

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.