

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 152

FINAL READING

Introduced by Craighead, 6; Lowe, 37.

Read first time January 09, 2017

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to fees; to amend sections 25-2154 and 33-109,
- 2 Reissue Revised Statutes of Nebraska, and sections 52-1004 and
- 3 77-3903, Revised Statutes Cumulative Supplement, 2016; to change and
- 4 eliminate provisions relating to the fees for recording and filing
- 5 certain documents; to harmonize provisions; and to repeal the
- 6 original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2154, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-2154 In all cases of foreclosure of mortgages in the several
4 counties in the state, it shall be the duty of the clerk of the district
5 court, on the satisfaction or payment of the amount of the decree, to
6 forward to the register of deeds a certificate setting forth the names of
7 parties, plaintiff and defendant, descriptions of the premises mentioned
8 in the decree, and the book and page where the mortgage foreclosed is
9 recorded. For such certificate the clerk of the district court shall
10 collect, ~~until January 1, 2018,~~ the fee required pursuant to section
11 33-109 for recording the certificate ~~or, on and after January 1, 2018, a~~
12 ~~fee of three dollars.~~ Such amount shall be taxed as part of the costs in
13 the case, and such sum shall be paid to the register of deeds as the fee
14 for recording the certificate.

15 Sec. 2. Section 33-109, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 33-109 (1)(a) ~~This subdivision applies until January 1, 2018.~~ The
18 register of deeds and the county clerk shall receive for recording a
19 deed, mortgage, or release, recording and indexing of a will, recording
20 and indexing of a decree in a testate estate, recording proof of
21 publication, or recording any other instrument, a fee of ten dollars for
22 the first page and six dollars for each additional page. Two dollars and
23 fifty cents of the ten-dollar fee for recording the first page and fifty
24 cents of the six-dollar fee for recording each additional page shall be
25 used exclusively for the purposes of preserving and maintaining public
26 records of the office of the register of deeds and for modernization and
27 technology needs relating to such records and preserving and maintaining
28 public records of a register of deeds office that has been consolidated
29 with another county office pursuant to section 22-417 and for
30 modernization and technology needs relating to such records. The funds
31 allocated under this subsection ~~subdivision~~ shall not be substituted for

1 other allocations of county general funds to the register of deeds office
2 or any other county office for the purposes enumerated in this subsection
3 subdivision.

4 ~~(b) This subdivision applies on and after January 1, 2018. The~~
5 ~~register of deeds and the county clerk shall receive for recording a~~
6 ~~deed, mortgage, or release, recording and indexing of a will, recording~~
7 ~~and indexing of a decree in a testate estate, recording proof of~~
8 ~~publication, or recording any other instrument, a fee of five dollars per~~
9 ~~page. For entering each instrument presented for record in the numerical~~
10 ~~index, the clerk or register of deeds shall receive the sum of fifty~~
11 ~~cents for each lot and each single block without lots in platted areas~~
12 ~~and fifty cents for each section in unplatted areas to be paid in advance~~
13 ~~by the person offering the instrument for record.~~

14 (2) The cost for a certified copy of any instrument filed or
15 recorded in the office of county clerk or register of deeds shall be one
16 dollar and fifty cents per page.

17 Sec. 3. Section 52-1004, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 52-1004 (1)(a) ~~This subdivision applies until January 1, 2018. The~~
20 uniform fee, payable to the Secretary of State, for presenting for filing
21 and indexing and for filing and indexing each notice of lien or
22 certificate or notice affecting the lien pursuant to the Uniform Federal
23 Lien Registration Act shall be two times the fee required for recording
24 instruments with the register of deeds as provided in section 33-109.
25 There shall be no fee for the filing of a termination statement. The
26 uniform fee for each county more than one designated pursuant to
27 subsection (1) of section 52-1001 shall be the fee required for recording
28 instruments with the register of deeds as provided in section 33-109. The
29 Secretary of State shall deposit each fee received pursuant to this
30 subsection ~~subdivision~~ in the Uniform Commercial Code Cash Fund. Of the
31 fees received and deposited pursuant to this subsection ~~subdivision~~, the

1 Secretary of State shall remit the fee required for recording instruments
2 with the register of deeds as provided in section 33-109 to the register
3 of deeds of a county for each designation of such county in a filing
4 pursuant to subsection (1) of section 52-1001.

5 ~~(b) This subdivision applies on and after January 1, 2018. The~~
6 ~~uniform fee, payable to the Secretary of State, for presenting for filing~~
7 ~~and indexing and for filing and indexing each notice of lien or~~
8 ~~certificate or notice affecting the lien pursuant to the Uniform Federal~~
9 ~~Lien Registration Act shall be six dollars. There shall be no fee for the~~
10 ~~filing of a termination statement. The uniform fee for each county more~~
11 ~~than one designated pursuant to subsection (1) of section 52-1001 shall~~
12 ~~be three dollars. The Secretary of State shall deposit each fee received~~
13 ~~pursuant to this subdivision in the Uniform Commercial Code Cash Fund. Of~~
14 ~~the fees received and deposited pursuant to this subdivision, the~~
15 ~~Secretary of State shall remit three dollars to the register of deeds of~~
16 ~~a county for each designation of such county in a filing pursuant to~~
17 ~~subsection (1) of section 52-1001.~~

18 (2) The Secretary of State shall bill the district directors of
19 internal revenue or other appropriate federal officials on a monthly
20 basis for fees for documents presented or filed by them.

21 Sec. 4. Section 77-3903, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 77-3903 (1)(a) A notice of lien provided for in the Uniform State
24 Tax Lien Registration and Enforcement Act upon real property shall be
25 presented in the office of the Secretary of State. Such notice of lien
26 shall be transmitted by the Secretary of State to and filed in the office
27 of the register of deeds by the register of deeds of the county or
28 counties in which the real property subject to the lien is situated as
29 designated in the notice of lien. The register of deeds shall enter the
30 notice in the alphabetical state tax lien index, showing on one line the
31 name and residence of the person liable named in such notice, the last

1 four digits of the social security number or the federal tax
2 identification number of such person, the Tax Commissioner's or
3 Commissioner of Labor's serial number of such notice, the date and hour
4 of filing, and the amount due. Such presentments to the Secretary of
5 State may be made by direct input to the Secretary of State's data base
6 or by other electronic means. All such notices of lien shall be retained
7 in numerical order in a file designated state tax lien notices, except
8 that in offices filing by the roll form of microfilm pursuant to section
9 23-1517.01, the original notices need not be retained. A lien subject to
10 this subsection shall be effective upon real property when filed by the
11 register of deeds as provided in this subsection.

12 (b) A notice of lien provided for in the Uniform State Tax Lien
13 Registration and Enforcement Act upon personal property shall be filed in
14 the office of the Secretary of State. The Secretary of State shall enter
15 the notice in the state's central tax lien index, showing on one line the
16 name and residence of the person liable named in such notice, the last
17 four digits of the social security number or the federal tax
18 identification number of such person, the Tax Commissioner's or
19 Commissioner of Labor's serial number of such notice, the date and hour
20 of filing, and the amount due. Such filings with the Secretary of State
21 may be filed by direct input to the Secretary of State's data base or by
22 other electronic means. All such notices of lien shall be retained in
23 numerical order in a file designated state tax lien notices.

24 ~~(2)(a) This subdivision applies until January 1, 2018.~~ The uniform
25 fee, payable to the Secretary of State, for presenting for filing,
26 releasing, continuing, or subordinating or for filing, releasing,
27 continuing, or subordinating each tax lien pursuant to the Uniform State
28 Tax Lien Registration and Enforcement Act shall be two times the fee
29 required for recording instruments with the register of deeds as provided
30 in section 33-109. There shall be no fee for the filing of a termination
31 statement. The uniform fee for each county more than one designated

1 pursuant to subdivision (1)(a) of this section shall be the fee required
2 for recording instruments with the register of deeds as provided in
3 section 33-109. The Secretary of State shall deposit each fee received
4 pursuant to this ~~subsection~~ subdivision in the Uniform Commercial Code
5 Cash Fund. Of the fees received and deposited pursuant to this ~~subsection~~
6 subdivision, the Secretary of State shall remit the fee required for
7 recording instruments with the register of deeds as provided in section
8 33-109 to the register of deeds of a county for each designation of such
9 county in a filing pursuant to subdivision (1)(a) of this section.

10 ~~(b) This subdivision applies on and after January 1, 2018. The~~
11 ~~uniform fee, payable to the Secretary of State, for presenting for~~
12 ~~filing, releasing, continuing, or subordinating or for filing, releasing,~~
13 ~~continuing, or subordinating each tax lien pursuant to the Uniform State~~
14 ~~Tax Lien Registration and Enforcement Act shall be six dollars. There~~
15 ~~shall be no fee for the filing of a termination statement. The uniform~~
16 ~~fee for each county more than one designated pursuant to subdivision (1)~~
17 ~~(a) of this section shall be three dollars. The Secretary of State shall~~
18 ~~deposit each fee received pursuant to this subdivision in the Uniform~~
19 ~~Commercial Code Cash Fund. Of the fees received and deposited pursuant to~~
20 ~~this subdivision, the Secretary of State shall remit three dollars to the~~
21 ~~register of deeds of a county for each designation of such county in a~~
22 ~~filing pursuant to subdivision (1)(a) of this section.~~

23 (3) The Secretary of State shall bill the Tax Commissioner or
24 Commissioner of Labor on a monthly basis for fees for documents presented
25 to or filed with the Secretary of State. No payment of any fee shall be
26 required at the time of presenting or filing any such lien document.

27 Sec. 5. Original sections 25-2154 and 33-109, Reissue Revised
28 Statutes of Nebraska, and sections 52-1004 and 77-3903, Revised Statutes
29 Cumulative Supplement, 2016, are repealed.