

LEGISLATIVE BILL 746

Approved by the Governor April 11, 2006

Introduced by D. Pederson, 42; Brashear, 4; Chambers, 11; Mines, 18; Flood, 19

AN ACT relating to court costs; to amend sections 81-1413, 81-1428, and 81-1429, Revised Statutes Cumulative Supplement, 2004; to state intent; to provide for grants for civil legal services to eligible low-income persons; to create a fund; to provide and change provisions relating to fees and use of court costs; to change provisions relating to funding of law enforcement training; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. It is the intent of the Legislature to expand the capacity to provide civil legal services to eligible low-income persons equally throughout the state.

Sec. 2. For purposes of sections 1 to 6 of this act, the definitions found in section 25-3001 apply.

Sec. 3. The Civil Legal Services Program is created. Appropriations to the program and money in the Civil Legal Services Fund shall be used to provide grants for civil legal services to eligible low-income persons. The State Court Administrator shall distribute grants pursuant to section 4 of this act.

Sec. 4. (1) The State Court Administrator shall establish guidelines for submission of applications for grants to provide civil legal services to eligible low-income persons. To be eligible for a grant under this section, a civil legal services provider shall:

- (a) Be a nonprofit organization chartered in Nebraska;
- (b) Employ or contract with attorneys admitted to practice before the Nebraska Supreme Court and the United States District Courts;
- (c) Have offices located throughout the state;
- (d) Have as its principal purpose and mission the delivery of civil legal services to eligible low-income persons who are residents of Nebraska;
- (e) Distribute its resources equitably throughout the state;
- (f) Be a recipient of financial assistance for the delivery of civil legal services from the Legal Services Corporation established by the federal Legal Services Corporation Act, 42 U.S.C. 2996 et seq.; and
- (g) Certify that any grant funds received pursuant to this section will be used to supplement any existing funds used by the applicant and that such funds will not replace other funds appropriated or awarded by a state agency to provide civil legal services to any eligible low-income person.

(2) A civil legal services provider seeking a grant under this section shall file an application with the State Court Administrator on forms provided by the administrator. The application shall include a place for the provider to certify to the administrator that it will provide free civil legal services to eligible low-income persons upon receipt of a grant under this section.

(3) The State Court Administrator shall review the applications and determine which civil legal services providers shall receive grants under this section and the amount of the grants. Grant recipients shall use the grant funds to provide free civil legal services to eligible low-income persons.

(4) An independent certified public accountant shall annually audit the books and accounts of each grant recipient. The grant recipients shall provide the results of such audit to the State Court Administrator.

Sec. 5. The Civil Legal Services Fund is created. Any money remaining in the fund at the end of a calendar year shall be distributed in the following calendar year. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. Beginning January 1, 2007, a fee of one dollar shall be taxed as costs in each criminal proceeding, including traffic infractions and misdemeanors, filed in all courts of this state for violations of state law or city or village ordinances. No such fee shall be collected in any juvenile court proceeding or when waived under section 29-2709. Such fee shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the close of each calendar quarter. The State Treasurer shall credit the money to the Civil Legal Services Fund.

Sec. 7. Section 81-1413, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1413 Tuition, fees, and such other expenses incurred in the

pre-certification and certification training of applicants shall be the responsibility of the person or his or her sponsoring agency, except that through ~~January 1, 2007~~ January 1, 2011, such expenses may be financed by the training center through other appropriated funds as determined by the council in order to transition to a tuition-based system.

Sec. 8. Section 81-1428, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1428 The Law Enforcement Improvement Fund is created and shall be maintained by the State Treasurer as a cash fund. ~~Until January 1, 2007,~~ The fund shall consist of revenue credited pursuant to section 81-1429 and investment income. The fund shall be used for payment of administrative and operations expenses of the Nebraska Law Enforcement Training Center and such other expenses as budgeted by the Legislature for the improvement of law enforcement. The fund shall be administered by the director. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 9. Section 81-1429, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1429 A (1) Until January 1, 2007, a Law Enforcement Improvement Fund fee of two dollars shall be taxed as costs in each criminal proceeding, including traffic infractions and misdemeanors, filed in all courts of this state for violations of state law or city or village ordinances. No such fee shall be collected in any juvenile court proceeding or when waived under section 29-2709. Such fee shall be paid ~~remitted~~ to the State Treasurer on forms prescribed by the State Treasurer within ten days of ~~after~~ the close of each calendar quarter. The State Treasurer shall credit the money to the Law Enforcement Improvement Fund.

~~This section terminates January 1, 2007.~~

(2) Beginning January 1, 2007, a fee of one dollar shall be taxed as costs in each criminal proceeding, including traffic infractions and misdemeanors, filed in all courts of this state for violations of state law or city or village ordinances. No such fee shall be collected in any juvenile court proceeding or when waived under section 29-2709. Such fee shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the close of each calendar quarter. The State Treasurer shall credit the money to the Law Enforcement Improvement Fund.

Sec. 10. Original sections 81-1413, 81-1428, and 81-1429, Revised Statutes Cumulative Supplement, 2004, are repealed.