings as are required to be entered in full

1 in the ~~appearance dockets~~, register of actions shall, by reference,
2 be made a part of the complete record for all purposes, including
3 the taxing of fees and costs, ~~and need not be reentered in the~~
4 ~~making up of such record~~, but if the items of an account or the
5 copies of a paper attached to the pleadings are voluminous, the
6 court may order the record to be made by abbreviating the same,
7 by inserting a pertinent description thereof, or by omitting them
8 entirely. Evidence introduced at any proceeding is not part of the
9 complete record of the cause.

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

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

1 information as may be determined by the official in charge, and
2 shall meet the microfilm standards as prescribed by the State
3 Records Administrator.

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

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

22 (2) In all cases, other than those appealed from an
23 inferior court or original filings which are within jurisdictional
24 limits of an inferior court and when a jury is demanded in district
25 court, the docket fee shall cover all fees of the clerk, except
26 that the clerk shall be paid for each copy or transcript ordered of
27 any pleading, record, or other paper and that the clerk shall be

1 entitled to a fee of fifteen dollars for making a complete record
2 of a case.

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

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

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

18 Sec. 7. Original sections 25-1319, 25-1320, 25-1321,
19 25-2209, and 33-106, Reissue Revised Statutes of Nebraska, are
20 repealed.

21 Sec. 8. The following sections are outright repealed:
22 Sections 25-1323, 25-1324, and 25-1325, Reissue Revised Statutes of
23 Nebraska.

24 2. On page 1, line 2, after the first comma insert
25 "25-2209,".