



Ninety-Ninth Legislature - First Session - 2005
Revised Committee Statement
LB 348

Hearing Date: February 11, 2005
Committee On: Judiciary

Introducer(s): (Bourne)
Title: Change provisions relating to bills of exceptions

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senators Aguilar, Bourne, Combs, Flood, Foley, Friend, Pedersen
	No	
	Present, not voting	
1	Absent	Senator Chambers

Proponents:
Senator Pat Bourne
Denise Bickal
Bill Mueller
Janice Walker

Representing:
Introducer
Nebraska Official Court Reporters Association
Nebraska State Bar Association
Supreme Court

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 348 would give the Supreme Court the ability to periodically change the bill of exceptions fee without having to amend the statute each time the Court changes the fee.

Under current statute, there is a monetary reference to the amount charged for the original and addition copies of the bill of exceptions prepared by a court reporter. This bill would remove any reference to a specific dollar amount and allow the Supreme Court to establish that amount outside of the statute.

Legislative Bill 348 contains an emergency clause.

Explanation of amendment, if any:

Summary of Committee Amendments to LB 348

The committee amendment to LB 348 incorporates the following bills as amended by the committee: LB 540, LB 643, and LB 758.

LB 540

Legislative Bill 540 provides a salary increase for the Chief Justice and judges of the Supreme Court on July 1, 2005 in the amount of \$124, 644. On July 1, 2006, the salaries shall be \$131, 188.

Current law provides that the salary of the Chief Justice and judges of the Supreme Court is \$119, 276. The salaries of the lower court judges are based on specified percentages of the salary of the judges on the Supreme Court. Judges of the Court of Appeals earn 95% of the judges of the Supreme Court. Judges of the District Courts, the Worker's Compensation Court, and the Separate Juvenile Courts earn 92.5% of the judges of the Supreme Court. County Court judges earn 90% of the judges of the Supreme Court.

Legislative Bill 540 contains an emergency clause.

Committee Amendment

The committee amendment to LB 540 changes the judges' salaries to reflect a 3% increase effective on July 1, 2005 (\$122, 854) and 3.25% on the 2005 salary effective on July 1, 2006 (\$126, 846).

LB 643

Legislative Bill 643 (green copy) would increase court fees in the following manner:

Fee	Current Fee	Proposed Fee
Judges' Retirement	\$5	\$5, but adds fee to these actions: separate juvenile court actions; filing of judgments or awards from Workers' Comp. Court in District Court; appellate proceedings and original actions in the Supreme Court.
Writs of execution, restitution, garnishment, attachment, examination in aid of execution-District Court	\$5	\$10
Actions-Small Claims Court	\$5	\$6.25

Docket-Court of Appeals or Supreme Court	\$50	\$100
Petition for Review –Court of Appeals or Supreme Court	No fee	\$50
District Court-civil and criminal docket	\$40	\$42
Criminal cases appeals to district court to docket	\$25	\$27
Legal Services	\$5	\$5.25
Writs of execution, restitution, garnishment, attachment, examination in aid of execution-County Court	\$5	\$10
County Court civil matters	\$18	\$20
Foreign Judgment	\$15	\$17
County Court criminal matters	\$18	\$20
Probate matters	\$20	\$22
Guardian/Conservatorship matters-County Court	\$20	\$22
Inheritance tax matters-County Court	\$20	\$22
Using credit card for any payment to the court-County Court	\$3	\$5
Registration of trust in County Court	\$20	\$22
Other trustees and beneficiaries matters-County Court	\$20	\$22
Indigent Defense-County & District Courts	\$2.75	\$3

Committee Amendment

The committee amendment to LB 643 provides that incremental increases in court fees in LB 643 shall be remitted to the Judges’ Retirement Fund. The following court fees will not remit monies to the Judges’ Retirement Fund:

- Legal services fee (33-107.01)
- Indigent defense fee (33-156)
- County court miscellaneous fee for credit card usage (33-126.05)

All references to fee increases on garnishments, writs of execution, restitution, attachment, examination in aid of execution in the District and County Courts have been stricken.

The increased fees for the legal services and indigent defense funds are proposed to increase funding to those programs.

The increased fee for the use of a credit card is because the court is losing money on credit card transactions.

The amendment strikes the foreign judgment fee increase and reinstates the current fee of fifteen dollars.

LB 758

Legislative Bill 758 provides for an additional duty for persons appointed by the Secretary of State to investigate malfeasance of a notary public. In addition to duties already provided, appointees will have the authority to punish witnesses for neglect or refusal to obey such summons, or for refusal to testify when present, by commitment to the jail for contempt.

Current law provides that a notary public may punish a witness for neglect or refusal to obey a summons and commit a person to jail for contempt. Legislative Bill 758 would take that authority from a notary public and give it to an appointee who is investigating malfeasance against a notary public.

Committee Amendment

The committee amendment to LB 758 will replace the bill. It removes the duty of the Secretary of State to appoint persons to investigate malfeasance of a notary public. This amendment removes the ability of a notary public to punish witnesses for neglect or refusal to obey a summons or for refusal to testify when present, by commitment to the county jail for contempt. By removing this language, the court, on its own order, can institute a contempt proceeding against any witness not in compliance with section 64-108.

Senator Patrick J. Bourne, Chairperson